

Agenda for Development Management Committee

Tuesday, 31 October 2017; 10:00am



[Members of the Committee](#)

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

[View directions](#)

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01395 517542, Issued 19 October 2017

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[Speaking on planning applications](#)

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

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

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

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

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Monday 23 October up until 12 noon on Thursday 26 October 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 2 October 2017 and Extra Ordinary Development Management Committee meeting held on 10 October 2017 (page 5 - 10 and 11 - 13)
- 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 14 -20)
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.

17/1485/OUT (Minor) (Page 21 - 32)

Axminster Town

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

Application was deferred for a site inspection on 2 October 2017 – the Committee will have carried out a site visit in advance of the meeting.

17/1304/FUL (Minor) (Page 33 - 38)

Exmouth Halsdon

9 Littlemead Lane, Exmouth EX8 4RE

Application was deferred for a site inspection on 2 October 2017 – the Committee will have carried out a site visit in advance of the meeting.

17/1270/FUL (Minor) (Page 39 - 79)

Axminster Rural

Land to the south of Pound Road, Hawkchurch EX13 5TX

17/1219/COU & 17/1994/VAR (Minor) (Page 80 - 89)

Exe Valley

Manager's Cottage, Barton Cross Hotel, Huxham

17/1755/FUL (Minor) (Page 90 - 95)

Exmouth Littleham
Car Park, Maer Road, Exmouth

16/2848/MFUL (Major) (Page 96 - 127)

Exmouth Withycombe Raleigh
Doyle Centre, Norton Place, Exmouth

17/2381/AGR (Other) (Page 128 - 132)

Ottery St Mary Rural
O Jays Barn, Higher Metcombe, Ottery St Mary

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.

17/1329/MFUL (Major) (Page 133 - 153)

Broadclyst
Hill Pond, Clyst St Mary EX5 1DP

16/2460/MOUT & 16/2461/LBC (Major) (Page 154 - 212)

Clyst Valley
Friends Provident, Winslade Park, Clyst St Mary EX5 1DS

17/0650/VAR (Major) (Page 213 - 231)

Clyst Valley
Enfield, Oil Mill Lane, Clyst St Mary EX5 1AF

17/1711/FUL (Minor) (Page 232 - 240)

Otterhead
Broadview, Court Place Farm, Wimington

16/1987/MFUL (Major) (Page 241 - 263)

Ottery St Mary Town
The Old Manse, 9 Mill Street, Ottery St Mary EX11 1AA

17/0542/FUL & 17/0638/LBC (Minor) (Page 264 - 283)

Sidmouth Rural

Myrtle Farm, Fore Street, Sidbury EX10 0RS

16/1249/OUT (Minor) (Page 284 - 303)

Woodbury and Lympstone

Land adjacent to Trederwen, Town Lane, 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 2 October 2017

Attendance list at end of document

The meeting started at 11.45am and ended at 3.20pm (the Committee adjourned for lunch at 1.10pm and reconvened at 2.00pm)

***19 Minutes**

The minutes of the Development Management Committee meeting held on 5 September 2017 were confirmed and signed as a true record.

***20 Declarations of interest**

Committee Members

Cllr David Barratt; 16/1659/FUL and 16/3055/FUL; Personal interest; Sidmouth Town Councillor

Cllr Steve Gazzard; 17/1106/VAR and 17/1304/FUL; Personal interest; Exmouth Town Councillor

Cllr Bruce de Saram; 17/1106/VAR and 17/1304/FUL; Personal interest; Exmouth Town Councillor

Cllr Brian Bailey; 17/1106/VAR and 17/1304/FUL; Personal interest; Exmouth Town Councillor

Cllr Mark Williamson; 17/1106/VAR and 17/1304/FUL; Personal interest; Exmouth Town Councillor

Cllr Susie Bond; 17/1120/FUL; Personal interest; Acquaintance of the applicant

Non-committee Members

Cllr John Dyson; 16/3055/FUL; Personal interest; Lived close to the application site and was friends with the objector speaking against the proposal

***21 Appeal statistics**

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

The Development Manager drew Members' attention to the appeal against non-determination of the application at Green Close, Sidford for the demolition of a former residential care home and construction of 36 sheltered apartments, which had been dismissed. The Inspector agreed with the Council that an overage clause was necessary to make the proposal acceptable in planning terms. As a result of the Inspector's decision, the appellant would need to resubmit an application to obtain planning permission.

The Committee also noted the appeal allowed at Kings Down Tail Caravan and Camping Park in Salcombe Regis for the conversion of an ancillary building to a permanent site warden's residential accommodation, continued use of a field for storage of touring caravans and erection of open-sided shelter. The Inspector had overruled sustainability reasons for refusal and awarded partial costs against the Council due to delays in dealing with the application.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 5 – 2017/2018.

Attendance list

Present:

Committee Members present for all or part of the meeting

Councillors

Mike Howe (Chairman)

Colin Brown (Vice Chairman)

Mike Allen

Brian Bailey

David Barratt

Susie Bond

Peter Burrows

Paul Carter

Steve Gazzard

Bruce de Saram

Ben Ingham

David Key

Helen Parr

Mark Williamson

Officers present for all or part of the meeting

Jeremy Ebdon, Principal Planning Officer

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

Dean Barrow

John Dyson

Douglas Hull

Andrew Moulding

John O’Leary

Marianne Rixson

Apologies:

Committee Members

Councillors

Matt Coppell

Alan Dent

Non Committee Members

Councillor Steve Hall

Chairman Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Monday 2nd October 2017; Schedule number 5 – 2017/2018

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:

<http://eastdevon.gov.uk/media/2217456/021017-combined-dmc-agenda-compressed.pdf>

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: REFUSED (contrary to officer recommendation) with delegated authority to the Development Manager to draft reasons for refusal and undertake enforcement action for the removal of the unauthorised works.
Members considered that the proposal would have an overbearing impact upon the amenity of the neighbouring property due to its size and position, contrary to Policy D1 of the adopted Local Plan. It was also felt that the design of the proposal was harmful to the clean lines and appearance of the building and its roof form, which was also contrary to Policy D1 of the adopted Local Plan.

(The application had been deferred for site inspection on 5 September 2017 – the Committee carried out a site visit prior to the Committee meeting.)

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: APPROVED with conditions as per recommendation, subject to condition 5 being amended to the following to ensure that a comprehensive landscaping and planting scheme was submitted for approval, including appropriate works and retention of planting to the southern boundary of the site:

Notwithstanding the details on the approved plans, prior to the commencement of any works on site (including demolition and site

clearance or tree works), a Tree Protection Plan (TPP), an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, and a landscaping scheme for the site including proposed works to all boundary hedges, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter 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 and to ensure a suitable landscaping scheme for the site is provided in the interests of the amenity of the locality in accordance with Policy D3 (Trees and Development Sites) and in the interest of the amenity of surrounding residents in accordance with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)

(The application had been deferred for site inspection on 5 September 2017 – the Committee carried out a site visit prior to the Committee meeting.)

(Cllr Steve Gazzard wished for his abstention from the vote, due to being unable to access the whole site, to be recorded).

Sidmouth Town
(SIDMOUTH)

16/3055/FUL

Applicant:

Sidmouth Harbour Hotel

Location:

Sidmouth Harbour Hotel, Manor Road, Sidmouth

Proposal:

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

RESOLVED:

APPROVED with conditions as per recommendation.

(The application had been deferred for site inspection on 5 September 2017 – the Committee carried out a site visit prior to the Committee meeting.)

Axminster Town
(AXMINSTER)

17/1485/OUT

Applicant: Mr Josh Dutfield (ACL Properties Ltd)

Location: Land At Allwood, King Edward Road, Axminster

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

RESOLVED: INSPECT
Reason: To assess the suitability of the site to accommodate 6 dwellings and impact upon the amenity of the neighbouring properties, and to assess the proposed access and necessary parking.

Exmouth Halsdon
(EXMOUTH)

17/1304/FUL

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

RESOLVED: INSPECT
Reason: To assess the visual impact of the proposal on the streetscene and the character and appearance of the area.

Honiton St Pauls
(HONITON)

17/1120/FUL

Applicant: Mr N Channing

Location: The Chiropody Practice, 195 High Street, Honiton

Proposal: Retention of existing UPVC windows and doors

RESOLVED: APPROVED (contrary to officer recommendation).
Members considered that the proposal resulted in an acceptable visual impact and would not harm the character or appearance of the Conservation Area.

Woodbury and
Lympstone
(WOODBURY)

16/1062/V106

Applicant: The Cavanna Group

Location: Land to the South of Broadway, Woodbury

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

RESOLVED: that the following to be APPROVED with conditions as per recommendation:

1. Amend the affordable housing schedule within the original Section 106 to allow for seven units of Discounted Market Housing at a 25% discount (in perpetuity), 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.

Budleigh Salterton
(BUDLEIGH
SALTERTON)

17/1278/FUL

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.

RESOLVED: APPROVED with conditions as per recommendation.

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Extra-ordinary Development Management Committee held at Knowle, Sidmouth on 10 October 2017

Attendance list at end of document

The meeting started at 10.00am and ended at 10.40am.

***23 Declarations of interest**

Committee Members

Cllr David Barratt

Personal Interest - Minute *24 – Reasons for refusal relating to loss of light – Council Offices, Knowle, Sidmouth

Reason: Sidmouth Town Councillor

Cllr Mike Howe stated that as East Devon District Council owned the Council Offices site that all Committee Members, as District Councillors, had a personal interest in the matter to be considered.

***24 Reasons for refusal relating to loss of light – Council Offices, Knowle, Sidmouth**

The Development Management Committee had refused application 16/0872/MFUL in December 2016 for three reasons. The applicant had subsequently appealed this decision and a Public Inquiry was due to take place in November 2017. Prior to the Public Inquiry, the Council had received new evidence, which would be used by the appellant in the form of a daylight and sunlight assessment. In light of this new evidence, Members were asked to consider removing the reference to loss of light in reason one for refusal and to no longer defend the appeal on the basis of any loss of light from the development having a detrimental impact upon surrounding residents. There was concern by Officers and the Council's appointed Barrister that with no contrary evidence pursuing this one element of the reason for refusal could undermine the rest of the Council's defence, which was otherwise considered to be robust. Members noted that the new evidence was based on BRE guidance which was not planning policy, however weight would be given to it by the Inspector as a way of assessing light. Comments submitted by Hillcrest, the property most affected, would still be presented at the Public Inquiry and the Inspector had already indicated that he would be visiting the Hillcrest property.

The Chairman invited the two registered speakers, Mr and Mrs Whittle, who were the owners of Hillcrest, to address the Committee. They spoke of the new evidence being flawed and how those undertaking the assessment had failed to view the proposed development from their property. Their concerns were that the proposed development would cause significant overshadowing and loss of light to their main living areas, particularly in the winter months.

Members discussed the committee report and appended new evidence submitted by the appellant at length. Discussion included:

- The cost implications of continuing to defend loss of light was queried. In response, the Committee was advised that the Council had no contrary evidence to that submitted by the appellant, therefore there was a possibility that the appellant could seek costs against the Council for unreasonable behaviour if it pursued it as a reason for refusal without evidence to support it;

- Concern was raised that by leaving in reference to loss of light, that this could weaken the Council's defence of the appeal;
- In response to a query about the suggestion that the new evidence was flawed, the Committee was advised that the assessment tests used were based on habitable rooms - the only reason the report could be shown to be flawed would be if the assessment was found not to have been carried out on a habitable room;
- Reassured that the Inspector would be visiting Hillcrest and would consider the comments submitted by the owners;
- In response to a query about who from the Council would be defending the appeal, it was confirmed that the Officer and Barrister appointed did not work for the Council;
- The Council had strong reasons to defend the refusal even without the reference to loss of light.

RESOLVED: that in respect of application 16/0872/MFUL, the Committee accepted the appellant's new evidence in relation to loss of light and agreed that the appeal no longer be defended on the basis of the development having a detrimental impact upon surrounding residents through loss of light.

Attendance list

Present:

Committee Members present for all or part of the meeting

Councillors

Mike Howe (Chairman)

Colin Brown (Vice Chairman)

Mike Allen

Brian Bailey

David Barratt

Susie Bond

Peter Burrows

Paul Carter

Alan Dent

Bruce de Saram

David Key

Helen Parr

Mark Williamson

Officers present for all or part of the meeting

Henry Gordon Lennox, Strategic Lead – Governance and Licensing

Alison Stoneham, Communications and Public Affairs Manager

Chris Rose, Development Manager

Hannah Whitfield, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

Megan Armstrong

Paul Diviani

Andrew Moulding

Val Ranger

Phil Twiss

Apologies:

Committee Members

Councillors

Matt Coppell

Steve Gazzard

Ben Ingham

Non Committee Members

Councillors:

Cathy Gardner

Geoff Pook

Chairman Date.....

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

Ref: 17/1369/FUL **Date Received** 03.10.2017
Appellant: Mrs J Wannacott
Appeal Site: Land Adjacent 2 Langstone Drive Exmouth EX8 4HU
Proposal: Construction of attached dwelling
Planning APP/U1105/W/17/3185738
Inspectorate Ref:

Ref: 17/F0284 **Date Received** 10.10.2017
Appellant: Jane Caroline Chichester
Appeal Site: Every Hill Shells Lane Colyford Colyton EX24 6QE
Proposal: Appeal against serving of enforcement notice in respect of the residential use of the Cabin on the land.
Planning APP/U1105/C/17/3186236
Inspectorate Ref:

Ref: 17/1423/OUT **Date Received** 12.10.2017
Appellant: Mr & Mrs Anthony Whitehead
Appeal Site: Halfyards Sidmouth Road Farringdon Exeter EX5 2JX
Proposal: Outline application (with all matters reserved) for the conversion of existing dwelling/annexe and detached garage to 2 no. dwellings and the construction of 2 no. additional dwellings
Planning APP/U1105/W/17/3186802
Inspectorate Ref:

East Devon District Council

List of Planning Appeals Decided

Ref: 16/F0059 **Appeal Ref:** 17/00057/ENFAPP

Appellants: Mr Andre Prinsloo & Mr D Dymond

Appeal Site: Meadow View Awliscombe Honiton EX14 3PY

Proposal: Appeal against the serving of an Enforcement Notice in respect of the unauthorised use of the land to a single dwelling house.

Decision: **Appeal Allowed** **Date:** 26.09.2017
Enforcement Notice varied and quashed.
Partial award of costs against the Council

Procedure: Public Inquiry

Remarks: The enforcement notice was served following a complaint to the Council that a mobile home was being used for residential purposes which was concealed in the barn.

The Council took the view that as a result of deliberate concealment of the mobile home and internal works, the period to take enforcement action had not expired and the appellant should on public policy grounds not benefit from the concealment. This view was based on the *Welwyn Hatfield BC v SSCLG case* where the Supreme Court held that the normal time limits set out in section 171 (B) of the Act should not apply in cases of positive deception designed to avoid enforcement action within those time limits.

The Inspector considered that no evidence had been given by the Council to suggest that the appellants had made any misleading statements which had successfully prevented discovery of the breach. The appellant's failure to register for Council Tax is not an act of deception nor is it integral to the planning process, although it could be regarded as ancillary to a plan of deception. Nor does the failure to notify the planning authority that a change of use had occurred represent an act of deception. In the Inspector's view these acts of omission indicated that the appellant was seeking to maintain a low profile to avoid detection.

The Inspector concluded that there had been a concealment of the change of use, however, on the balance of probabilities that this has not represented positive deception in the planning process as set out in the *Welwyn Hatfield case*. S171 (B) (2) sets out the time limits for taking enforcement action against a change of use of any building to use as a single dwelling house and the appellant should not be disentitled to this provision of planning law.

With regard to the costs application, the Inspector considered that the enforcement notice had been badly drafted for two reasons.

Firstly, the allegation referred to a 'material change of use of the land to dwelling house' rather than 'the carrying out of a material change of use of the agricultural building to use as a single dwelling house'.

Secondly, the notice referred to the breach of planning control as having occurred in the last four years, which was also incorrect.

The Inspector varied the notice accordingly, however, he considered that the poor drafting of the notice represented unreasonable behaviour which had led to the appellants incurring wasted expense in having to respond to those matters.

The Inspector awarded costs against the Council limited to those costs incurred in responding to the errors in the notice relating to the wording of the allegation and the inaccurate reference to four years.

BVPI 204: No
Planning APP/U1105/C/17/3173603 & 3173604.
Inspectorate
Refs:

Ref: 16/1536/CPE **Appeal Ref:** 17/00028/LDC

Appellant: Mr Andre Prinsloo
Appeal Site: Meadow View Awliscombe Honiton EX14 3PY
Proposal: Application for Lawful Development Certificate for the change of use of the agricultural barn to a single dwelling house.

Decision: **Appeal Allowed** **Date:** 26.09.2017
Lawful Development Certificate granted

Procedure: Public Inquiry

Remarks: The Council refused to grant a Lawful Development Certificate on the basis that in the absence of supporting evidence that the barn had been in agricultural use prior to the bringing on site of the mobile home, no change of use had occurred and that the relevant time limit for enforcement action was 10 years.

It was agreed at the Inquiry that this was an error and that the barn, as approved, was used for agricultural purposes. This was the basis upon which the enforcement notice was issued, the mobile home being considered as a temporary structure within the barn. Reference to the use of the land within the building rather than the building itself was as a result of the perceived breach at that time.

With reference to planning case law, the Inspector considered that the use of the mobile home for residential use positioned within a building amounts to *part* of the use of the building. In the case of the change of use of any building to use as a single dwelling house, no enforcement action may be taken after the end of four years beginning with the date of the breach.

It was agreed between the parties that the residential occupation of the barn started in January 2012. The enforcement notice was issued in April 2017 and therefore the time limit to take enforcement action had been exceeded.

The Inspector concluded that the material change of use of the former agricultural building to a single dwelling was immune from enforcement action and issued a Lawful Development Certificate.

BVPI 204: No
Planning APP/U1105/C/17/3173610
Inspectorate
Ref:

Ref: 17/0208/VAR **Appeal Ref:** 17/00041/REF

Appellant: Mr White
Appeal Site: Land To Rear Of Aram Littlemead Lane Exmouth EX8 3BU
Proposal: Variation of condition 2 and removal of condition 3 of planning permission 16/1340/VAR, to include the juliet balconies shown on plan number 7335-06 B

Decision: **Appeal Allowed (with conditions)** **Date:** 02.10.2017

Procedure: Written representations
Remarks: The Inspector considered that the increase in size of the openings and the nature of a full height door rather than a traditional casement window may result in the neighbouring occupiers having a perception of being overlooked, however, he did not consider that this would amount to any difference in actual privacy reduction.
The Inspector imposed a condition requiring the submission and approval of details of opaque privacy screens and securing their retention.

BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/17/3177773

Ref: 16/1532/FUL **Appeal Ref:** 17/00024/REF

Appellant: Horatio Properties (Mr M Flood)
Appeal Site: Kings Arms Inn Stockland Honiton EX14 9BS
Proposal: Conversion of existing barn to 2 bedroomed cottage

Decision: **Appeal Dismissed** **Date:** 05.10.2017

Procedure: Informal Hearing
Remarks: Delegated refusal, sustainability reasons upheld (EDLP Strategies 7, 27 & 32 and Policies E14 & TC2).

BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/17/3173599

Ref: 16/1533/LBC **Appeal Ref:** 17/00025/LBCREF

Appellant: Horatio Properties (Mr Mike Flood)
Appeal Site: Kings Arms Inn Stockland Honiton EX14 9BS
Proposal: Conversion of existing barn to 2 bedroomed cottage

Decision: **Appeal Allowed (with conditions)** **Date:** 05.10.2017

Procedure: Informal Hearing
Remarks: Delegated refusal, conservation reasons overruled (EDLP Policy EN9).
The Inspector concluded that the proposed works would preserve the setting of the Kings Arms Inn and its features of special architectural or historic interest and would accord with LP Policy E9 and National Policy Guidance.

BVPI 204: **No**
Planning Inspectorate Ref: APP/U1105/Y/17/3173608

Ref: 16/1534/FUL **Appeal Ref:** 17/00026/REF

Appellant: Horatio Properties (Mr M Flood)
Appeal Site: Kings Arms Inn Stockland Honiton EX14 9BS
Proposal: Demolition of recent extensions and minor revisions to the internal layout and rear extension

Decision: **Appeal Allowed (with conditions)** **Date:** 05.10.2017

Procedure: Informal Hearing

Remarks: Delegated refusal, social and wellbeing of local community reasons overruled (EDLP Strategy 32 and Policy E14).
The Inspector considered that the proposed demolition of recent extensions and minor revisions to the internal layout of the main public house building could assist in securing the efficient operation of a pub business and these modest works would be very unlikely to constrain the potential of any business to return a profit.

He concluded that the proposed development would not harm the social wellbeing of the local community and would accord with the provisions of LP strategy 32 and National Policy Guidance.

BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/17/3173611

Ref: 16/1535/LBC **Appeal Ref:** 17/00027/LBCREF

Appellant: Horatio Propertiers (Mr Mike Flood)
Appeal Site: Kings Arms Inn Stockland Honiton EX14 9BS
Proposal: Demolition of recent extensions and minor revisions to the internal layout and rear extension

Decision: **Appeal Allowed (with conditions)** **Date:** 05.10.2017

Procedure: Informal Hearing

Remarks: Delegated refusal, conservation reasons overruled (EDLP Policy EN9).
The Inspector considered that the demolition works and the internal alterations would involve the removal of some more recent additions and alterations without harming any heritage asset.
He concluded that the proposed works would preserve the setting of the Kings Arms Inn and its features of special architectural or historic interest and would accord with LP Policy E9 and National Policy Guidance.

BVPI 204: **No**
Planning Inspectorate Ref: APP/U1105/Y/17/3173616

Ref: 16/1560/OUT **Appeal Ref:** 17/00020/REF
Appellant: Horatio Properties (Mr M Flood)
Appeal Site: Kings Arms Inn Stockland Honiton EX14 9BS
Proposal: Outline application with all matters reserved for the erection of 2no dwellings with car ports
Decision: **Appeal Dismissed** **Date:** 05.10.2017
Procedure: Informal Hearing
Remarks: Delegated refusal, sustainability reasons upheld (EDLP Strategies 7, 27 & 32 and Policies E14 & TC2).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/17/3173434

Ref: 16/1561/FUL **Appeal Ref:** 17/00022/REF
Appellant: Horatio Properties (Mr M Flood)
Appeal Site: Kings Arms Inn Stockland Honiton EX14 9BS
Proposal: Conversion of existing outbuilding to 2 bedroom cottage
Decision: **Appeal Dismissed** **Date:** 05.10.2017
Procedure: Informal Hearing
Remarks: Delegated refusal, sustainability reasons upheld (EDLP Strategies 7, 27 & 32 and Policies E14 & TC2).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/17/3173436

Ref: 16/1562/LBC **Appeal Ref:** 17/00021/LBCREF
Appellant: Horatio Properties (Mr M Flood)
Appeal Site: Kings Arms Inn Stockland Honiton EX14 9BS
Proposal: Conversion of existing outbuilding to 2 bedroom cottage
Decision: **Appeal Allowed** **Date:** 05.10.2017
(with conditions)
Procedure: Informal Hearing
Remarks: Delegated refusal, conservation reasons overruled (EDLP Policy EN9).
The Inspector concluded that the proposed works would preserve the setting of the Kings Arms Inn and its features of special architectural or historic interest and would accord with LP Policy E9 and National Policy Guidance.
BVPI 204: **No**
Planning Inspectorate Ref: APP/U1105/Y/17/3173534

Ref: 16/2197/FUL **Appeal Ref:** 17/00036/REF
Appellant: Mr & Mrs Hollis
Appeal Site: Land East Of Redlane Cross Rocombe
Proposal: Erection of temporary agricultural workers' dwelling and agricultural building and associated necessary works to establish a poultry unit
Decision: **Appeal Withdrawn** **Date:** 04.10.2017
Procedure: Informal Hearing
Remarks:
BVPI 204: **No**
Planning Inspectorate Ref: APP/U1105/W/17/3176805

Ref: 17/0840/FUL **Appeal Ref:** 17/00044/REF
Appellant: Jes Roberts & Christine Johnson
Appeal Site: 12 East Terrace Budleigh Salterton EX9 6PG
Proposal: Provision of 5 dormer windows and a roof light
Decision: **Appeal Withdrawn** **Date:** 11.10.2017
Procedure: Written representations
Remarks:
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/D/17/3180214

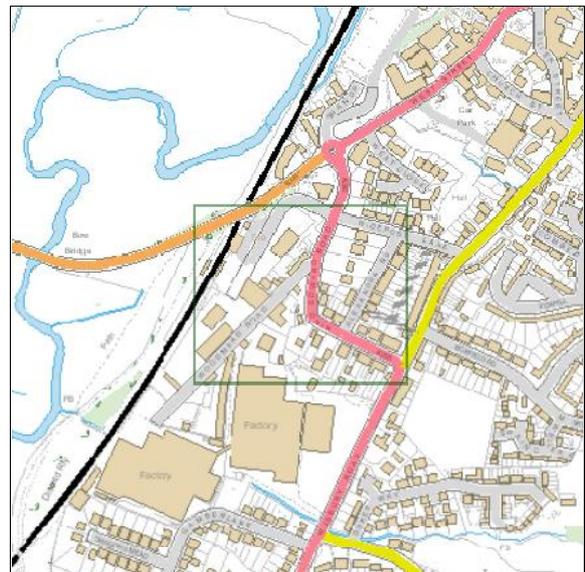
Ward Axminster Town

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: 31.10.17
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 5 no. dwellings with associated parking provision (all matters reserved except for access)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application was deferred from the 2nd October Development Management Committee for a site inspection. The application has been amended since Committee to reduce the number of dwellings from 6 to 5, 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 was 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 two blocks of semi-detached dwellings and a single dwelling with allocated parking at a ratio of one space per dwelling for the semi-detached properties, two spaces for the detached dwelling, plus one visitor space.

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 off amenity to neighbouring occupiers. The reduction in the number of houses from 6 to 5 means that an offsite contribution towards affordable housing is no longer required.

As such, and as the proposal was previously considered to be acceptable with 6 dwellings, and is now only proposing 5, the application is recommended for approval.

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 has been amended since the 2nd October 2017 Committee meeting and now seeks outline planning consent for the creation of 5 dwellings (previously 6) 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 (7 spaces) 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 two blocks of semi-detached two storey houses and a two-storey detached dwelling 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 5 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 45 dwelling per hectare (previously 55) 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 was due when the proposal was for 6 dwellings. However, now that the proposal has been reduced to 5 dwellings, there is no affordable housing contribution payable.

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 5 dwellings is considered to be acceptable. These dwellings 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 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
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List of Background Papers

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

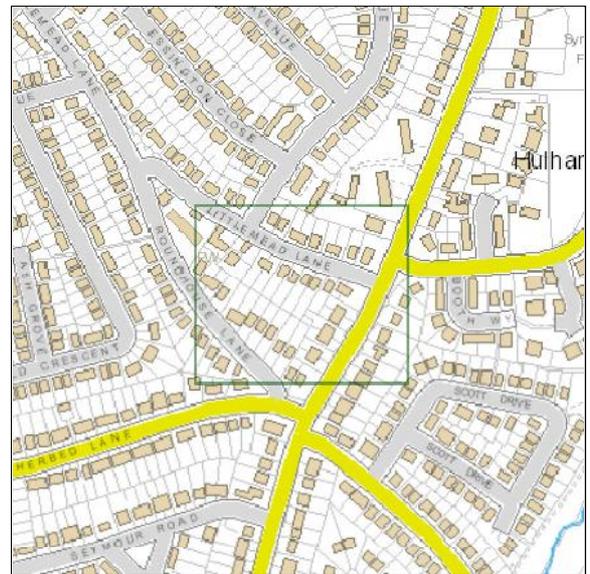
Ward Exmouth Halsdon

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: 31st 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

This application was deferred from the 2nd October Development Management Committee for a site inspection.

The application was 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.

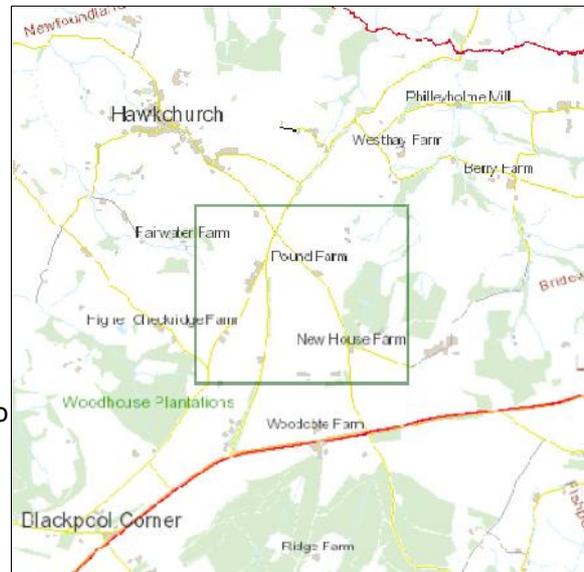
Ward Axminster Rural

Reference 17/1270/FUL

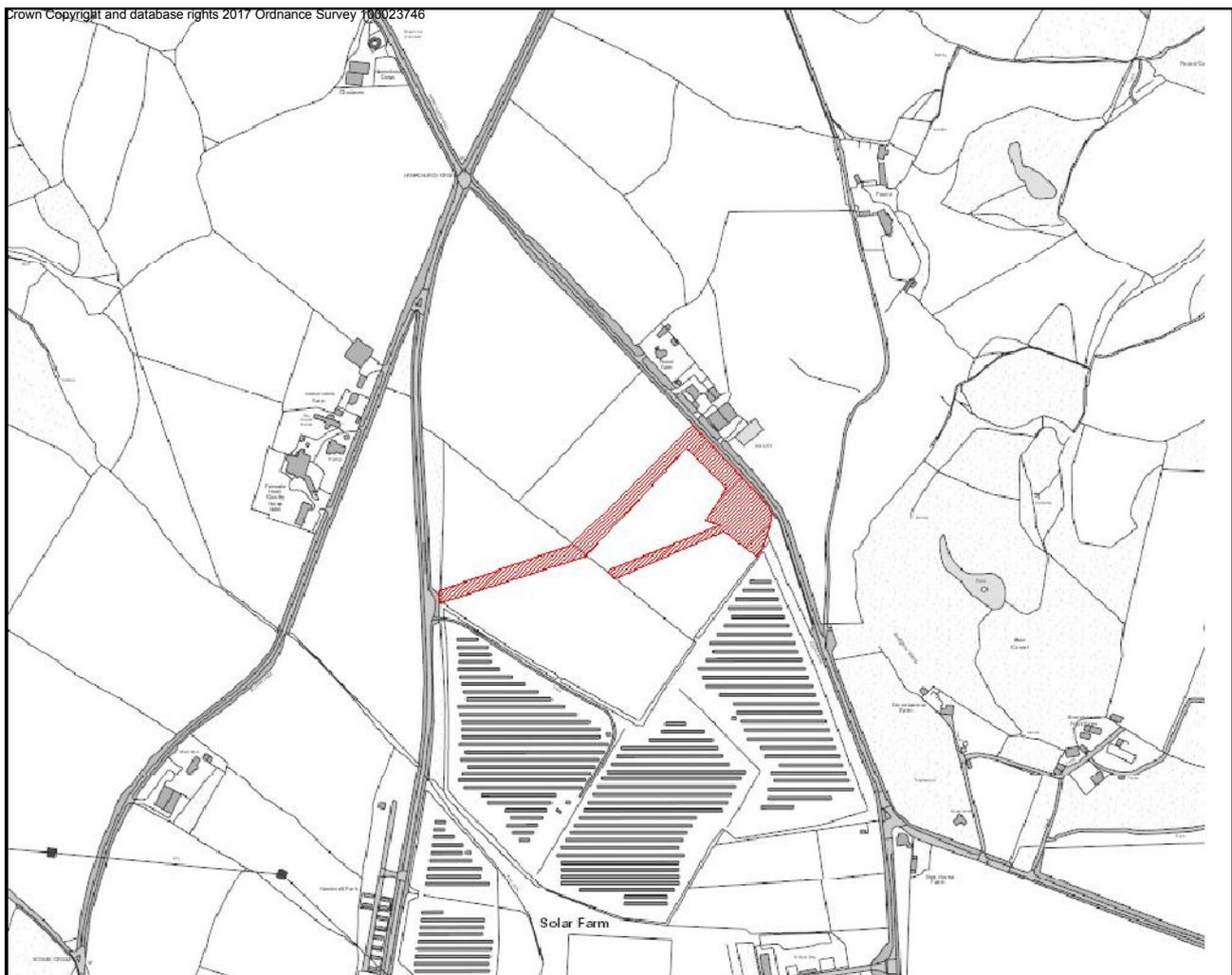
Applicant Green Hedge Energy Barn 2 Ltd

Location Land To The South Of Pound Road (North Of Woodcote National Grid Sub Station)
Hawkchurch EX13 5TX

Proposal Construction of a 10MW battery storage barn to provide backup electricity services to the grid and construction of access track (temporary planning consent for 25 years sought)



RECOMMENDATION: Approval with conditions



		Committee Date: 31st October 2017
Axminster Rural (HAWKCHURCH)	17/1270/FUL	Target Date: 02.08.2017
Applicant:	Green Hedge Energy Barn 2 Ltd	
Location:	Land To The South Of Pound Road (North Of Woodcote National Grid Sub Station)	
Proposal:	Construction of a 10MW battery storage barn to provide backup electricity services to the grid and construction of access track (temporary planning consent for 25 years sought)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The site is located on land adjacent to Pound Road, approximately 1km south-east from Hawkridge Village. The site is located on pastoral agricultural land adjacent to the road. To the south lies an extensive development of solar farms, covering multiple fields, and also a substantial electricity sub-station facility.

There are several residential properties in proximity to the site, the nearest being Pound Farm which lies almost opposite the site on Pound Road, which also includes a number of agricultural buildings. The site is not in any area designated area for landscape quality, heritage or biodiversity interest. The site is approximately 1km from the nearest Area of Outstanding Natural Beauty (to the south in Dorset, just south of the B3165).

The nearest listed building, 'The Pound', is grade II listed and lies approximately 300m to the north east of the site.

The proposal would occupy approximately 0.6 hectares of land. On the site it is proposed to erect a building 45 metres long, 20 metres wide and 5.5 metres tall in which the battery storage equipment would be housed.

The barn would be a steel framed building clad in vertically boarded timber and roofed with a dark grey material, with aluminium louvered vents at each gable end. It would be orientated with its longest side parallel to the road.

Outside and on the opposite side of the barn to the road it is proposed to install five transformers, a DNO substation building and four air conditioning units. The transformers are proposed to be sited on an area of gravel surrounded by 2 metre high wire mesh fencing linked to the building at either end.

Access to the site would be provided from Pound Road which would lead to an area of grass-crete to allow service and maintenance vehicle access. Construction access is proposed to be from Wareham road and across the field.

It is proposed to provide new landscaping along the inside of the existing roadside hedge and trees. This would involve planting a mix of native trees between the barn and the existing hedge. A section of native hedgerow is proposed along the top of the new-cut embankment.

The development is considered to meet the definition of a 'low-carbon energy project' as defined in the Local Plan and as such gains support in principle from Strategy 39.

The location of the site provides a good level of screening in the summer and while more extensive views of the development would be possible in winter, the design of the building is considered to be acceptable and would not result in any harm to the visual amenity of the area, even taking into account any cumulative impact from other nearby developments including the nearby solar farms.

The risk of pollution from the construction and operation of the installation is minimal and any residual risks can be minimised by engineering solutions.

The site is of little biodiversity interest but the proposal offers some mitigation in respect of badgers and also modest enhancements through the planting of native species hedgerows and trees.

The surface water-drainage arrangements are considered acceptable subject to the imposition of conditions to agree specific details.

On balance, the proposal is considered to represent sustainable development that will have no harmful impact and it is recommended that permission be granted subject to the conditions set out.

CONSULTATIONS

Local Consultations

Axminster Rural - Cllr I Hall

As representative for the Axminster Rural Area - I object to this planning application, as this is an industrial unit and therefore does not sit well regarding the adopted local plan.

I have said time and again, Hawkchurch has more than contributed towards the renewable needs of our Country.

Parish/Town Council

Having carefully considered the above application, it is the majority decision of Hawkchurch Parish Council [HPC] to **OBJECT** to this application and respectfully request that it is **REFUSED** at determination, for the reasons set out below.

REFERENCES

- The policies referred to in this submission relate to those as set out in the East Devon Local Plan 2013 to 2031, adopted 28th January 2016 [LDP]
- Information has been kindly made available to HPC by the Hawkchurch Action Group [HAG]; this information takes the form of peer consultant reviews of the various Reports and Assessments submitted with this application, undertaken and prepared by:
 - David Wilson Partnership – Landscape
 - GWP Consultants – Drainage & Hydrology
 - Collier Planning – Planning Policy
 - Richard Buxton Environmental Law – Environmental Law.
- This document also makes reference to comments included in the CPRE letter of objection dated 27th June 2017 and other information provided by Standard Consultees.

INTRODUCTION

- The Parish of Hawkchurch already supports over 100 acres of PV solar farms with further such facilities very close by, albeit located in West Dorset and Raymond's Hill, East Devon [see **MAP No 1**]; indeed, it is thought that this cluster of solar farms is the largest in any rural parish in Devon. So it can be seen that Hawkchurch is making its contributing to the Nation's energy requirements through '*renewable/low carbon*' generation and, thus, supporting the '*climate change*' agenda.
- HAG was set up in 2015 by concerned local residents seeking to protect the unique and tranquil rural landscape and environment of the Parish and in particular to oppose the creeping and piecemeal '**industrialisation**' of that eastern part of the Parish bounded by Pound Road, the B3165 and Wareham Road, which already contains the National Grid's '*Axminster Sub-Station*', together with the main concentration of solar panels located within the Parish [see **MAP No 2**]; however, these existing facilities are well screened by mature trees, woods and Devon hedge/banks and are generally unobtrusive.
- This Parish is close to, and visible from, three AONBs [East Devon, West Dorset and Blackdown Hills]; it contains a SSSI, Scheduled Monument [Lambert's castle – an Iron Age hill fort] and a number of County Wildlife Sites; there are several important National Trails and Recreational Paths [Monarch's Way, Liberty Trail, Wessex Ridgway] passing through the Parish, some very close to the site of this application. Tourism is a major part of both the Parish's economy [eg the recent major investment by Hoseasons in redeveloping the *Hawkchurch Resort & Spa*, which is located only a few hundred yards from this proposed site] and that of the wider local area.

- It is noted, that to date, the majority of comments submitted to EDDC [over 70%] **OBJECT** to this application, with many of the few supporting comments appearing to come from persons living outside the Village and/or the Parish.

ENERGY STORAGE

To quote the CPRE ‘...this is a badly thought-out proposal, which is supported by a great deal of misleading and incorrect information...’ – for example:

- there is **NO** Government policy on energy storage and it is misleading to claim otherwise
- energy storage is **NEITHER** renewable or **low-carbon** energy [paras 93 & 98 of the NPPF and the Planning Practice Guidance on Renewable and Low Carbon Energy]and there is no support for the use of ‘**high carbon**’ lithium-ion battery storage [para 97]
- this energy storage proposal is **NOT** connected to/or associated with the adjoining PV solar farms
- stored energy, for a facility such as this, comes from many sources including base load nuclear and coal-fired power stations, generally charged during periods of low demand – ie at night when the sun doesn’t shine and wind may not blow
- energy is bought cheaply, when demand is low and supply is adequate/high and sold at a premium profit when demand is high and supply low/insufficient; it is purely a ‘**trading operation**’
- there is **NO** requirement for the proposed facility to be close to/near an existing farm or agricultural buildings – it should be on a brownfield site, closer to the point[s] of need - ie towns, cities and urban conurbations
- this proposal discharges energy into the Local Distribution [low voltage] Network, **NOT** the [high voltage] National Grid

ISSUES ARISING FROM REVIEWS OF THE SUBMITTED APPLICATION

The following comments have been made as a result of a peer review of reports and assessments submitted with the application as supporting documents:

- **Landscape & Visual Impact Assessment [LVIA]**
 - Proposal contains a number of elements predicted to cause **adverse impacts** on local landscape:
 - Intensification of industrial land use and industrial structures
 - New access road
 - Diversification of the type and style of development in a local area
 - submitted LVIA has a **number of shortcomings and decision makers will not be in a position to fully assess the impact of this proposal on the local landscape**; main areas for concern are:
 - Methodology for Appraisal
 - Cumulative Landscape Impacts
 - **Technical shortcomings in the submitted photographs [taken in Summer, when leaf & foliage is at its greatest and provides most effective coverage]**
 - no assessments as to the:

- sensitivity of the host landscape to the type of development proposed
 - magnitude of change
 - mitigation
 - visual effects
- Taken in isolation the proposal will have an **ADVERSE** impact on the local landscape character
- **SIGNIFICANT ADVERSE** impact if this were to be considered as EIA development due to:
 - Effect of the extension of existing industrial developments, which intensifies landscape effects of existing development
 - ‘filling’ of the local area to the extent that the host landscape’s characteristics and qualities have been substantially altered
 - Interaction of the proposal with solar farms and sub-station, so that ‘... **the total effect is greater than the sum of its parts...**’
 - Incremental change as a result of this proposal and previous individual industrial developments.
- **Drainage & Hydrology**
 - Proposed Surface/Storm Water Drainage Strategy
 - no on-site infiltration tests or groundwater level monitoring have been undertaken
 - applicant may have over-estimated the permeability of the underlying ground and does not appear to recognise that underlying strata is Clay-with-Flints, which has **lower permeability** than the applicant’s model
 - lack of details on water conveyance routes
 - no allowance for access road run-off to be routed to the installed drainage system
 - no mention of oil-interceptors or other treatment steps to ensure hard standings used for vehicle parking and deliveries cannot be contaminated with oil/diesel etc, which is then allowed to enter the ground
 - is the proposed attenuation basin a viable option:
 - outflow/discharge pipe route/land ownership?
 - technical design & construction?
 - Oil interceptors & other treatments?
 - Internal fire suppression system – no details on:
 - The type of system – mists/water?
 - What drainage will be provided?
 - how will accidental [toxic?] battery leakage be prevented from leaving the structure and/or entering into the drainage system and , eventually, the ground?
 - Local Cumulative Impact of Solar Farms
 - The proposal is adjacent to some 35 hectares [86 acres] of solar panels, in two parks – some 77,160 panels
 - At the time of application, it was assumed that storm-water run-off from panels would infiltrate into the underlying strata [poor permeability Clay-with-Flints], thereby creating no net increase in rainfall run-off; consequently, no drainage strategies or

infrastructure were installed on these sites to address any increase in run-off from the panels.

- Increasing evidence, however, now suggests that solar panels do create drip-lines which concentrate run-off, compact the ground and result in preferential over land flow routes, which become prominent during storm events. It has been estimated that drip lines increase the kinetic energy of rainfall by as much as **10 times normal rainfall**, resulting in increased erosion and the creation of preferential flow routes.
- This can be evidenced by local residents who report increasing quantities of storm run-off water and associated debris in the fields containing panels, during periods of prolonged and/or heavy rainfall
- Given the above, and the explicit exclusion of solar panel run-off capture at the two adjoining solar parks, it is reasonable to conclude that the water courses East and North-east of this proposed facility are likely to receive increased peak and total storm water flows as well as higher turbidity water.
- The total flows received down the gradient, notwithstanding the proposed drainage strategy to restrict off-site flows from this development, **will increase** and, therefore, contribute to an aquatic environment, which, in all probability, is already being impacted upon by the local solar developments.
- Groundwater Resources Impact & Drinking Water Pollution Risk
 - The site is located on the Upper Greensand, a Principal Bedrock Aquifer with locally **Intermediate Vulnerability** due to the presence of a thin layer of Clay-with-Flints; the applicant believes this sub-strata to have sufficient permeability to allow infiltration of the site's surface/storm water drainage flows.
 - The aquifer is both generically considered **VULNERABLE** by the EA but also, specifically, as it supports both drinking wells and stream water courses in the area, including the River Axe – a SSSI.
 - This proposal includes 5 no transformers and a sub-station, all of which are located outside the barn and are underlain by a gravel surround. This electrical equipment will contain hydrocarbons – transformers have been widely linked to **PCB contamination** – leakage of which will enter the ground through the permeable base. Any protection afforded to the underlying Upper Greensand aquifer will have been removed, given the proposed excavation of 2m depth of ground in the specific area of the transformers. This is of particular concern, given **the carcinogenic properties** of many PCB and the use of the local aquifer for drinking water, by nearby neighbours without a mains water supply [see **MAP No 3**].
 - Given the above facts, it is unreasonable that the applicant has not included a contamination risk assessment to consider the possibility and consequences of the following entering the Upper Greensand aquifer and potentially arriving at local drinking water wells and aquatic habitats:

- PCB & other hydrocarbons used in transformers and
- Other site derived substances associated with :
 - vehicle trafficking
 - battery leakage/fire
- For an assessment of the requirement for surface water run-off, the applicant has failed to:
 - Provide a Source-Pathway-Receptor analysis
 - Report on licensed or unlicensed groundwater boreholes
 - Consider potential contamination travel times, dilution and/or attenuation
- Conclusions:
 - **The applicant has not justified the site selection given the vulnerability of the underlying aquifer and its reported use for drinking water.**
 - **The applicant has not demonstrated the on-site storm water run-off drainage approach will provide protection to the underlying aquifer or its dependent users**
 - **Hydrocarbons and certain metals are classified as Hazardous Substances and the Groundwater Regulations do not permit their discharge into groundwater at any detectable concentration whatsoever.**
 - **The applicant is required, therefore, to demonstrate that the level of on-site water treatment is sufficient to cover all and any type or quantity of spill or leak of any hydrocarbon to be found on the site and that this can be achieved such as to ensure any infiltration water leaving the site area and arriving at the groundwater body has undetectable concentrations of all and any hydrocarbons with it.**

REASONS FOR OBJECTING

This application is in clear conflict with the NPPF and/or the LDP, in that it is contrary to, or fails to comply, with a number of stated Strategies and Policies– namely:

- There is no Government policy support for energy storage
- Energy Storage Barns and the associated ion-lithium battery technology have high-carbon '*footprints*'; the proposal does not generate energy, it simply receives, stores and discharges back to the network [with considerable loss of efficiency – therefore, energy storage barns are neither low-carbon or sources of renewable energy [thus **Strategy 39 - Renewable & Low Carbon Projects** is neither applicable or relevant]
- The proposed building is an industrial unit in appearance and operation, built for an industrial process – it is not an agricultural barn in size, appearance, configuration and/or use; it does not conserve or enhance the environment and does not represent sustainable development [contrary to **Strategy 3 – Sustainable Development**]
- The proposal is located in the open countryside where [contrary to **Strategy 7 - Development in the Countryside**] it would :
 - not conform with any specific Local plan policy permitting such development and
 - harm the distinctive landscape, amenity and environmental qualities of the area within which it is proposed to be located

- The proposal has no connection with agriculture, it is neither complementary or compatible - it does not meet the stated criteria for farm diversification [therefore contrary to **Policy E4 - Rural Diversification**]
- The applicant has failed to provide justification for the selection of this proposed site other than:
 - its proximity to the adjacent sub-station [which is of no relevance as it connects to the LV network elsewhere] and
 - the '*availability of 'cheap land'*'.
- The proposed development does not '**conserve and enhance**' the landscape quality of the area [contrary to **Strategy 46 – Landscape Conservation and Enhancement and AONBs**]
- The proposed development fails to respect the key characteristics and special qualities of the area [contrary to **Policy D1 – Design and Local Distinctiveness**]
- The proposal fails to fully address the issues of surface water run-off from the proposed development and the local cumulative impact arising from the adjoining PV solar panel parks [contrary to **Policy EN22 – Surface Run-off Implications of New Development**]
- The proposal fails to identify potential groundwater resources impacts and drinking water pollution risks [see **MAP No 3**] arising from any pollution of the underlying aquifer [contrary to **Policy EN14 – Control of Pollution**]
- The submitted Landscape and Visual Impact Assessment has a number of shortcomings – it is inadequate with flaws, the most important of which is the failure to provide '*worst case scenario*' photographs, showing the typical Winter view, when the foliage and leaf cover is reduced/missing [which lasts for 50% of the year!].
- The proposed building and access track are located too close to existing, mature, trees and hedge lines, thereby risking damage to both the root and canopy zones of the adjacent trees etc [contrary to **Policy D3 – Trees and Development Sites**]. Any re-siting of the building would significantly increase the visual impact when viewed from Pound Road.
- The applicant has clearly failed to identify and assess the cumulative impact of this proposal, when taken into consideration with the existing sub-station and PV solar parks and the possibility of further, piecemeal, energy industry development – eg 16/2082/FUL & 17/1221/FUL – both presently withdrawn, but anticipated to return in modified/differing forms [see **MAP No 4**]. This and further such developments will have serious and adverse impact on the environment, ecology and landscape of this tranquil, rural, part of East Devon

This application clearly FAILS to meet the requirements of Strategies 3, 7, 39, & 46 and Policies D1, D3, EN14, EN22 & E4 as set out in the LDP; it also NOT SUPPORTED by policies within the NPPF and the Planning Practice Guidance on Renewable and Low Carbon Energy. THEREFORE, on these grounds and for the other reasons set out above, the Parish Council OBJECTS to this application and respectfully requests that it is REFUSED at determination by the Council.

It should be noted by the Council that there is a strong community will to fight this application and should it be refused and the applicant appeal that refusal, the Council may expect support from the community, who will, at its own expense, apply to be a Rule 6 party, instruct counsel and to bring together all the expertise mustered to date,

in order to defend against any such appeal. Conversely, any decision by the Council to approve the application may result in a Judicial Review application, if the decision was thought to be unlawful.

- Lack of information regarding route of connecting cable.
- No information on lifespan of batteries or their recyclability.
- NPPF does not support 'high carbon' lithium-ion batteries.
- Since the batteries would mostly be charging at night it would instead be supporting non-renewable baseload generators such as coal and nuclear.
- No evidence to show how LVA concludes 'no significant effect'.

15 letters of support raising the following matters:

- Farmers need to diversify and we all need power in the modern world.
- Its operation should be clean and quiet and is preferable to diesel generators that have been proposed.
- In keeping with the countryside.
- Need for extra electricity in the area until Hinkley Point C is ready.
- Support technology for low carbon energy
- More energy is generated locally than is used and it is beneficial to store electricity for local use overnight instead of loading the national grid connections to take it elsewhere during the day and import power again for overnight requirements.
- It also makes far more sense than having a thousand homeowners invest in small overpriced domestic battery systems.
- It will operate silently.
- It will not generate traffic.
- Government is encouraging electric cars and taxing diesels to the hilt.
- The whole idea of storing the energy at times when not demanded by the grid, then releasing it back to the grid at times in the day when there is high demand, puts less stress on the power stations, therefore reducing the amount of emissions and water vapour, therefore reducing the effect of global warming and burning holes in our atmosphere.
- There is a need in UK to provide electricity support at periods of high demand.
- Battery storage is the most appropriate way to do this as it allows other means of generation to maintain output at times of low use which can then be stored and used in periods of high demand.
- Battery storage technology is clean and low maintenance providing the ideal medium for demand management without the use of highly polluting generation system, such as gas or diesel, which not only provide local pollution problems, but also are high impact on the overall environment, increasing CO₂ and NO_x loading unnecessarily.
- If we want to move to sustainable renewable energy as demanded by our government's commitment to the Paris agreement, then we will have to have storage, as most forms of renewable energy fluctuate, solar in particular. Whilst I understand the industrialisation and profiteering arguments, storage devices should be either near the source of power or near where it's used. For the Hawkchurch solar farms, that is near Hawkchurch, as the energy is used by many towns across the region.

- Good position to locate it due to the connection at the sub-station.

Technical Consultations

Landscape Architect
12.07.2017

The site is located approximately 1.2km to the south-east of Hawkchurch village, approximately 4.2km east of Axminster and approximately 1km north of B3165. The nearest development is Pound farm directly north of the site separate from the site by Pound Road. The site crosses 2 arable fields framed by hedgerows and Devon banks containing some large hedgerow trees. The site is not set within a designated landscape, however there are 3 AONB's within close proximity to the site (Dorset AONB within a radius of 1.7km of the site, East Devon AONB within a radius of 4.0km of the site and Blackdown Hills AONB within a radius of 4.5km of the site).

As part of the planning application the applicant, Green Hedge Energy Barn 2 Ltd., submitted a Landscape Appraisal, a Planning Statement, various site layouts, sections and elevations. This report reviews the aforementioned landscape related information. The reviews should be read in conjunction with the submitted information. The report concludes with a recommendation outlining the reasons for the recommendation based on adopted policy, guidance and professional judgment.

REVIEW OF THE SUBMITTED INFORMATION

Comments on the Landscape Appraisal

1. The submitted Landscape Appraisal (LA) has the following short-comings:
 - The submitted report does not follow current industry standard as set out in GLVIA 3rd edition. No Methodology for the assessment setting how the impacts would be measured has been provided.
 - The LA only includes summer images, with trees in full leaf. This does not represent the worst case scenario
 - Details on how the photomontages were created to ascertain their accuracy.
 - Local Landscape Character Assessment information is muddled, with landscape character area and landscape character type information being mixed together.
2. Landscape Character the LA fails to properly capture the local landscape character:
 - The site is located within the Wootton Hills Devon Landscape Character Area (DCA), which has the following site applicable management strategy:
'To protect the landscape's distinctive, scenic rounded hills and the interrelationship between the open tops and the intimate, wooded valleys. Field patterns are reinforced through the restoration and management of distinctive hedgebanks. Scarp woodlands are managed and valley-side spring-line mires and wetlands are expanded to help prevent downstream flooding and protect water quality.'
 - The site forms part the Open Inland Planned Plateaux Landscape Character Type (LCT 1A), which has the following site applicable management guidelines:

Encouraging management to maintain hedges at between 1 and 2 metres of woody growth to encourage species diversity. Plant up gaps and replace individual hedgerow trees as they become over mature or die, but ensure that they are appropriately spaced.

Encouraging maintenance of earth banks.

Encouraging the maintenance of pastoral farming as the dominant land use throughout this type.

Encouraging good management of the small copses in damp patches and the creation of ecological links to existing field boundaries by planting new hedges

Maintaining the existing settlement pattern; resisting anything other than small-scale development.

Locating development away from the plateau edge, where it would be more visible.

The site is located on/close to the plateau edge

- No key landscape receptors have been identified.
3. The visual amenity is underrated. Winter views of the site are highly likely to be available from the higher ridges to the east of the site (see photographs provided in appendix A).
4. The submitted LA is very limited in its scope and does not follow industry standard, however considering the scale of the proposed development and its barn typology the impact on the landscape character and visual amenity should be considered to be limited as:
- The ridge height of the proposed development will not breach the skyline or the canopy line of existing trees within the site boundary
 - The scale of the development is similar to an agricultural barn
 - An appropriate cladding material will be agreed with LPA (see comments on design proposals below)
 - The additional proposed planting will offer increased levels of screening and is mainly appropriate for the area (see comments on design proposals below)
 - The industrial aspects of the development are located to the south-west of the propose barn building, where it will not be visible from public vantage points

The impact could be further reduced if the comments raised in response to the submitted design proposals below are addressed appropriately

Comments on the Design Proposals

1. The development appears to affect the RPA of retained trees. The submitted sections and elevations do not clearly indicate the extent of the existing trees' RPAs
2. Proposals should indicate where the recent planting has been carried out to understand the full scope of the existing and proposed landscape
3. To assist in creating a more agricultural appearance I would recommend the use of wooden cladding and a dark grey coloured roof material. The wood would weather and appear softer than the currently proposed green or grey cladding. A dark

grey roof would disappear in the background in long distance views and would emulate the locally prevalent late roofs in close-up views.

4. The scheme should consider the use of a half hedgebank (see sketch below) to address the cutting to the south-west of the proposed building as it would allow for more land to remain in agricultural use (as slopes of 1/5 could be created to the west of the half Devon bank), offer more screening as the hedge would further reduces views of the industrial components of the development, create additional wildlife benefits and reduce the amount of cut.

5. The proposed hedge planting is very limited in its species diversity please consider including some of the following species:

- Quercus robur
- Prunus spinose
- Corylus avellana
- Ilex aquifolium
- Ionicera periclymenum
- Euonymus europaeus

6. The FRA should consider the inclusion of above ground SuDS (e.g. Swale, this could be incorporated along the access track and offer additional wildlife, landscape and water quality benefits) and permeable paving to its areas of hard standing (e.g. could concrete apron to building not be replaced with a grasscrete product, which would provide additional water quality benefits?)

Missing Information

- Detailed site survey to fully understand the level changes
- Extent of recently carried out planting

RECOMMENDATION

The submitted LA is very limited in its scope and does not follow industry standard, however considering the scale of the proposed development and its barn typology the impact on the landscape character and visual amenity should be considered to be limited as:

- The ridge height of the proposed development will not breach the skyline or the canopy line of existing trees within the site boundary
- The scale of the development is similar to an agricultural barn
- The additional proposed planting will offer increased levels of screening and is mainly appropriate for the area (see comments on design proposals below)
- The industrial aspects of the development are located to the south-west of the propose barn building, where it will not be visible from public vantage points

However to properly assess the impact on the site levels and existing site landscape features, a detailed site survey will have to be provided.

The impact could be further reduced if the design is revised to incorporate the following:

- Re-position development (including changes to ground levels) to be outside of the existing trees' RPA
- Appropriate cladding material
- Use of half hedgebank to better integrate level changes and reduce cut
- Increase species within hedgerows to increase wildlife benefits
- The use of swales and permeable paving to address drainage issues to provide additional wildlife, landscape and water quality benefits

Due to the aforementioned the scheme is currently unacceptable in landscape terms as it does not comply with the following policies:

- EDDC Strategy 46 - Landscape Conservation and Enhancement and AONBs
- EDDC Policy D1 - Design and Local Distinctiveness
- EDDC Policy D2 - Landscape Requirements
- EDDC Policy D3 - Trees and Development Sites

28.09.2017

The revised design addresses the majority of the previously raised landscape concerns, however the following should be revised (or conditioned):

- The hedge to the north-western elevation should be replaced by a hedgebank and should link to the south-western
- The development appears to encroach into the root protection area of Trees T6 & T7 (tree officer to advise)

Following the above there are no landscape reasons (unless the tree officer has concerns in relation to T6 & T7) to refuse the planning application, however the following should be conditioned:

- Detailed planting plan (to address above raised concern) including planting specification,
- Material samples for the building, and
- Detailed specification for hard landscape materials

To ensure the scheme complies with the following policies:

- EDDC Strategy 46 - Landscape Conservation and Enhancement and AONBs

- EDDC Policy D1 - Design and Local Distinctiveness
- EDDC Policy D2 - Landscape Requirements
- EDDC Policy D3 - Trees and Development Sites

EDDC Trees
13.06.2017

I have a few concerns with this application which is a shame considering it is a Green Infrastructure Company, my concerns are -

- The Block Plans 1 & 2 do not correspond with the Arboricultural report and landscaping plans - the access drive goes to the south west.
- The Arboricultural Plans do not correspond with the Landscaping Plans with regards to retained trees.
- The Arboricultural report has a few inaccuracies in the fact that tree roots of mature trees will not be confined to the Hedge Bank (3.2). Young trees of diameter < 15cm are still significant trees and are the trees of the future some growing space must be allowed for, and Cat C trees grown as a cohesive group can be a cat B group (5.1). Section 6.1 again describes the tree roots as in 3.2. The end canopy and final size of a tree is important even with a barn as inaccurate positioning of the footprint will lead to conflict in later years (6.2) In section 7.2 there is a contradiction saying that the trees will not cause conflict with the development and then stating T6 and T12's canopies require pruning to allow the positioning of the Barn. The Tree Protection Plan does not allow for the offset RPA required due to the roadway and drainage ditch and clearly puts the barn within some trees RPA (8.1). The new Access Road is clearly constructed within the RPA of the retained trees and there has been no methods details of this construction.
- The Landscaping Scheme is showing new trees planted in front of the hedge line leaving no access for maintenance, some new trees are being planted under existing tree canopies so they will not have space to develop, all specimen trees should be at least 10-12cm trees. Consideration should be given to bolster the native hedge along the roadside with hedging plants and specimen trees
- In short the footprint and access road are too close to the established trees and better landscaping and tree protection plans are required

29.06.2017

I have read the amended Arboricultural Report and have the following observations, although the date of the report remains the same it is obvious it has additional information added which still does not comply with the minimum recommendations of BS5837:2012, additionally I still feel that the footprint location is unsuitable to protect the trees and requires adjusting, there is substantial space to do so. The access track is now temporary although the building is said to be permanent, how will access be

gained after construction? A track is shown going to the west of the barn gain with no details or tree report. The roadside trees are now covered by a Tree Preservation Order I have not looked at the landscaping scheme in detail as I feel the footprint is unsuitable.

22.08.2017

I am happier with the new location of footprint of the Barn, unfortunately the revised TPO plan is no longer showing the full landscaping scheme including species and tree sizes which are required to approve the plan.

Environmental Health

Noise

The noise report is all in order as it meets all the relevant criteria and specifically addresses my pre-application concerns regarding low frequency noise (it has copies of my emails within).

Surface water

The surface water report provides two options - soakaway system or attenuation tanks, subject to infiltration rate testing. As you know, I am not qualified to comment on the details of such reports, but the options for mitigation seem reasonable with the final outcome dependant on measured water infiltration rates (to be undertaken in the future and therefore subject to detail later?).

Construction impacts

The only thing left which concerns me is the construction phase and I think we should condition as follows:

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

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

County Highway Authority

19.07.2017

The county highway authority has no objection to the proposed development.

Recommendation:

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

14.08.2017

Further to the amended plans made on this application. I have no objections on this application.

Contaminated Land Officer

I have considered the application and do not anticipate any concerns in relation to contaminated land given the previous site usage. However, given the industrial nature of the development I would recommend the following condition should any potential contamination be found during ground works:

Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

Environment Agency

Our Groundwater and Contaminated Land team have no concerns in respect of this planning application.

DCC Flood Risk SuDS Consultation

29/08/2017

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

Observations:

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

In accordance with the hierarchy of drainage solutions, infiltration must first be explored as a means of surface water drainage management. Discharging the surface

water runoff from this site to a watercourse will only be permitted once the applicant has submitted evidence which adequately demonstrates that infiltration is not a viable means of surface water management on this site (e.g. results of percolation testing conducted in accordance with BRE Digest 365 Soakaway Design (2016)).

The applicant must note that infiltration tests, undertaken in strict accordance with BRE Digest 365 Soakaway Design (2016) must be undertaken in order to demonstrate whether infiltration is a viable means of surface water drainage management on this site. A representative number of tests must be conducted in order to provide adequate coverage of the site, with particular focus placed on the locations and depths of potential infiltration devices.

In the absence of infiltration testing the applicant has proposed an attenuation based design which is acceptable in-principle, however where infiltration is not used, long term storage must be provided to store the additional volume of runoff caused by any increases in impermeable area, which is in addition to the attenuation storage required to address the greenfield runoff rates. Long term storage should therefore be included within the surface water drainage management plan to ensure that each element is appropriately sized, and this should discharge at a rate not exceeding 2 litres/second/hectare.

The applicant should provide evidence of greenfield calculations used to derive discharge rate of 2.4 l/s.

The applicant should provide written confirmation to confirm that the permission exists to construct an outfall in to the adjacent watercourse.

It is noted that an attenuation tank is proposed within the attenuation based strategy, however, these underground systems cannot be considered as truly sustainable means of drainage because they do not provide the required water quality, public amenity and biodiversity benefits, which are some of the underpinning principles of SuDS. Consequently, above-ground SuDS components should be utilised unless the applicant can robustly demonstrate that they are not feasible; in almost all cases, above- and below-ground components can be used in combination where development area is limited. We are supportive of the proposals to include a conveyance swale within the proposals to maximise

Given the nature of the proposals of the development appropriate methods should be introduced into the proposed strategy to maximise water quality and also prevent contaminants entering the watercourse from any of the operational areas.

The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

6/10/2017

No objection on the basis of the proposed attenuation based design, and would recommend the following conditions for detail design which includes infiltration testing for your report:

- No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. 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.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

- 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 informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the [Document Name] (Report Ref. [Document Reference], Rev. [Document Revision], dated [Document Date]).

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

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

- No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

If at detailed design infiltration is not viable either because of poor percolation or risk of water quality issues, the submitted attenuation based design is acceptable and permission exists to position an outfall to the adjacent watercourse.

Natural England

Statutory nature conservation sites - no objection

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

Protected species

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

Natural England has published Standing Advice on protected species.

Local sites

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

Sites of Special Scientific Interest Impact Risk Zones

Other Representations

94 letters of objection, including letters from letter from Hawkchurch Action Group, raising the following matters:

- Ugly industrialisation of a rural area of great landscape value. Not in keeping with the area.
- It is not a barn but a huge industrial building with hardstanding and access road and does not conserve or enhance the area.
- Supporting pictures show the area in leaf but visual impact in winter will be worse.
- The revised landscape appraisal does not answer the landscape officer comments and should therefore not be relied upon.
- Hawkchurch is an attractive and peaceful village with a reliance on tourism. If this development and others like are permitted no one will want to visit or live here.
- No need to site is on greenfield agricultural land – plenty of brownfield sites such as decommissioned coal fired power stations with readymade grid connections.
- This type of battery storage technology is untested and probably ineffective.
- Large scale power stations are the only way to economically supply power.
- Uncertainty of contaminating local water supply, with approximately 15 dwellings in the locality taking water from private wells/springs, due to the geology, the excavation of the site, the permeable nature of the proposed external compound where the transformers and air conditioning units will be located, the materials used in the electrical equipment (acids, hydrocarbons, PCBs etc.), the potential for the fire safety system to flush pollutants into the ground in emergency events, cumulative effect of being sited next to extensive solar panel installations, visits to the site by service vehicles (oils).
- Already 150 acres of solar farms surrounding the small village of Hawkchurch. Cumulative effect is already threatening the rural nature of the village.
- Proposal only provide a very small input to the national or local grid.
- Not connected to the National (high voltage) Grid but the local distribution network (low voltage).
- As it is not connected with the local solar farms it should be questioned why it has to go in Hawkchurch.

- Even when the battery storage is no longer required it will remain, along with other infrastructure and classed as brownfield which would turn into further unsightly development.
- Does not meet the criteria for farm diversification.
- No attempt to deal with water run-off.
- Land is grade 3 agricultural land.
- Does not represent low carbon or renewable energy (therefore Strategy 39 is not applicable).
- Located in the countryside and does not conform to any specific Local Plan, contrary to Strategy 7.
- Applicant has failed to justify the selection of the site.
- Batteries are lithium-ion which are high carbon in manufacture and carry fire risk.
- Designed to buy energy when cheap and sell it when more expensive; it is a trading operations and should be seen as such.
- It discharges into the local low voltage network, not the high voltage National Grid
- Landscape and visual assessment:
 - A lack of clear methodology for making assessments of landscape or visual impact. Does not follow Landscape Institute and Institute of Environmental Management and Assessment guidelines;
 - While not necessarily essential for this proposals, there is a lack of explanation as to how the photomontages were created;
 - A lack of winter photographs, illustrating "worst case" visibility;
 - No assessment of landscape or visual magnitude of change
 - No assessment of cumulative impacts
- Some context for agricultural buildings but not for industrial units. Strong influence.
- Several of the existing hedges and trees which the scheme is reliant on for screening are not in control of the applicant.
- Road well used as part of local rights of way network.
- Proposed hedgebank exacerbates visual impact as it does not follow traditional field pattern.
- Government has no policy for battery storage. References to Government reports and strategy documents, the Carbon Trust, the National Infrastructure Commission, the National Grid and speeches by Greg Clark are no more than speculation and are not policy.
- The proposal is not supported by either paragraph 93 or 98 of the NPPF.
- It should also be noted that in the appeal decision quoted, the relevant Local Plan was out of date and pre-dated the NPPF, and the Planning Inspector therefore gave its policies limited weight. East Devon's Local Plan is post-NPPF. It has been examined and found sound, and therefore should be given full weight.
- It will not generate any local jobs being low maintenance and remotely monitored.
- Loss of value of property already, before any decision.
- Our understanding is that if a lithium-ion battery catches fire oxygen is produced as a by-product which will encourage the fire to restart. The fire suppression system needs to be able to put out the fire repeatedly. This

makes lithium-ion battery fires much more dangerous than other sorts of battery fires. The issue needs to be looked at by suitably qualified fire experts. Also it needs to be confirmed that Devon and Somerset Fire and Rescue Service are suitably equipped and trained to deal with such a fire. 10 megawatts of stored energy trying to dissipate itself via fire and possibly explosion is a whole different order to a phone or laptop battery fire.

- The most widely used form of storage is pumped storage (reservoirs/hydro) which do not change entire landscapes.
- There is no evidence that the land is not the Best and Most Versatile (BMV) grade of agricultural land [grades 1, 2 & 3a].
- No provision for nesting barn owls.
- Not possible to conclude that engineered containment and disposal can be achieved without first assessing the sources of possible contamination, pathways and receptors.
- Suds scheme proposed extends beyond the boundaries of the planning application and not clear therefore if achievable.
- Environmental Health comments do not address groundwater contamination risks.

PLANNING HISTORY

None relevant on this site.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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

EN13 (Development on High Quality Agricultural Land)

EN14 (Control of Pollution)

EN18 (Maintenance of Water Quality and Quantity)
EN21 (River and Coastal Flooding)
EN22 (Surface Run-Off Implications of New Development)
E4 (Rural Diversification)
E5 (Small Scale Economic Development in Rural Areas)
TC2 (Accessibility of New Development)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)
National Policy Statement for Energy 2011
National Planning Practice Guidance

Other Guidance

Groundwater protection technical guidance 14 March 2017 (EA)
Protect groundwater and prevent groundwater pollution 14 March 2017(EA)

Site Location and Description

The site is located on land adjacent to Pound Road, approximately 1km south-east from Hawkridge Village. The site is located on pastoral agricultural land adjacent to the road. To the south lies an extensive development of solar farms, covering multiple fields, and also a substantial electricity sub-station facility.

There are several residential properties in proximity to the site, the nearest being Pound Farm which lies almost opposite the site on Pound Road, which also includes a number of agricultural buildings. The site lies atop a plateau characteristic of the area. There is a mature and sometimes dense network of roadside hedges and trees in this area which also extend away from the road and make up the network of different fields.

The site is not in any area designated for landscape quality, heritage or biodiversity interest.

The site is at approximately 1km from the nearest Area of Outstanding Natural Beauty (to the south in Dorset, just south of the B3165). There is no visibility between these areas and they are not read in the same views or context.

The nearest listed building, 'The Pound', is grade II listed and lies approximately 300m to the north east of the site. At this distance and given the intervening vegetation and topography, the two sites are not inter-visible.

Proposal

The proposal would occupy approximately 0.6 hectares of land. On the site it is proposed to erect a building 45 metres long, 20 metres wide and 5.5 metres tall in which the battery storage equipment would be housed. This is referred to by the applicant as the 'barn'. The barn would be a steel framed building clad in vertically boarded timber and roofed with a dark grey material, with aluminium louvered vents at each gable end. It would be orientated with its longest side parallel to the road. The batteries and inverters would be housed internally along with a control room and storage area. A fire suppression system would be installed. No external lighting is proposed other than a switched light to facilitate any necessary maintenance visits during the dark.

Outside and on the opposite side of the barn to the road it is proposed to install five transformers, a DNO substation building and four air conditioning units. The transformers are proposed to be sited on an area of gravel surrounded by 2 metre high wire mesh fencing linked to the building at either end.

Access to the site would be provided from Pound Road which would lead to an area of grass-crete to allow service and maintenance vehicle access. Construction access is proposed to be from Wareham road and across the field. Construction is expected to take 10-12 weeks involve an average of 3-4 vehicles a week visiting the site.

It will be necessary to excavate the site to provide a level surface for the building. At the deepest point (furthest from Pound Road) it will be necessary to dig approximately 3.4 metres down, leaving a bank at the far side of the building (which is proposed to be topped with a hedgebank and planting). Some 'fill' will be necessary on the Pound Road side of the building in the order of 0.5 metres depth.

It is proposed to provide new landscaping along the inside of the existing roadside hedge and trees. This would involve planting a mix of native trees between the barn and the existing hedge. A section of native hedgerow is proposed along the top of the new-cut embankment. The embankment itself would be sown with an agricultural-grazing mix.

It is proposed to operate the system for 25 years.

The development has been screened for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and has not been found to be EIA development requiring an Environmental Statement.

ANALYSIS

The main issues relating to this application are-

- The principle of development, including whether the proposals is a renewable or low-carbon technology
- Landscape and visual impacts
- Pollution
- Surface Water Drainage

- Highways
- Biodiversity
- Others – agricultural land classification,

The principle of development

Strategy 39 of the Local Plan states that:

Renewable or low-carbon energy projects in either domestic or commercial development will in principle be supported and encouraged subject to them following current best practice guidance and the adverse impacts on features of environmental and heritage sensitivity, including any cumulative landscape and visual impacts, being satisfactorily addressed. Applicants will need to demonstrate that they have;

- 1. taken appropriate steps in considering the options in relation to location, scale and design, for firstly avoiding harm;*
- 2. and then reducing and mitigating any unavoidable harm, to ensure an acceptable balance between harm and benefit.*

Where schemes are in open countryside there will be a requirement to remove all equipment from the site and restore land to its former, or better, condition if the project ceases in the future. Wind turbines will only be permitted where they are in accordance with a Neighborhood Plan or Development Plan Document.

It is important to establish whether this policy is applicable to the development in question, given that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Local Plan helpfully defines what it means by ‘Renewable and low-carbon energy’ in its glossary where it states:

Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels). Renewable Energy can also be gained from waste technologies (including energy from waste incineration, anaerobic digestion, gasification and pyrolysis).

The question therefore is whether the development is a low-carbon technology, or in other words is it a technology that can help reduce emissions?

In July 2011 the Department for Energy and Climate Change published the ‘Overarching National Policy Statement for Energy (EN-1)’ which is a material planning consideration in decision making on planning applications. The Policy Statement ‘sets out how the energy sector can help deliver the Government’s climate change objective by clearly setting out the need for new low carbon energy infrastructure to contribute to climate change mitigation’. At the time of publication it was acknowledged that technology relating to the storage of electricity was limited, effectively being hydro

pumped storage in a small number of facilities. Nonetheless, in the section dealing with 'The need for new nationally significant energy infrastructure projects' at paragraph 3.3.12 it states;

'There are a number of other technologies which can be used to compensate for the intermittency of renewable generation, such as electricity storage, interconnection and demand-side response, without building additional generation capacity. Although Government believes these technologies will play important roles in a low carbon electricity system, the development and deployment of these technologies at the necessary scale has yet to be achieved. The Government does not therefore consider it prudent to solely rely on these technologies to meet demand without the additional back-up capacity (see further paragraphs 3.3.30-3.3.34 below). It is therefore likely that increasing reliance on renewables will mean that we need more total electricity capacity than we have now, with a larger proportion being built only or mainly to perform back-up functions.'

Further on, at paragraph 3.3.31 in a section dealing with the 'More intelligent use of electricity' it states;

'...In addition, while electrical energy storage allows energy production to be decoupled from its supply, and provides a contribution to meeting peak demand, currently the only commercially viable utility-scale energy storage technology is pumped storage. The UK currently has four pumped storage facilities with a maximum capacity of approximately 3 GW. There is limited further potential in the UK due to a lack of appropriate locations and large capital costs, but high renewable pathways might require more storage beyond 2020, and therefore the commercial climate may change. The Government expects that demand side response, storage and interconnection will play important roles in a low carbon electricity system, but still envisages back up capacity being necessary to ensure security of supply until other storage technologies reach maturity.'

Since this Policy Statement technologies have moved on, particularly in respect of storage technologies and there is a clear acceptance of this. In the Department of Energy and Climate Change's 'Towards a Smart Energy' paper published in December 2015 it states;

'A smart, flexible energy system would involve incorporating new forms of flexibility in combination, including energy storage, demand side response (DSR), smart networks, as well as increasing interconnection. It could also involve energy efficiency improvements which target peak demand. Combining these solutions in a whole-system approach would help us achieve the following benefits:

- a. Defer or avoid investment in network reinforcement.*
- b. Reduce the need for a significant increase in reserve generation capacity.*

c. Meet binding climate change targets with less low carbon generation.

d. Make the best use of our low carbon generation.

e. Optimise balancing of our energy system on a minute-by-minute basis.'

It also identifies that '*storing energy when demand is low and low carbon electricity is available*' will help '*reduce the need for conventional generation, including peaking plant*'.

In March 2016 the National Infrastructure Commission published its report 'Smart Power' which focuses on the benefits that can be achieved through building a more flexible electricity system and the steps needed to achieve this. The report discusses that;

- Most lower carbon power sources have quite different characteristics to fossil fuel plants, which limit their ability to manage the changing pattern of demand for electricity at different times of the year and different times of day.
- Coal and gas fired power stations are not dependent on external factors such as the weather to enable them to generate power and can be switched on and off comparatively quickly in response to changing patterns of demand. For these reasons, the System Operator has historically used them as its main tool for balancing the system in real time, in combination with a small amount of extremely fast-starting hydro power to manage the most sudden spikes in demand.
- In contrast, renewable generation is intermittent, with wind farms only able to generate when it is windy and solar power proportional to the amount of sunlight. Nuclear power is best run delivering stable base load power, rather than ramping up and down to meet demand, as the process of turning a nuclear plant on or off is time-consuming and expensive.
- Low carbon power stations are also relatively expensive to build but once constructed are cheap to operate, with the opposite being true for most fossil fuel plants. It would clearly be inefficient and unsustainable to deal with the increased balancing challenge by constructing a large amount of low carbon generating capacity that would only be needed for a few hours of the day to meet peak demand, and more again to manage intermittency.
- Renewable installations tend to be smaller and are therefore often connected to the lower voltage distribution network. This has benefits in bringing generating capacity close to the consumer and reducing the demands on the transmission system (and the associated costs) but it also creates a more complicated geographical spread of energy supply and leads to new challenges in managing both local and national networks.
- In particular, with increasing amounts of solar power in the system, managing periods of low demand in the summer will be just as important as managing the

high demand we see in the winter, as we may experience a surplus of electricity in the middle of a sunny day.

- Three innovations can help deliver ‘smart power’ – interconnection, storage, and demand flexibility – which have the potential to displace part of the need for new generating capacity, to save money for businesses and domestic consumers and help the UK meet its climate reduction targets. The report estimates that the savings could be as large as £8 billion a year by 2030.

The report goes on to state that it is important to recognise that electricity storage is not one single technology, but a diverse range including batteries, pumped hydropower and supercapacitors. This allows storage to play more than one role in increasing the flexibility and robustness of the electricity system, including:

- Making the system more resilient to short term imbalances in demand and supply and allowing the integration of a larger share of renewables (including the intermittent renewables such as wind and solar) in the generation mix.
- Enabling network owners to increase the capacity of their networks more cost effectively than simply building additional cables.
- Allowing customers (including households, businesses and electricity suppliers) to manage their usage more actively, taking and storing electricity at times of low demand and prices and then using it at peak times, which both reduces costs and helps to balance production and demand.

The report states that *‘in the coming decades three exciting new technologies will continue to develop, which could play an important role in reducing the costs of balancing the energy system as we transition to lower-carbon sources of power. These are interconnection, storage and demand flexibility’*. It goes on to say *‘the transformation that will be needed in how the UK generates electricity in the future means that the UK is uniquely placed to put these at the heart of its energy system – lowering emissions, improving efficiency and reducing bills.’*

Further the report identifies that *‘making effective use of storage will strengthen network capacity and minimise the need to build new power stations that only operate for a few hours each day when demand peaks. It can also provide a source of demand for electricity at times when intermittent generation (e.g. wind and solar power) is generating but demand would otherwise be low (and subsidies would be paid to renewable generators to turn off their systems). This increases the profitability of renewables, reducing their need for subsidy and their cost to consumers. The variety of technologies available also means that storage can be deployed at a range of scales and locations from large scale storage connected to the national transmission network to small batteries in people’s homes’*.

In relation to ‘Supporting the stability of the grid and increased renewables deployment’ it states *‘battery technologies are already more effective than using existing power stations for some of these services, demand for which will grow as the electricity generation mix develops and an increasing share of the generation comes from intermittent renewables such as wind and solar power.’*

In relation to 'Managing power useage to deal with periods of peak supply and demand' it states that *'in a future scenario with a significant share of the generation mix coming from intermittent sources, there will be increasing opportunities for storage to balance relatively short term differences in demand and supply.'*

The Government and Ofgem published its paper 'Upgrading our energy system – Smart systems and flexibility plan' in July 2017. This report states that a government study (An analysis of electricity system flexibility for Great Britain – November 2016) identifies that among various benefits of a smart and flexible energy system (which includes battery and other storage schemes) are the benefits of avoiding curtailment of low carbon generation, indeed it specifically states that *'storage can open up many possibilities, helping to integrate low carbon generation'*.

This proposed battery storage system will take electricity from the network and store it when there is a surplus relative to demand (when prices are correspondingly low). Typically this will be at night, when renewable generators such as wind turbines will continue to generate power, as other base load (fossil fuel/nuclear) generators reduce output. It will then feed this back into the network during times of higher demand (when prices are correspondingly higher).

The proposal is clearly a technology that can help reduce emissions through maximising benefits from renewable generation schemes and this is unequivocally recognised by the Government as identified in the various documents referred to. The fact that the project is not a generator of electricity itself is not a relevant matter in answering this question or indeed as to whether Strategy 39 is engaged, as this is not expressed as a qualifying requirement in the policy.

While it cannot be guaranteed that at all times all electricity being taken from the network for the proposed battery storage scheme is from 100% renewable sources that is not the relevant test of whether Strategy 39 is applicable either. The deployment of such storage systems clearly helps makes best use of existing renewable generation (and could in future help more renewables be deployed plus reduce the need to build traditional powers stations to meet short term demands) and also has the potential to reduce the UKs carbon footprint and costs of electricity to consumers. As there is already a greater reliance upon renewable energy, there is a necessity for infrastructure (such as battery storage) to support it. If that infrastructure is in place then even greater reliance can be given to electricity generation from renewable sources and as a result this infrastructure is helping to reduce emissions and can be classed as low carbon energy projects.

Clearly therefore, Strategy 39 is engaged and in principle the development is considered acceptable, subject to its other qualifying criteria and other relevant policies of the development plan.

Officers are therefore satisfied that the proposal can help to reduce emissions by storing electricity produced at times when supply out-strips demand, and releasing it back into the grid at times of higher demand, therefore reducing the need to produce more energy and associated emissions. As such, it is considered that the proposal is a low-carbon energy project.

If this is accepted by Members, it is clear that Strategy 39 supports such proposals within the open countryside in principle and as such there is no policy requirement for the site to be located within an existing built-up area boundary or within an existing industrial estate. Strategy 39 does however require an assessment of any visual impact and harm that is assessed further below.

Other policy

The NPPF is clear that it supports the transition towards a low-carbon economy. Paragraph 7 identifies this as one of the environmental aspects of sustainable development. Paragraph 14 identifies that one of the Core Principles for plan making and decision taking includes supporting a transition to a low carbon future by encouraging the use of renewable resources (for example, by the development of renewable energy). While the proposal is not a renewable energy source itself, as identified above it clearly encourages and supports the use of renewable energy generation.

The proposal would contribute to the capacity of the supply of electricity from renewables which is identified as an objective in the National Policy Statement for Energy.

Ofgem's 'Upgrading our energy system – Smart systems and flexibility plan' 2017 states that the Government and Ofgem are keen, where appropriate, to remove undue policy and regulatory barriers to the deployment of flexible technologies. It identifies that over 550MW of battery capacity is contracted (as of 2016) to come online by 2020 but that storage faces specific regulatory and policy barriers that may place it at a disadvantage to other forms of flexibility. It states that it wants storage to become a genuinely viable proposition in the energy system. To that end the paper states that the Government will review the planning regime to look at whether it could be simplified for storage facilities, including the national threshold for storage facilities and planning guidance associated with storage. Notwithstanding this it has been identified above that the Local Plan already supports this type of proposal in principle.

On 12 October 2017 the Government published its Clean Growth Strategy.

It confirms that it is investing £265 million of public funding between 2015 and 2021 in smart systems to reduce the cost of electricity storage, advancing innovative demand response technologies and developing new ways of balancing the grid. This is split between research, technological development and technology demonstration.

The Government's ambition is clearly spelled out on page 95 of the Strategy where it states:

We want a diverse electricity system that supplies our homes and businesses with secure, affordable and clean power. That means developing low carbon sources of electricity that are both cheap and clean, taking into account wider system impacts for all sources of generation. It also means upgrading our electricity system so it is smarter (using data to provide greater control), more flexible (providing energy when it is needed) and takes advantage of rapidly developing technologies such as energy storage.

By 2050, we anticipate that emissions from the power sector could need to be close to zero. Indeed, we may even see negative emissions – that is, greenhouse gases being removed from the atmosphere – from the sector if sustainable bio-energy and carbon capture and storage are used together. At the same time, many more people are expected to drive EVs, many homes and offices may have efficient electric heating and cooling, and more industrial sites could be powered by clean electricity. There are however alternatives to electrification, such as hydrogen, which could mean that electricity demand is more similar to today.

The Strategy references a particular example of co-locating a solar farm with a battery energy storage system. Clayhill solar farm and energy storage facility is the first in the UK to be built without subsidy. Consisting of over 30,000 solar panels, it can generate enough power for 2,500 homes. Five on site batteries allow electricity to be stored and utilised when needed, providing services for the electricity grid, such as frequency response. Co-locating storage at new renewable sites, combined with significant reductions in generation and storage technology costs, may allow more subsidy free sites to be built – providing services that help to maintain the reliability of the grid and clean electricity at low cost. The example quoted does not identify whether the power stored in the batteries comes directly from that solar farm or not but as is explained above, this is not a relevant test of Strategy 39, nor indeed does it make any difference in terms of the benefits of battery storage in terms of supporting renewables generation schemes. The ability to store excess power (usually from renewables) in the system as a whole is a benefit.

The Strategy provides a commitment by the Government, Ofgem and industry to implement the recommendations in the Smart Systems and Flexibility Plan published on 24 July, which it states will enable technologies such as energy storage to compete effectively in the energy market and help integrate more low carbon generation into the system, saving up to £40 billion by 2050.

Clearly the Government's ambition is that battery storage systems be deployed as a key element of developing a smart energy network that will deliver its climate change, economic objectives and a low carbon energy solution. This weighs in favour of the proposal.

Notwithstanding this it has been identified above that the Local Plan already supports this type of proposal in principle.

Landscape and visual Impacts

The applicant has submitted a Landscape and Visual Appraisal of the scheme. There is not sufficient evidence that the preparation of this has followed best practice and it is not a comprehensive report. However, there is no requirement to provide a specific level or type of information on this subject in relation to this application. The test is set out in Strategy 39 (and other policies) whereby the proposals have to satisfactorily address adverse impacts on features of environmental sensitivity, including any landscape and visual impacts. In addition it is necessary to firstly take appropriate steps in considering other options in relation to location, scale and design, for firstly avoiding harm and then reducing and mitigating unavoidable harm.

It is therefore relevant to question whether:

1. Have appropriate steps been taken in relation to (a) location, (b) scale and (c) design, in avoiding harm; and
2. Has unavoidable harm been reduced and mitigated?

In respect of site selection, the project has particular operating requirements, the most relevant being somewhere to connect the installation to the network which has the spare capacity for it to operate.

The entire Western Power Distribution below Bristol and Bath has a 3-6 year delay in offering any new connections points for high voltage systems (above 6.6kV or 11Kv). Therefore any new generating or storage systems have to make use of any remaining existing capacity for connections. A storage system also requires a different kind of connection to a renewables generating system as the power needs to flow both ways, otherwise known as 'symmetrical supply'. Proximity to a sub-station is important and there is a viable grid connection at Beechgrove Farm which is available for the proposed 25 year use.

The site is not located in an area designated for its landscape sensitivity, being in an area surrounded by but not in an Area of Outstanding Natural Beauty. It is considered to be more appropriate to search for a suitable connection point in a non-designated area such as this in advance of any sites within an AONB, as confirmed in a recent appeal decision at Land East of Wadbrook Farm (APP/U1105/W/16/3141816) relating to a 9.5 hectare solar farm. The Inspector suggested it was reasonable to exclude AONBs from consideration unless no suitable sites existed outside it.

The project needs to be relatively close to the point of connection to reduce factors such as physical, legal and cost issues becoming a barrier to deployment. As mentioned above, as Strategy 39 accepts the principle of the location of these facilities in the countryside, it would be very difficult to refuse planning permission on the basis that this facility could be located elsewhere on brownfield land (e.g. a business park or industrial estate).

The Council's Landscape Architect has advised that despite the shortcomings of the applicant's assessment that the revised plans present a suitable scheme in landscape terms as:

- The ridge height of the proposed development will not breach the skyline or the canopy line of existing trees within the site boundary.
- The scale of the development is similar to an agricultural barn [It is worth noting that under permitted development rights, and subject to a prior notification procedure, it would in theory be possible to erect an agricultural building on this site measuring 465m² in area (say 21m x21m), provided it were 25m from the road, up to a height of 12m, and after 2 years, another of the same scale].
- The industrial aspects of the development are located to the south-west of the propose barn building, where it will not be visible from public vantage points.

The revised design addresses the majority of the concerns previously raised by the Landscape Architect, however some planning conditions will still be necessary regarding planting plans, samples of materials and hard landscaping materials.

It should be noted that, as there is much agricultural activity in the area, there are other agricultural buildings of various scale in the vicinity, including those opposite the site at Pound Farm. In terms of the character and appearance of the site, the development will therefore not introduce a style of building that is alien to the local area, subject to agreeing suitable materials and finishes (proposed to be vertical timber boarding and grey roofing).

The site lies adjacent to an operational solar farm and it is therefore considered appropriate to consider any cumulative impacts. The type of development is very different in nature to a solar farm, occupying a relatively small portion of land and having the appearance of a building atypical of a rural setting. Therefore while the addition of a building and other infrastructure on the site will of course introduce more built development into the landscape, the cumulative effects are considered to be minimal and not to an extent that could justify refusal of planning permission. The views of the site are limited to those experienced immediately adjacent to it, with some longer views potentially possible during winter months when there is less natural cover. However this is not different to any other building in the countryside and being able to see a development does not necessarily equate to harm.

The building is of a scale necessary to accommodate the proposed storage facility. As no overriding harm in terms of visual or landscape impact has been identified there is no justification to seek a reduction in scale of the building. The position of the building has been altered to alleviate some harm that the Landscape Architect initially identified. The finishes of the building have also been altered.

Taking the above into account it is considered that appropriate steps have been taken in relation to the location, scale and design of the development to avoid harm. The harm that was originally identified by the Landscape Officer is considered to have been mitigated by the landscaping proposals, subject to the planning conditions suggested.

The proposal therefore complies with the criteria to Strategy 39.

Pollution

The development involves the provision of air conditioning units, which have the potential to generate noise when operating. The Council's Environmental Health officer has advised however that the units are not expected to lead to unacceptable harm in this respect. It is recommended that Construction and Environmental Management Plan is required via condition to govern acceptable construction practices in order to protect nearby residents' amenity and other matters including water quality (noting objector's concerns regarding potential pollution of local water sources).

Many concerns have raised by objectors to the potential contamination of local drinking water supplies. The NPPG advised that water quality is only likely to be a significant planning concern when a proposal would:

1. involve physical modifications to a water body such as flood storage areas, channel diversions and dredging, removing natural barriers, construction of new locks, new culverts, major bridges, new barrages/dams, new weirs (including for hydropower) and removal of existing weirs; and/or
2. indirectly affect water bodies, for example,
 - a) as a result of new development such as the redevelopment of land that may be affected by contamination, mineral workings, water or wastewater treatment, waste management facilities and transport schemes including culverts and bridges;
 - b) through a lack of adequate infrastructure to deal with wastewater.

The proposal clearly does not involve criterion 1 or 2 (a) but could potentially involve 2 (b). The scheme is not expected to produce wastewater other than surface-water runoff.

Policy EN18 of the Local Plan requires developers to take appropriate measures to ensure that development does not adversely affect the quality or quantity of either surface or groundwater. Development that would result in adverse impacts or potential for pollution will be restricted within Source Protection Zones.

It is noted that the site is not designated as a Source Protection Zone. The Environment Agency's maps indicated that the sit lies on a Major Aquifer of Intermediate Vulnerability.

The principal objector on this matter is reportedly a highly qualified and experienced consultant with extensive knowledge of hydrogeological matters. In the objection it is suggested that it would be more appropriate to have impermeable foundations below the external equipment to capture and convey any runoff to dedicated holding tanks for testing, treatment and if necessary off-site disposal, or to contain this plant within bunded structures, with sumps routinely emptied to tankers for off-site disposal.

However, on some level it is a reasonable assumption to make that the electrical plant and equipment sited externally is weather proof and does not permit water to flush through it, given the perhaps obvious fact that water must be kept separate from electronic equipment if it is to function properly. The likelihood of hazardous material leaching from the plant is not considered to be high.

In the eventuality of a malfunction of the equipment or an accident likely to lead to hazardous materials being released it is considered appropriate, noting the advice above to install some form of bunding to deal with such a situation. This should not be an onerous burden on the developer. It is therefore recommended that a condition is imposed requiring the submission of full engineering details of how this is to be achieved.

There is also concern regarding the potential for fires in the battery barn flushing out hazardous materials when the proposed fire suppression system operates.

The automated system will react and extinguish fires before they can develop. A clean agent will be used to extinguish fires. The nature of the operation of the site is that it would be monitored and operated remotely. The installation of such a facility is a significant expense and there are multi-layered safety systems built into not only the battery modules and cells but also the system as a whole and its connection to the grid. The system is certified to grid connection standards with electrical fault protection; the batteries and associated components are tested to relevant standards; batteries are monitored remotely by a battery management system to continuously monitor voltage, current, temperature and to automatically disconnect if necessary; the lithium cells are certified to strict lithium cell safety standards.

The battery management system will take action, if necessary, to prevent unsafe operation. While no details of the type of fire suppression systems proposed or any containment facility engineered into the building is available at this time, this could be required by condition if deemed necessary, although Members will note that the Environment Agency has stated that its Groundwater and Contaminated Land team have no concerns regarding the application and as such it is not considered that a condition is necessary.

Surface Water Drainage

A number of concerns have been raised by objectors in respect of surface-water runoff in relation to the proposal. Devon County Council's Flood and Coastal Risk Management Team, despite not being a statutory consultee, has offered advice in respect of the proposals.

The information submitted initially was not considered acceptable but the proposed surface water drainage scheme have been revised to a point where it is understood that DCC is satisfied that it will work satisfactorily. Subject to the imposition of the conditions recommended the proposals is considered acceptable in this respect.

Highways

The development would require the provision of a temporary construction access from Wareham Road (avoiding the need to remove hedgerow on the Pound Road entrance) and a temporary access track across the field to the site. This would be removed once the development has been installed and the field returned to pasture.

The development is expected to take 10-12 weeks to construct with an average of 3-4 vehicles visiting a week. Service access will be from Pound Road and service visits are expected to be infrequent. The impacts from construction traffic and during operation are not expected to be severe and it is noted that the highway authority has not raised any objections to the scheme.

Biodiversity

There are no designated areas around or near to the site for their biodiversity interests. A phase 1 ecological survey of the site (in relation to the concurrent planning application) has been carried out.

This has identified that the site is of low ecological value but is bounded by hedgerows which habitats of principal importance and also have potential to be used by and/or support various protected species including foraging/commuting bats, nesting birds, dormice, common reptile species and other species including hedgehogs, harvest mice and toads. However these are to be retained and therefore no long term impact on these species is expected. Badgers pass through the site but it is expected that mitigation can alleviate impacts.

The survey recommends a range of mitigation measures to enhance biodiversity and to protect badgers, as set out in Appendix 4. It is recommended that a condition is applied to ensure that these are carried out in the interests of conserving and enhancing biodiversity.

Agricultural Land Quality

The Best and Most Versatile Agricultural Land (BMV) is classed as grade 1 -3a. The site is Grade 3 agricultural land but it is not known if it is grade 3a or 3b (the latter not being BMV land). However, the area of land occupied by the proposed development is relatively modest in scale. Grade 3 land is the most common in Devon and proportionally the development would result in very modest loss. Accordingly, it is not considered that this loss would carry much weight in the planning balance.

Impact upon Heritage Assets

There is a grade II listed building approximately 300m to the north east of the site. As this building is located 300m from the site across a large field, and given the design of the proposal and proposed landscaping, it is not considered that the proposal will harm the setting of the listed building.

Conclusion

The proposal is for a battery storage scheme, to be housed in a building designed to look similar to an agricultural building, and associated infrastructure. The proposed location for the development is in the open-countryside and adjacent to existing solar farm development. The site has no landscape designations.

The development meets the definition of 'low-carbon energy projects' as defined in the Local Plan and is therefore permissible in principle in a rural location. The development will assist in maximising benefits from existing renewable energy schemes by providing a means of storing excess power that is generated from renewable sources at times when otherwise such generation would be curtailed (i.e. switching off wind turbines). It would also enable (along with other storage schemes nationally) the deployment of more renewables as part of the energy mix, which would further reduce the carbon footprint of the economy, a key Government objective.

The location of the site provides a good level of screening in the summer and while more extensive views of the development would be possible in winter, the views would be of a building that would not look out of place in a rural setting. Further landscaping is proposed to mitigate what limited visual impacts there are.

The risk of pollution from the construction and operation of the installation is minimal and any residual risks can be minimised by engineering solutions.

The site is of little biodiversity interest but the proposal offers some mitigation in respect of badgers and also modest enhancements through the planting of native species hedgerows and trees.

Equally there are no impacts on heritage assets associated with the development.

The surface water-drainage arrangements are considered acceptable subject to the imposition of conditions to agree specific details.

On balance, the proposal is considered to be acceptable. Strategy 39 requires a condition that all equipment be removed from the site and the land restored to its former condition if the project ceases in the future. Although the visual impact upon the landscape interests identified above is considered to be limited, it is considered appropriate to use such a condition to remove the proposal when there is no longer a requirement for the installation.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. A Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.
(Reason - To ensure that the details are agreed before the start of works to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the East Devon Local Plan 2013 to 2031.)

4. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.
(Reason - To ensure that any contamination existing and exposed during the development is identified and remediated in accordance with Policy EN16 – Contaminated Land of the East Devon Local Plan.)
5. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. 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.
(Reason - To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible in accordance with Policy EN22 – Surface Run-Off Implications of New Development of the East Devon Local Plan.)
6. 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 informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the [Document Name] (Report Ref. [Document Reference], Rev. [Document Revision], dated [Document Date]).
(Reason - To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems in accordance with Policy EN22 – Surface Run-Off Implications of New Development of the East Devon Local Plan.)
7. The temporary construction access track shall be removed once the installation becomes operational and the land restored to its former condition, in accordance with details that shall have previously been submitted to, and agreed in writing by, the local planning authority.
(Reason - In the interests of the character and appearance of the area, in accordance with Policy D1 and Strategy 46 of the East Devon Local Plan 2013 to 2031.)
8. No external artificial lighting shall be installed during the operation of the site without the prior written agreement of the local planning authority.

(Reason - To minimise the potential for pollution and disturbance to local amenity and wildlife in accordance with policies D1, D2 and EN5 of the East Devon Local Plan 2013 to 2031.)

9. Within six months following a permanent cessation of power storage and transfer the development hereby approved shall be dismantled and removed from the site. The owner shall notify the local planning authority in writing no later than five working days following cessation of power storage and transfer. The site shall subsequently be restored in accordance with a scheme, the details of which shall be submitted and approved in writing by the local planning authority no later than three months following the cessation of power storage and transfer.

(Reason - To ensure the achievement of satisfactory site restoration in accordance with Strategy 39 of the East Devon Local Plan 2013 to 2031.)

10. 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 hardsurfacing, 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.)

11. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

12. The development hereby permitted shall be carried out in accordance with the recommendations set out on in Appendix 4 of the Preliminary Ecological Appraisal Report April 2017 (Version 001).

(Reason - In the interests of biodiversity in accordance with policy EN5 of the East Devon Local Plan 2013 to 2031.)

13. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted

to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.
 (Reason - To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development in accordance with Policy EN22 – Surface Run-Off Implications of New Development of the East Devon Local Plan.)

Plans relating to this application:

R00_SG : CABLE CROSS	Sections	30.05.17
R00_SG : ACCESS CROSS	Sections	30.05.17
R00_SG : TIMBER LANDS. FENCING	Other Plans	30.05.17
R01_SG : GROUND FLOOR	Proposed Floor Plans	30.05.17
R00_SG : TRANSFORMER FENCE/GAT	Other Plans	30.05.17
R00_SG : DNO SUBSTATION	Proposed Elevation	30.05.17
R00_SG: BLOCK (2)	Block Plan	07.06.17
2-R07_SG : TOPO PLAN (2)	Amended Plans	24.07.17
1-R07_SG : TOPO PLAN (1)	Amended Plans	24.07.17
R05_SG : SITE LOCATION	Amended Plans	24.07.17
R01_SG : SITE PLAN	Amended Plans	24.07.17
2500-R01_SG : SITE LAYOUT	Amended Plans	24.07.17

2-R01_SG : ELEVATIONS (2)	Amended Plans	24.07.17
1-R01_SG : ELEVATIONS (1)	Amended Plans	24.07.17
R03_SG : SITE CROSS SECTION	Amended Plans	24.07.17
R01_SG : ROOF PLAN	Amended Plans	24.07.17
R01_SG : O+M SWEPT PATH ANALYSIS	Additional Information	24.07.17
R01_SG : CONSTRUCTIO N SWEPT PATH	Additional Information	24.07.17
R01_SG : CABLE ROUTE PLAN	Additional Information	24.07.17
1-R05_SG : BLOCK PLAN	Amended Plans	24.07.17
R-R01_SG : BARN ELEVATIONS (1)	Amended Plans	24.07.17
2-R01_SG : BARN ELEVATIONS (2)	Amended Plans	24.07.17
3002 C : SUDS LAYOUT	Additional Information	05.10.17
164_PP_01 C	Amended Plans	04.10.17

List of Background Papers

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

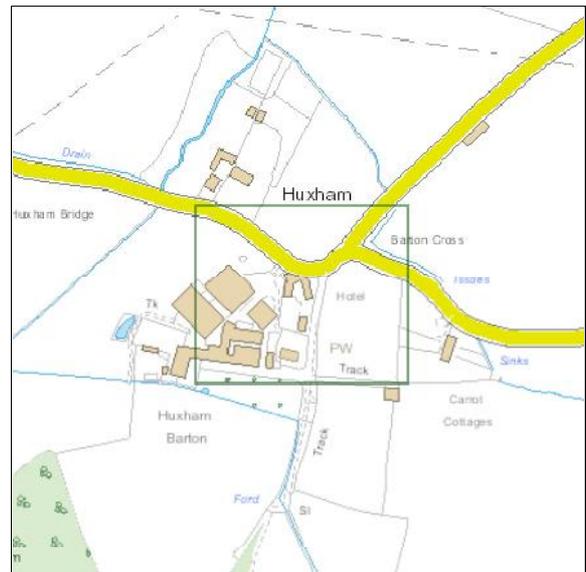
Ward Exe Valley

Reference 17/1219/COU &
17/1994/VAR

Applicant Mrs Hamilton

Location Barton Cross Hotel Huxham Exeter EX5 4EJ

Proposal Conversion of hotel/restaurant to a dwelling.
Variation of condition 2 of planning permission
97/P1542 (cottage for hotel manager) to allow
its use as annex or holiday accommodation in
association with the property formally know as
The Barton Cross Hotel as a private
dwellinghouse.



RECOMMENDATION: Approval - standard time limit

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		Committee Date: 31st October 2017
Exe Valley (HUXHAM)	17/1219/COU	Target Date: 25.08.2017
Applicant:	Mrs Hamilton	
Location:	Barton Cross Hotel Huxham	
Proposal:	Conversion of hotel/restaurant to a dwelling	

RECOMMENDATION: Approval

		Committee Date: 31.10.2017
Exe Valley (HUXHAM)	17/1994/VAR	Target Date: 13.10.2017
Applicant:	Mrs Hamilton	
Location:	Managers Cottage Barton Cross Hotel	
Proposal:	Variation of condition 2 of planning permission 97/P1542 (cottage for hotel manager) to allow its use as annex or holiday accommodation in association with the property formally know as The Barton Cross Hotel as a private dwellinghouse.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as is represents a departure from the adopted development plan.

This application relates to two related applications: conversion of a vacant hotel to a dwelling and variation of a condition to allow the managers accommodation to be used as an annexe or holiday accommodation.

The site lies outside of any recognised built up area boundary situated close to the settlement of Huxham but located in the open countryside. It currently

comprises a large detached two storey grade II listed building which is not currently in use as the former hotel/restaurant use has now ceased.

There are no policies within the adopted East Devon Local Plan that would facilitate the change of use of the hotel into a dwelling, therefore the application represents a departure from the Local Plan and it must be considered whether there are any material considerations that would enable the proposal to be supported.

The property has been marketed widely with reductions in price but without success since October 2015.

Paragraph 55 of the NPPF facilitates isolated homes but only in exceptional circumstances within the open countryside and sets out a range of special circumstances including where the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets. It is under this that the proposal can be supported in principle.

The optimum viable use may not necessarily be the most profitable one. It might be the original use, but that may no longer be economically viable or even the most compatible with the long term conservation of the asset. It is clear from its location that any employment generating use would not be preferable within such an unsustainable location. In this instance there is little doubt that a subdivision for holiday accommodation purposes would inherently lead to similar impacts on the historic fabric as the existing hotel use and generate on-going revenue for the owners and the wider economy through holiday expenditure. However, a local property consultant has advised that due to its location away from the sea it would not be a particularly viable option given the current economic climate and marketing of the property has not resulted in any interest for this.

A minimal number of changes to the historic fabric are required to change the use of the hotel as internally the layout suits a residential conversion. Externally no physical changes would be required. As the proposal will be in the best interests of the future of the listed building, its conversion to a residential dwelling is supported despite its remote location away from a range of services and facilities.

The use of the ancillary building for annexe/holiday accommodation purposes accords with Local Plan policy and will enable former manager's accommodation to be brought back into use.

In light of the above and given no harm to the listed building, residential amenity and highway safety, both applications are supported.

CONSULTATIONS

Exe Valley – Cllr S Grundy

I visited the applicant Mrs Hamilton on 13 October 2017 and she gave me a tour of the hotel. The “manager’s cottage” is actually a 3-4 bedroom house of modern construction that Mr & Mrs Hamilton had built for themselves to provide a separate living space outside the hotel. They ran the hotel together. Mr Hamilton died earlier this year and Mrs Hamilton closed the hotel in February because she was unable to run it alone; she had to make the 2 staff, the chef and a housekeeper, redundant, and cancel all the bookings. The empty hotel is now a burden of maintenance, heating costs and worry.

So what Mrs Hamilton would like to do now is to sell the property (house and hotel), make a clean break and move on. Since the hotel has been judged by her property advisers as unmarketable as an 8-bedroom hotel, she is forced to seek planning consent for change of use to something that is marketable. A further complication is that the hotel is grade 2 listed: I have no idea why. The most obvious alternative is to convert it back to a private dwelling. It was originally 3 cottages, converted to a restaurant, then converted to a hotel with the addition of 4 bedrooms in a new ‘wing’; the main lounge (currently the bar) and the main dining room would convert back to equivalent rooms in a private dwelling without structural changes that violate the grade 2 listing. The 4 bedrooms in the ‘new wing’ could be used e.g. for bed & breakfast, or to accommodate another generation of a large family. Since such a large house would be expensive to run, it would be entirely reasonable to run the ex-manager’s house as a holiday let.

My recommendation is approval: that Mrs Hamilton should be given the planning consent that she has applied for in order to sell up (house and hotel) and move on.

These comments are not tied closely to planning law and guidelines, but are complementary to the officers’ report, and seek to explain the background and the underlying situation.

Other Representations

1 letter of support has been received welcoming the re-use of a focal building within the parish into an active use.

PLANNING HISTORY

Reference	Description	Decision	Date
97/P1542	Cottage For Hotel Manager	Approval with conditions	02.03.1998

POLICIES

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

TC2 (Accessibility of New Development)

EN9 (Development Affecting a Designated Heritage Asset)

TC7 (Adequacy of Road Network and Site Access)

D1 (Design and Local Distinctiveness)

D8 (Re-use of Rural Buildings Outside Settlements)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Site Location and Description

The site is located in Huxham and is a Grade II listed building with a road frontage that was formally in use as a hotel and restaurant. The site is outside of any built-up area boundary and in a location that is remote from a range of services and facilities.

Proposal

This report covers two related applications.

The first application is for a change of use of the hotel and restaurant to a single dwelling with 8 bedrooms. There are no internal or external alterations proposed.

The second application is for a variation of condition to the managers cottage to allow its use as an annexe or holiday accommodation in association with the change of use of the hotel to a dwelling.

ANALYSIS

The main considerations in the determination of this application are the principle of the proposed development, the use of the ancillary building, the impact of the proposal on its surroundings, impact on the setting of the listed building and impact on highway safety

Principle

The proposal seeks planning permission to change the use of the former hotel to a single dwelling house, with associated curtilage. The application site is situated outside a recognised built up area boundary distant from services and facilitates

required for daily living, furthermore there are no suitably lit footways for access to services in the nearby settlement of Huxham and the site is not served by any public transport.

In line with Strategy 7 and Policy TC2 of the East Devon Local Plan the proposal is considered to take place in an unsustainable location. The applicant's agent contends that whilst the site is in an unsustainable location, the number of traffic movements associated with the proposed use would be a reduction over the existing lawful use where staff and deliveries far outweighed the normal domestic generated trips.

There are no policies within the adopted East Devon Local Plan that would facilitate the change of use of the hotel into a residential property. Policy E18 only seeks to resist the loss of holiday accommodation in the principle tourist resorts of Exmouth, Budleigh Salterton, Seaton and Sidmouth and sets out the evidence that will be required, where a change of use is proposed, to demonstrate that there is no longer a need for such uses. However, the pre-amble to the policy advises that elsewhere in the district holiday accommodation is essential to maintain a viable tourism base, that the loss of holiday accommodation (including hotels) will generally be to the detriment of the tourism appeal of the district and their loss will be discouraged. Accordingly, a case can be made to justify refusal of planning permission for the change of use. However, it must be considered whether there are any material considerations that would facilitate the proposed development.

Confidential details relating to the marketing of the property have been submitted with the application which indicate that the property has been marketed since October 2015 up until the point the application was submitted. During this time the asking price has been reduced significantly and the property has been very widely marketed but without interest. This weighs in favour of the proposal.

Paragraph 55 of the NPPF facilitates isolated homes but only in exceptional circumstances within the open countryside and sets out a range of special circumstances including where the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.

The NPPG explains what is a viable use for a heritage asset and how it should be taken into account in planning decision. This explains that if there is only one viable use then that use is the optimum viable use. If there is a range of alternative viable uses the optimum use is the one likely to cause the least harm to the significance of the asset - not just through necessary internal changes but also as a result of subsequent wear and tear and likely future changes.

The optimum viable use may not necessarily be the most profitable one. It might be the original use, but that may no longer be economically viable or even the most compatible with the long term conservation of the asset. It is clear from its location that any employment generating use would not be preferable within such an unsustainable position. In this instance there is little doubt that a subdivision for an alternative holiday purpose would inherently lead to similar impacts on the historic fabric as the existing hotel use but generate on going revenue for the owners and the wider economy through holiday expenditure. However, a local property consultant has advised that

due to its location away from the sea it would not be a particularly viable option given the current economic climate and this is supported by the marketing information. It is understood that historically the building may have been used as a single dwelling but at some point this ceased and the building was then used as a hotel. As planning permission is now needed for the creation of a dwelling it must be considered under current planning policy, including paragraph 55 of the NPPF.

A minimal number of changes to the historic fabric are required as internally the existing layout lends itself to being used as a dwelling. Externally no physical changes would be required. The guidance makes it clear however that from a conservation point of view there is no real difference between viable uses then the choice of use is a decision for the owner. In this instance it is conceded that a separate residential use could, under para 55, be facilitated as this is the optimum use for the listed building and the most likely use to protect the future of the heritage asset.

As a result the proposal is considered to provide special circumstances, together with the fact that the marketing indicates that the current use is unviable, to accord with paragraph 55 of the NPPF, accordingly the application has been advertised as a departure from the development plan and is supported in principle as the best use to secure the future of the listed building.

Ancillary building

The ancillary building in the curtilage of the hotel subject of the second application is currently used as a manager's cottage (and is conditioned to only be used in connection with) for the Huxham Cross Hotel. If the application for the residential use of the hotel is granted, the managers building would no longer be able to be lawfully occupied (as there would be no hotel) and therefore a policy compliant alternative use must be considered for the ancillary building.

Policy D8 of the Local Plan requires the conversion to be undertaken without substantial alteration, extension or reconstruction of the buildings. In this instance there would be no operational development proposed or alterations to the existing building, purely a change in the use to allow for holiday accommodation alongside use as an annexe which would both be ancillary to the use of the former hotel as the main dwellinghouse which is considered acceptable in principle providing the impacts of the proposed change of use are acceptable in relation to other policies contained in the development plan.

The proposal would comply with Policy E16 that supports the conversion of existing buildings in the countryside to holiday accommodation.

Impact on surroundings

The site lies in the open countryside, it is surrounded by mature trees and whilst visible from the passing country highway, with no external changes to either building it is considered that they would not impact unreasonably on their immediate or wider distance surroundings.

There are no neighbouring properties in close proximity to the buildings that would be impacted upon as a result of the proposal.

Impact on the setting of the listed building

Under Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) there is a duty imposed on Local Planning Authorities to pay special regard to preserving the setting of the listed building when considering applications which affect it.

There would be no alterations to the curtilage of the hotel required to facilitate use as a single dwelling house with associated ancillary annexe/holiday accommodation, therefore in terms of setting the proposed use(s) would create no harm over and above the existing use.

The impact on the fabric of the listed building would need to be considered separately in a listed building consent application although few alterations are required as the building lends itself to residential use as a single dwelling.

Impact on highway safety

It has already been discussed that the site lies in a remote location, however, the technical aspects of the access are required to be considered.

The site is served by a dedicated access from the country highway, the lawful use as a hotel and restaurant generated a not insignificant volume of traffic on a daily basis. The level of traffic for a dwelling and ancillary annexe/holiday use would more than likely be less than that which was associated with the lawful use when the hotel and restaurant were open and used to capacity. The access drive accesses onto a lightly trafficked country highway where there is adequate visibility from and of emerging vehicles.

Therefore, notwithstanding the unsustainable location, the access and number of traffic movements are considered to be acceptable in accordance with Policy TC7 of the East Devon Local Plan.

Conclusion

The hotel and restaurant have now closed and the property marketed without success.

Despite the lack of policy support in the adopted Local Plan, the proposal can be supported as it accords with paragraph 55 of the NPPF in terms of the proposal for the change of use of the building to a dwelling representing the optimal use in terms of securing the future of the heritage asset.

With regard to the managers cottage, use of this ancillary to the main house and for holiday accommodation accords is acceptable and would accord with Local Plan policy.

RECOMMENDATION 1

Application 17/1219/COU

APPROVE subject to the following conditions

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

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

B	Proposed Combined Plans	30.06.17
	Location Plan	23.05.17
1:500	Proposed Block Plan	23.05.17

RECOMMENDATION 2

Application 17/1994/VAR

APPROVE subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

3. The unit of accommodation hereby approved:
 - (i) shall be occupied for holiday purposes or for purposes ancillary to the use of the dwelling house including for use as an annexe;
 - (ii) shall not be occupied as a person's sole, or main place of residence (unless a dependent family member in the case of use as an annexe);
 - (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the holiday accommodation and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.
 - (iv) shall only be operated and serviced in conjunction with the occupation of the adjacent dwelling formerly known as The Former Barton Cross Hotel.

(Reason - To ensure that the accommodation hereby permitted may not be used as a separate dwelling in this open countryside location where new development is restricted in accordance with Policies TC2 (Accessibility of New Development) D8 (Re-use of Rural Buildings Outside Settlements), and Strategy 7 (Development in the Countryside) of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

Location Plan	18.08.17
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List of Background Papers

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

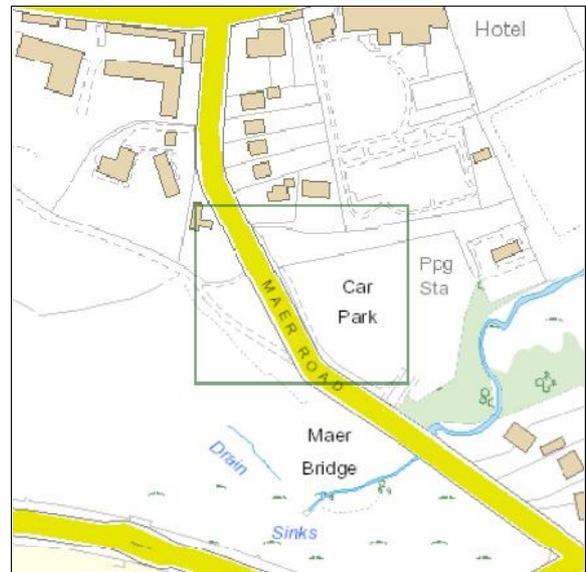
Ward Exmouth Littleham

Reference 17/1755/FUL

Applicant Mr Hal Furneaux-Gotch

Location Car Park Maer Road Exmouth

Proposal Construction of new vehicle and pedestrian access at the north west corner of existing pay and display car park (to include construction of pedestrian refuge)



RECOMMENDATION: Approval with conditions



		Committee Date: 31st October 2017
Exmouth Littleham (EXMOUTH)	17/1755/FUL	Target Date: 04.10.2017
Applicant:	Mr Hal Furneaux-Gotch	
Location:	Car Park Maer Road	
Proposal:	Construction of new vehicle and pedestrian access at the north west corner of existing pay and display car park (to include construction of pedestrian refuge)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the site is owned by EDDC and a letter of objection has been received. The proposal is for the construction of a new access into Maer Road Car Park.

The new access is required to improve the ability of larger vehicles to access and make use of the car park. It is not considered the proposal would cause any adverse impact visually and in terms of the amenity of surrounding residents, whilst larger vehicles will be able to access the site it will remain a car park and as such any additional impacts will be minimal.

The Highways Authority do not raise an objection to the proposal and the application is recommended for approval.

CONSULTATIONS

Local Consultations

Town Council
No objection

Technical Consultations

Devon County Highway Authority

I visited this site on Tuesday 3rd September 2017. The scheme plans show a junction access of a tactile crossing, one lane in and one lane out, together with a barrier system which has been subjected to swept path tests for the subsequent use of the proposed coaches. I find this swept path analysis acceptable.

The visibility envelope for this new access will require a visibility splay appropriate to 30mph, this being a foresight distance of 43m, which can be founded in this location mostly by utilising the new bell-mouth of the junction and the existing footway on either side of the new access, however a short distance of 5m hedge line will need to be lowered to a height of 600mm both north and south of the tactiles.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. Ensure that a visibility envelope of 43m can be met through the design of this project.

Other Representations

One letter of objection raising concerns of:

- This will increase noise levels to our property and those around the area.
- The drawings do not show how a vision splay can be achieved without complete removal of the whole hedge which will give the area a much reduced appeal next to a nature reserve.
- Please could highways show how the required vision splays can be achieved and safely operate near the bend and with the existing driveways which are not shown on the plans.
- The introduction of coaches will no doubt lead to noisy diesel engines left running for long periods of the day resulting in added air pollution and noise pollution.
- Cannot see why the existing entrance cannot be re-worked to provide the access required as this is an established entrance and exit with no apparent problems.

PLANNING HISTORY

Reference	Description	Decision	Date
14/0158/FUL	Installation of 2 no metal storage containers to house Exmouth Land Train.	Approval	02.04.14

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

TC7 (Adequacy of Road Network and Site Access)

Strategy 6 (Development within Built-up Area Boundaries)

Site Location and Description

Maer Road car park is a large surface public car park at the eastern end of the Exmouth sea front. It is accessed off Maer Road and bordered on most of its perimeter by a variety of trees and hedgerows. There is a pumping station in the north-eastern corner of the site with the closest residential properties to the north-west. The car park is used for the storage of the Land Train.

Proposal

It is proposed to construct a new access to the west of the existing car park entrance. The Council's Estates Team have clarified the requirement for the access because:

- Existing access is unsuitable for larger vehicles such as coaches due to the changes in gradient and width.
- It was considered altering the existing access, but it was ruled out as it's within the flood plain (and therefore flood plain compensation may of been required), and as it would be difficult to construct whilst keeping the car park open.

A number of alternatives were considered, but the proposed location was selected as:

- It meets the requirements for visibility,
- It is outside the flood plain,
- The road is almost level with the car park at that point.

The existing entrance way will be closed once the new entrance is operational.

ANALYSIS

The main considerations relate to visual amenity, noise concerns and highway safety.

In visual terms, it is considered that the access would be read in the context of the existing car park and it is not considered that any visual harm would occur. The proposed plans show the retention of hedgerows either side of the access and it is also considered that compensatory planting can be provided as part of the works for the closure of the existing access. There is a tree in the access but it is not protected, and it is considered that the proposal would provide benefits which outweigh the loss. Given the benefits of the proposal and its location, it is considered that any visual impact would be acceptable.

A letter of objection has been received raising concerns with noise and the introduction of coaches leading to noisy diesel engines left running for long periods of the day, resulting in added air pollution and noise pollution. However, the position and layout of the car park will not change and vehicles can currently park wherever they like in the car park. It is also relevant that there is a separation distance of around 30m to the boundary of the residential properties to the north with planting between. Given this, and given the existing use as a car park, an objection could not be sustained in terms of noise and air pollution.

In highway safety terms the proposal is considered to offer adequate visibility splays. The splays required would be 43m x 2.4m for a 30mph speed limit. The access has been supported and agreed with the Highway Authority.

Conclusion

The proposal will provide an improved alternative access with closure of the existing access.

Given that the access serves an existing car park, is located a suitable distance from the nearest residential properties with no objection raised by the Highway Authority, the proposal is supported.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Prior to first use of the new access hereby approved the existing access shall be closed in accordance with details submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
(Reason – In the interests of highway safety in accordance with policy TC7 (Adequacy of Road Network and Site Access) and in the interest of visual amenity in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan).
4. Visibility splays at a foresight distance of 43m shall be provided at the new entrance with no obstructions within the visibility splay greater than 600mm at any time.
(Reason – In the interests of highway safety in accordance with policy TC7 (Adequacy of Road Network and Site Access) and in the interest of visual amenity in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan).

Plans relating to this application:

34235-HL-01	Other Plans	24.07.17
REV P01		

List of Background Papers

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

Ward Exmouth Withycombe Raleigh

Reference 16/2848/MFUL

Applicant Exmouth Trade Frames Ltd

Location Doyle Centre Norton Place Exmouth EX8 2ND

Proposal Demolition of building and construction of 10no dwellings



RECOMMENDATION: Refusal



		Committee Date: 31 October 2017
Exmouth Withycombe Raleigh (EXMOUTH)	16/2848/MFUL	Target Date: 14.03.2017
Applicant:	Exmouth Trade Frames Ltd	
Location:	Doyle Centre Norton Place	
Proposal:	Demolition of building and construction of 10no dwellings	

RECOMMENDATION: REFUSAL

EXECUTIVE SUMMARY

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

The application seeks planning permission for 10 detached dwellings on the site of the Doyle Centre which is within the built-up area boundary of Exmouth. The Doyle Centre site was formerly used as a social care centre for people with learning disabilities and as office accommodation for health and social care staff by Devon County Council. Until its closure in 2013, the site offered active employment generating use under DCC as offices and the social care centre for a considerable period of time. Its lawful use is therefore considered to be for social care uses and those which fall within D1 (Non Residential Institutions) of the Use Classes Order and B1 (Office) uses.

Whilst the site isn't an allocated employment site within the Local Plan, Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the Local Plan is designed to prevent the loss of current employment land or community facilities unless options for retention of the site or premises for its current or similar use have been fully explored without success for at least 12 months and there is a clear demonstration of surplus supply of land or provision in a locality.

It is not considered that it has been demonstrated that the site has been marketed robustly and effectively for employment and commercial use for a minimum of 12 months. The supporting information that has been submitted by the applicants has been rigorously assessed and the Council's Economic Development Officer has questioned the lack of information pertaining to the methodology used by the surveyor in arriving at a valuation for the site, the lack of information about the nature of enquiries for employment generating or community uses for the site,

evidence of sales and marketing information that has been put forward which points at it being marketed on the basis of a too narrow range of potential uses, and the assertions that there is no employment need and demand in the locality. These concerns are shared by officers.

Whilst the application is considered to be acceptable in terms of its design and impact on the character and appearance of the area, the impact on residential amenity of adjoining occupiers, highway safety, impact on trees, and flood risk, it would result in the loss of an employment/community site and officer's consider that insufficient evidence has been submitted to justify its removal from making a meaningful contribution to job creation and/ or community uses. On this basis it is considered that the proposal runs contrary to the provisions of Strategy 32 of the Local Plan and the application is therefore recommended for refusal on this basis.

CONSULTATIONS

Local Consultations

Exmouth Withycombe Raleigh - Cllr B Bailey
No objections

Parish/Town Council
Meeting 09.01.17

Objection on the grounds that the application was contrary to the adopted Local Plan which designated the land for employment use B1 & D1 and no evidence had been provided for marketing the land for business use in order to support this change of use.

Further comments: Meeting 31.07.17

Continued to object on the grounds that to approve this application would be a departure from the approved EDDC Local Plan and set a precedent for future sites. Members felt that the land had not been robustly marketed and it was too easy to conclude that the land should be given over to residential use.

Further comments: Meeting 30/8/17

Objection as the Town Council have continued to object to this application on the grounds that to approve the application would be a departure from the East Devon Local Plan which designated the land for employment use and that the land had not been robustly marketed (the previous owner's marketing details stated that 'the current buildings have Use class D1 use', they did not state the B1 use nor that part of the adjacent land was allocated for employment use) and it was too easy to conclude that the land should be given over for residential use.

Technical Consultations

Economic Development Officer

09.01.2017

Planning Consultation Response - Economic Development: 16/2848/MFUL
Demolition of existing Doyle Centre (B1 and D1 use Class) and construction of 10 residential dwellings

Economic Development

We have reviewed all application documents. Our main observations:

- Until its closure in 2013, the site offered active employment generating use under DCC as offices and the social care centre for a considerable period of time.
- The agent holds that the site is not designated for employment land. It should be understood that the permitted use classes on site are B1 employment and D1 community use (also employment generating). As such, it is still subject to Local Plan Strategy 32.
- We have not been presented with evidence of a robust and effective marketing strategy for the site under its permitted B1 and D1 use. This is a requirement prior to any COU away from employment generating uses and is especially important when there is evidence of unmet local demand for such workspace.
- We have a responsibility to protect the existing active employment within the units immediately adjacent to (east of) the application site. Any noise complaints from new residential occupiers will adversely impact these neighboring businesses (inc. engineering and construction) since the costs of any future mitigations will be their burden. If mitigation is not possible, enforcement could see the businesses cease to operate. Preserving the current permitted use class would avoid this conflict.

Economic Review:

The proposed residential development will do nothing to provide sustainable employment in Exmouth.

Given the evidenced demand for employment premises in and around Exmouth, our position would be to promote a sustainable economic use for this employment generating site.

Evidence of demand:

The economic development team has recently analysed enquiry data from the Exeter & Heart of Devon (EHOD) Commercial Premises Register to inform a review of employment space demand in Exmouth.

From this dataset, we are able to identify the volume of registered user enquiries/premises views by postcode and specifically in Exmouth. We can also report the number of downloads of sales/lettings particulars for individually listed employment premises. This data is strongly indicative of demand and commercial interest.

An enquiry report was produced in 2016 demonstrating healthy levels of enquiry for employment premises in Exmouth which are summarised below (Fig. 1). Coupled with reports of significant employment space demand provided by a number of commercial agents and developers in Exmouth, this lends added weight to the argument for maintaining the B1 office and D1 employment generating use of the current application site.

Marketing Strategy Guidance Prior to COU:

The applicant has not presented evidence of a robust and effective marketing strategy for the site under its permitted B1 and D1 use. This is contrary to adopted Local Plan Strategy 32. This holds that permission will not be granted for the loss of employment uses unless options for retention of the site or premises for its current or similar use have been fully explored without success for at least 12 months (and up to 2 years depending on market conditions) and there is a clear demonstration of surplus supply of land or provision in a locality.

East Devon District Council has published specific guidance for developers, agents and landlords to ensure a robust and effective marketing strategy is implemented under a premises' permitted use prior to any COU application being considered (See Appendix 1).

This guidance is available online at: <http://eastdevon.gov.uk/planning/planning-services/planning-development-management/viability-guidance-notes/marketing-strategy-statement-guidance/>

In summary the marketing statement should include all details and evidence of the steps taken to market the site/premises including:

- A copy of the letter of instruction to the agent
- The methodology used by the surveyor in arriving at a valuation
- Estate agents verifiable record of all enquiries
- Copy of the sales particulars and adverts
- Evidence that the property has not been marketed on the basis of a too narrow range of potential end uses

Conclusion:

The applicant appears to have chosen not to market the site for its permitted employment use in this instance.

We have been presented with no marketing particulars, documented evidence of specific marketing exposure or a verifiable list of received enquiries. As such, there is a gap in the evidence to support loss of an employment generating function on this site, especially when considered against the evidence of demand for employment space in Exmouth.

On the basis of this missing marketing strategy, coupled with current evidence of demand for employment space in the town outstripping supply, we recommend the COU application be refused. It represents an unacceptable loss of potentially valuable employment generating space. We support the Local Plan Strategy 32 requirement for a robust and effective marketing strategy for the site under permitted uses prior to any change of use being considered.

16/08/2017- Further Economic Development Comments

Thank you for forwarding the Commercial Feasibility Report prepared by JJ Read MSc MRICS 12 July 2017, the contents of which are noted. We have a number of observations which are worth highlighting:

1) Employment Designation

Subsequent to our initial comments, the applicant submitted a statement in February 2017, addressing some of the points concerns by Economic Development. This highlighted two specific points which the applicant appears reluctant to acknowledge; that

- 1) the site remains designated for B1 and D1 employment uses, and
- 2) that they are required to demonstrate that the site has been robustly and effectively marketed for its permitted uses and in accordance with the published guidance. This responsibility lies with them as owners, since they (not previous owners Devon County Council) are seeking change of use to residential

2) Marketing

The Feasibility Report also fails to acknowledge that the responsibility for providing a Marketing Strategy Statement lies with the current owners as a requirement for consideration of CoU.

We have published guidance on how this should be achieved and an independent market valuation of the site, for its determined use, has not been provided, nor marketing details at that market appropriate price. There is no information about the interested parties, documented evidence of specific marketing exposure or a verifiable list of received enquiries.

The previous marketing details, prepared by NPS group on behalf of Devon County Council, have been provided in person by the applicant (See Appendix 1).

To be clear, this former marketing of the site was carried out by the previous owner (DCC), and not the applicant, who purchased this site at a lower employment associated value through this process.

That the recent buyers have chosen not to use the site for designated employment purposes should not be misinterpreted as evidence of any lack of wider interest in the site under its permitted employment uses.

3) Adjacent Site

Numerous references are made in the Feasibility Report to a planning application for part of the adjacent piece of land (known as land south of Redgate). It's worth highlighting

- this site is allocated in the East Devon Local Plan 2013-2031 (Adopted January 2016) as an Employment Site (Strategy 22)
- the current application on this site is subject to the formal planning process and has not yet been determined

4) Strategy 32 - Resisting Loss of Employment, Retail and Community Sites and Buildings:

The agent has offered an interpretation of Strategy 32 which differs to ours. We would hold that:

"..Permission will not be granted for the change of use of current or allocated employment land and premises or social or community facilities, where it would harm social or community gathering and/or business and employment opportunities in the area [clearly, this harm to business and employment opportunities would be the consequence of permitting the COU in this instance], unless:

1. Continued use (or new use on a specifically allocated site) would significantly harm the quality of a locality whether through traffic, amenity, environmental or other associated problems [not applicable as active B1 and D1 employment generating uses existed for some time in this locality]; or
2. The new use would safeguard a listed building where current uses are detrimental to it and where it would otherwise not be afforded protection; [not applicable in this instance]; or
3. Options for retention of the site or premises for its current or similar use have been fully explored without success for at least 12 months [The site was marketed by the previous owner, Devon County Council who were not seeking CoU and so no Marketing Strategy Statement has been provided. Formal marketing was for less than 12 months. Furthermore, the previous owner's marketing details stated that 'the current buildings have Use class D1 use', they did not state the B1 use nor that part of the adjacent site is allocated for employment use] (and up to 2 years depending on market conditions) and [this 'and' is very important] there is a clear demonstration of surplus supply of land or provision in a locality; [No such surplus has been demonstrated by the applicant - in this case for B1 and D1 employment uses]; or
4. The proposed use would result in the provision or restoration of retail (Class A1) facilities in a settlement otherwise bereft of shops [not applicable in this instance]"

5) Demand for B use Employment Premises

Objective assessment demonstrates local demand for B use employment premises has increased across the District since our initial observations were offered in January 2017.

- In Exmouth, B use accommodation at Liverton Business Park is in high demand. We have seen speculative build in this location just down the road from the application site with all but their final unit now let. They are unable to accommodate demand for B1 and D1 employment premises
- Across Clinton Devon Estate's whole East Devon portfolio of commercial property, they have no other vacant B use premises available, representing a significant shortage of supply

- The EHOD Commercial Premises Register has received 43 separate enquiries for B1 Office accommodation in the District in the last 3 months, Exmouth being our principle town
- Greendale have received more than 80 B use premises enquiries in the last 12 months totalling more than 850,000 sq ft.
- Also, west of the Enterprise Zone, land is being brought forward for speculative development of small, flexible B use units. The applicants have reported high levels of demand for this B use workspace
- Closer to Exmouth, demand for small scale, affordable B use workspace is such that an application is being considered for new speculative build work units adjacent to Hill Barton Business Park
- Recently, as part of their Business Plan for the use of the Owen Building, Rolle Exmouth Ltd provided details of 59 separate businesses, social enterprises, individuals, groups/classes, education & training providers who have declared an interest in commercial and community premises
- More recently, we have met with a group of young Exmouth based entrepreneurs who expressed frustration at our collective inability to identify suitable workspace in Exmouth for them to grow their businesses and provide additional jobs
- East Devon Business Centre offers B1 office space and is now fully let. There are no available office developments in Honiton to meet the current demand
- Lastly, we continue to receive inward investment enquires of differing scales and different employment use classes, including from the Dept. for International Trade (DIT, formerly UKTI). These offer a diverse mix of investment and much needed employment opportunities from outside the district for which it is often difficult to identify available employment premises - some of which have been lost to the higher land values associated with residential development. Maintaining a diverse mix of land and premises is key to securing these investments and associated local economic benefit.

Our adopted Local Plan has a clear target of one job per new dwelling. This has not been realised. The focus on new homes provision has resulted in a severe and unsustainable imbalance between the provision of new homes and new, quality jobs in East Devon which we cannot ignore.

Summary

We continue to support the requirement for a robust and effective marketing strategy for the site under permitted uses prior to any change of use away from employment generating uses being considered.

East Devon District Council has published specific guidance for developers, agents and landlords to ensure a robust and effective marketing strategy is implemented under a premises' permitted use prior to any Change of Use application being considered. This guidance is available online at: <http://eastdevon.gov.uk/planning/planning-services/planning-development-management/viability-guidance-notes/marketing-strategy-statement-guidance/>

The marketing statement should include all details and evidence of the steps taken by the current owner to market the site/premises including:

- o A copy of the letter of instruction to the agent
- o The methodology used by the surveyor in arriving at a valuation
- o Estate agents verifiable record of all enquiries

- o Copy of the sales particulars and adverts
- o Evidence that the property has not been marketed on the basis of a too narrow range of potential end uses
- o Where appropriate evidence that steps that been undertaken to diversify income and prevent the decline of the business.

Further comments 30/08/2017 ED Comment - Addendum:

Please note the following addendum to the two sets of comments already provided by ED, given the iterative nature of additional information being supplied by the applicant:

It's difficult to assess the series of scans provided since they do not comprise a coherent marketing strategy statement. The applicant is required to demonstrate that the site has been marketed robustly and effectively under the permitted use class, for a minimum of 12 months and in accordance with the published guidance.

The information provided is sufficient to conclude that the requirements of a marketing strategy for commercial premises prior to change of use have not been met.

No information has been provided in respect of the methodology used by the surveyor in arriving at a valuation.

No verifiable record of the specific enquiries mentioned has been offered and some of the sales particulars and adverts scanned and provided after my initial responses include inaccurate reference to the site as a 'residential development'. This is clear evidence of the site being marketed on the basis of a too narrow range of potential end uses.

Lastly, the premises appear to have been formally marketed for less than the required 12 month minimum period, prior to tenders being sought.

The NPPF is clear in its encouragement of local authorities not to prevent change of use for land or premises where there is no realistic prospect of it coming forward for the permitted (usually employment) use. This is a pragmatic and reasonable provision. Along with seeking to promote the delivery of our employment land allocations, my aim is to provide an objective assessment of the marketing strategies submitted in support of potential changes of use from employment to other use classes.

In this instance, we have insufficient evidence of a robust and effective marketing for permitted employment uses. Of note is the 1191 page views and 4 email leads mentioned by the rightmove customer support advisor in the additional information provided retrospectively. This is evidence of interest in this employment site, but as no further information is provided as to the nature of these enquiries or the outcome of subsequent discussions, we have an incomplete picture of the potential B1 and D1 employment generating uses for this site.

The position remains that the site was bought by a developer seeking only to develop housing and so in anticipation of a higher financial return, a high offer would have been made to secure the purchase. That these recent buyers have chosen not to use the

site for designated employment purposes should not be misinterpreted as evidence of any lack of wider interest in the site under its permitted employment uses.

The recommendation holds, that the site be marketed for a minimum of 12 months and in accordance with the guidance published by EDDC at <http://eastdevon.gov.uk/planning/planning-services/planning-development-management/viability-guidance-notes/marketing-strategy-statement-guidance/>

Development Enabling and Monitoring Officer

This application is for the demolition of the Doyle Centre and construction of 10 number dwellings. The application is accompanied by a Commercial Feasibility Report that purports to show both a lack of demand for new employment units in Exmouth and that the current building(s) could not be economically re-developed for employment or other job generating uses. However, the Feasibility Report also demonstrates that many of the buildings on site have already been demolished.

Economic Development colleagues have already provided detailed comments in relation to pre-applications discussions in relation to this site. They have also provided detailed consultation responses in to this application. In particular the Economic Development Manager has provided a detailed response to the questioning the evidence and employment need and demand in the Feasibility Report. My comments therefore focus mostly on the information about the commercial feasibility/viability of re-developing the site for non-residential uses, but other issues around viability and delivery, need and demand, are picked up where they are relevant.

The Vision for Housing and Jobs in Exmouth

The Local Plan sets out a vision for the whole District that seeks to ensure housing and jobs will be delivered together. Strategy 22- Development at Exmouth includes the promotion of "significant employment provision with in the town" and "moderate new housing provision". Para 10.6 of the plan also states that Exmouth should be enhanced by promoting new employment to reduce out-commuting (criteria b).

The Exmouth community are currently in the process of preparing a Neighbourhood Plan for the whole town. The initial consultation responses found the lack of good quality jobs in the town was a real concern. The emerging Neighbourhood Plan, including draft policies is scheduled for consultation in September 2017. The emerging policies seek to protect both employment land and jobs in Exmouth. The work so far indicates that having a range of employment opportunities, including those of the B1, B2 and B8 use class, and other employment generating uses is important for the Town.

The draft Neighbourhood Plan therefore gives further weight to the Local Plan vision for Exmouth, as the community wish to see a diversification of the employment base within the town. This includes seeking continued protection for allocated and existing employment land, and other job generating uses. The draft Neighbourhood Plans also supports the need to retain and enhance existing community facilities, provide more and higher quality provision, particularly in light of the additional growth planned for the Town.

Resisting Loss of Employment Land, Retail and Community Sites and Buildings

Strategy 32 states that permission will not be granted for change of use of current employment, retail and community uses unless "options for retention of the site or premises for its current or similar use have been fully explored without success for at least twelve months (and up to 2 years depending on market) and there is a clear demonstration of surplus supply of land or provision in a locality.

This site was formerly used as a social care centre and offices by Devon County Council. As such it seems to be accepted that it is covered by Strategy 32 and as such the feasibility report seeks to the site cannot feasibly be retained as employment land, and in doing so demonstrate compliance with policy by reference to criteria a) and criteria c). However if the site was previously part employment (B1 offices) and part community uses, re-development for both of these options should be considered.

The Viability of New Employment Development

The Feasibility Study seeks to demonstrate compliance with Strategy 32, and includes residual land valuations (RLVs) for the potential of re-development options for offices and an industrial scheme. No indicative plans have been provided to show exactly what alternative scenarios have been modelled, and this seems to be a fairly cursory exercise considering only speculative re-development of the site for future sale. There are various different options for delivery of employment land, each with different impacts on cash-flow, different risk profiles etc. It is more usual for commercial viability to be assessed with reference to rental yields.

There are of a course a number of re-development options that could be modelled, and we would want to understand the choice of options modelled. We would also want to ensure the robustness all of the inputs and assumptions used in order to have full confidence in the output.

As with any viability appraisal, we would expect to see some supporting information that explains and evidences the information and assumptions used in the any viability appraisal/RLV. Although the summary Argus (viability software programme) outputs have been provided, as an appendix, no further supporting information is included. And likewise, if the viability modelling suggested an issue for the site, we would expect to work with the applicant to see what options could be considered to help improve viability. This has not occurred.

Without explanation of the assumption used in the RLVs or having sight of the evidence behind them, more information is needed before we could come to a final view on the robustness of them. However, the value attributed to employment land in the report is £250,000- 350,000 per acre. However, this is somewhat at odds with the recent CIL review viability workshop. At this workshop the level of values being discussed as benchmark land values for non-residential modelling were:

Office (towns) - £250,000 per Hectare

Office (prime) - £300,000 per Hectare

Industrial/warehouse (towns) - £250,000 per Hectare Industrial/warehouse (prime) - £300,000 per Hectare

The feasibility report also makes reference to the costs of demolition, but these are not evidenced or costed in the RLVs. The current viability modelling information of the 'office' and 'industrial' RLVs is therefore currently not robust enough to demonstrate the site could not be re-developed for future employment use. The report also includes no feasibility on the need and demand for, or the viability options for redevelopment for any kind of community use.

A significant amount of the feasibility report is devoted to evidencing that the previous buildings on the site were not fit for purpose. As the report itself shows most of these buildings have been already been demolished I cannot see the relevance of this, particularly as it is the use of the land for employment uses that the policy seeks to retain, not the buildings itself.

However, the challenges of providing speculative B use development on small sites is recognised. Employment uses (B1, B2 and B8) are not required to pay CIL as the district wide viability work found they could not afford to do so. District Council owned employment premises are nearly always at capacity, with waiting lists for the units, and we are aware of other landlords of B use space across the district also with long waiting lists.

Data from Economic Development shows a clearly evidenced demand for small workshop and office development across the district. However, securing the delivery on this on smaller allocated sites, and even sites in the ownership of the District Council is, and remains, challenging, with external funding being sought in order for it to be viable to set rents at the level that local businesses can afford.

The feasibility report seeks to question the evidence from our Economic Development team on need and demand for new employment uses in Exmouth, whilst at the same time acknowledging the ongoing active development of Clinton Devon Estates of its land for just such purposes. The latest Economic Development comments on this application add further weight to the evidence of demand and the need for delivery in Exmouth. The intention of the Strategy 32 of course is to protect existing employment and community land from other competing (and in the case of residential, significantly more valuable) uses.

Employment Land and Jobs

The first paragraph of the Strategy 32 talks about "job generating uses" and the final paragraph explains that employment uses include those falling within Class B of the use class order but that it also includes "other uses that directly provide jobs or employment".

Strategy 1 of the adopted Local Plan sets out the spatial development strategy for the District. Paragraphs 6.6- 6.9 set out the background to the council's approach to employment land. It explains that the focal point for new growth, new employment land allocation (for B1, B2, and B8 uses) are focused in the West End. In the rest of the district (which includes Exmouth) as para 6.9 explains the Council will "take a broad view of the types of activity (retail, commercial, industrial, service sector, etc) that can be classed as employment in making our land allocations". Although it is

clear that the Council sees "future B1 employment development (office developments) and jobs in this class, as being key".

The Council therefore take a broad view as to what could constitute an employment generating use in Exmouth and acknowledge that the provision of school, retail, health and social care facilities do provide employment opportunities. NO viability modelling has been undertaken for any of these non B1, B2, B8 job generating uses.

Need for Community Uses in Exmouth

The community of Exmouth were very active is seeking to secure some kind of community use as part of any re-development of Rolle College. Efforts are still continuing to secure some elements of community use now the site has been sold to Exeter Deaf Academy. The YMCA has also been actively, and unsuccessfully, looking for a potential site in the town. This clearly suggests an expressed need in the community for additional community sites and matter not addressed at all in the feasibility appraisal, except for an oblique reference in para 6.2 to efforts to retain the property in social care use. Although the report states these were not successful no further details are provided, only the assertion that the condition of the building was a factor. However as it is the land, not the buildings per say that this policy seeks to secure, more information about the potential of re-development of the site for social care is needed.

The Adequacy of the Marketing Evidence for Employment and Community Uses

The Council provides detailed guidance on the level of information required in a marketing strategy

<http://eastdevon.gov.uk/planning/planning-services/planning-development-management/viability-guidance-notes/marketing-strategy-statement-guidance/>

Chester Commercial were not involved in the marketing of the property, but the feasibility seeks to provide a commentary on the marketing by NPS carried out on behalf of DCC.

However, to fully comply with the policy, a full Marketing Strategy Statement that explains the marketing that NPS should be provided. If subsequent marketing has occurred information about this should also be provided. Although it will be for Economic Development to comment on the adequacies or not of the Marketing Statement when submitted, from a delivery perspective it will be particularly important that provides details of all non-residential use enquires, especially in light need of the evidenced demand for more community facilities.

Criteria 3 of Strategy 32 also requires a clear demonstration of surplus or provision in the locality. This should be in relation to employment, 'employment generating and community uses. Appended to the report are rental particulars for two high spec offices to let at Exmouth Marina, one small self-contained office above a retail unit in the Town Centre shopping arcade and to newly built (and now fully let) 'Harpford' new employment units build by Clinton Devon. It seems this information has been provided in an effort to demonstrate excess supply, but for a town the size of Exmouth if this is all that is available this is fact proves there is very little employment

land available on the market, and that Clinton Devon are actively developing more B class uses to meet this clear need.

Proposed McCarthy and Stone Retirement PLUS development on adjacent land

Considerable weight seems to be given in this Feasibility Study to the impact that any proposed re-development of this site would have on future residents of the McCarthy and Stone development that is proposed next door. This application is not permitted, and at this time questions remain as to whether or not it is a C2 job generating use or not. The provision of housing has therefore not been established so weight that can be given to this argument is negligible. This issues does however add further weight to concerns about the cumulative impact of the loss of current and allocated employment land in Exmouth. It also adds weight to the concerns already raised by Economic Development that the loss of both of these sites to non-employment uses may bring additional complaints about, and pressure on the existing neighbouring employment uses.

From a delivery and viability perspective, if it were possible to consider the neighbouring site in tandem with one, this could be expected to improve their viability and deliverability for employment or other job generating or community uses. However the availability of this site to help to meet the clearly expressed needs for this provision in Exmouth, will have been hampered by a marketing particulars which clearly promote the site actively marketed as a potential residential redevelopment opportunity. This in itself could be expected to introduce an element of residential hope value to both the land owners expectations and potential purchasers in valuing and bidding for the site. This would further undermine the likelihood of non-residential development being able to compete in the market for what is, and currently remains, a non-residential site.

Viability, CIL and Vacant Building Credit

As the marketing particulars for this clearly demonstrate, the site has been marketed as a development opportunity. Therefore in line with the adopted Planning Obligations SPD Vacant Building Credit should not be applied. The application description includes reference to demolition and the Feasibility Report provide clear evidence that a significant amount of demolition has already occurred on this site. Care therefore needs to be taken to clarify the position for this site with regards the CIL. If development has already commenced then it is not possible to utilise the Council's phased payment for CIL, which in itself may impact viability.

Summary of DEMO Comments

The Development Monitoring and Enabling Officer, working closely with the Economic Development Manager has reviewed the submitted Feasibility Report from Chesters Commercial in detail. She has prepared a full report covering various delivery matters which flag up various concerns and requests additional information and modelling in relation to possible future uses of this site and the failure of the applicant to demonstrate compliance with Strategy 32.

In relation to the specific viability assessments included within the report the methodology in relation to choice and details of scenarios modelled is questions and

inadequately explained. The included Residual Land Valuations (RLVs) are lacking the detail and supporting evidence needed to be robust assessments. In particular the land values assumptions used for the office and industrial re-development are unclear and inadequately explained. No modelling of re-development for community use has been provided. As such it has not been proven that the continued use of this site for employment and/or community uses is unviable.

Further comments:

Additional information in relation to the NPS sale of the property of behalf of Devon County Council has now been submitted. I will leave the detailed comments on the marketing to our Economic Development Manager, but would offer the following in relation to delivery:

The new information relates largely to the instructions given to NPS by Devon County Council and the decision making behind the County's Council's decision to dispose of the asset. The new information also indicates that the site was marketed for social care use or re-development with a price of £550,000. This is of little relevance to any of the observations I have made previously other than providing clear evidence that the site was marketed for development and so would be ineligible for VBC.

Likewise, the value used in the marketing seems to provide evidence that there is some element of residential hope value included in the landowners expectations which would undermine the likelihood of non-residential development being able to compete in the market for what is, and currently remains, a non-residential site.

EDDC Trees

Where development is proposed in close proximity to trees the objective is to achieve a harmonious relationship between trees and the proposed structures that can be sustained long term.

Plot 3 and 4 of the application do not achieve this, there is a significant incompatibility between the layout of these plots and the group of trees identified as T1 to T6 in the arboricultural report. The location of the dwellings does not take into account the current / future height and spread of the trees, suggests trying to manage this through unsustainable pruning. Due to the species and growth potential they will be overly dominant, drop honeydew, drop acorns, twigs and leave over most of the private garden space of these two dwellings. This will lead to pressure for lopping or removal of the trees in future years. These trees will also significantly shade the garden space and leaving rooms of the two dwellings.

The garden space of plot 8 will be significantly dominated by T7 as it continues to grow, it looks possible to locating plot 7 further to the west allowing further land to be allocated to the garden of plot 8 allowing more usable garden space and more harmonious relationship with T7.

These trees contribute to the amenity and character of the area and have not been given sufficient space to realistically retain the trees in an arboriculturally sustainable way.

Conclusion

The currently proposed location of plots 3 and 4 in relation to trees T1 to T6 is contrary to BS5837:2012 and our planning policy D3 and consequently unless the scheme is amended the application should be refused. The arrangement of unit 8 could be improved in relation to the retention of T7 by providing more garden space and recognising the impact the tree will have on the usability of the garden space.

Further comments:

The amended scheme is an improvement on the original. It could be improved further by sliding the two western units further to the south and losing the section of road which appear to go nowhere.

Contaminated Land Officer

Pre-application advice was provided to the applicant via planning west regarding the potential for contaminated ground to be encountered during site clearance and ground works. I therefore recommend that standard condition CT3 is included on any approval.

Environmental Health

I have assessed the application and recommend the following condition:

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

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

I have re-assessed the application having been informed of the proximity of the building and timber suppliers to the proposed residential units and wish to add the following to my original comments:

The building and timber supplier unit operates from 0700 to 1700 Monday to Friday and 0800 to 1200 on Saturday.

This use generates noise on site, site servicing and deliveries to and from the site and also noise from the comings and goings of customers.

It is therefore recommended that an appropriate noise mitigation scheme is provided to provide amelioration to the gardens and the rear property facades.

This is probably best provided in the form of an acoustic barrier on the property boundaries.

DCC Flood Risk SuDS Consultation

Recommendation:

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

Observations:

Section 2.00 of the Surface Water Management report (Report Ref. 7487, Rev. -, dated 13th December 2016) states that the surface water runoff from the roofs of the dwellings, parking areas and shared access roads will be discharged to soakaways. However, the applicant will be required to submit the full results of infiltration testing undertaken in strict accordance with BRE Digest 365 Soakaway Design (2016), in order to demonstrate whether infiltration is a viable means of surface water drainage management on this site. A representative number of tests must be conducted in order to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Furthermore, the aforementioned document briefly refers to the fact that the surface water runoff from the proposed private road will be discharged into the existing drainage system. However, no details have been submitted of the attenuation system which will serve this road, nor evidence that the condition and capacity of the existing drainage system is adequate to continue conveying surface water runoff.

For clarity, I would note that for full planning applications, we require the following information for review:

- Description of the type of development;

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

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

- Detailed site survey showing the existing topography;

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

- Calculations of the current surface water runoff for the site;

- Calculations of the proposed surface water runoff for the site;

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

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

- Evidence that the site has an agreed point of discharge;

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

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

Infiltration testing results at the location and depth of each proposed infiltration system;

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

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

Detailed explanations and plans of flood risk mitigation measures;

Technical summary of the proposed surface water drainage management system;

Detailed plans of the proposed surface water drainage management system, demonstrating that the proposed system fits within the proposed site layout, and is practical and sustainable;

Residual risk assessment to account for a failure of any part of the proposed surface water drainage management system;

Detailed exceedance route plans to demonstrate that there is no residual risk of property flooding during events in excess of the return period for which the surface water drainage management system is designed;

Detailed operation and maintenance plan and timetable for the proposed surface water drainage management system over the entire lifetime of the development;

Details of the proposed community signage and engagement activities for each proposed surface water drainage management components.

Further comments:

Recommendation:

At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

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

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

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

Observations:

Following my email dated 14/07/2017 to EDDC Planning, I am unable to locate an updated drainage drawing on the planning website to reflect the changes discussed with the Agent on 01/03/2017. However the principles described in the submitted SW strategy and that presented in the Agent's email dated 01/03/2017, which confirm that there will be a reduction in impermeable area within the application boundary which currently drains to the SWW Surface Water sewer. As such off site flows will be reduced compared to the existing brownfield conditions with water quality being supported by means of permeable surfacing. This would represent a betterment in offsite flows and is agreement with SWW. As such in the absence of a drainage drawing I would recommend that the above condition is implemented on any approved permission.

County Highway Authority

Observations:

The existing access road and its junction with Salterton Road is adequate for the number of dwellings proposed.

The proposed layout of the shared surface access road is acceptable to the CHA; however I do not understand why there is a stub road to the south of plot 3 with what looks like vehicle parking spaces at the end of it?

It would seem that there is adequate off road parking for each plot with a garage and an additional parking space in front of it.

Before the CHA offers any recommendations, the CHA would welcome an explanation regarding the stub road and parking spaces adjacent to plot 3.

Recommendation:

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

1. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of road layout contrary to paragraph 32 of the National Planning Policy Framework.

Other Representations

1 letter of support has been received from the residents association of the sheltered housing which adjoins the site supporting residential use as a use that would have least impact on residential amenity.

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

- Access and disturbance to residents in the sheltered housing scheme.
- Loss of trees
- Demolition of buildings has already started
- Contaminated land
- Treatment of the boundary
- Flooding
- Loss of employment land

PLANNING HISTORY

Reference	Description	Decision	Date
08/0977/CM	Change of use from D1 residential institution to B1 operational base for health & social care staff and D1 use	DCC Application - No objections	23.04.2008

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 5 (Environment)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

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

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

EN14 (Control of Pollution)

EN16 (Contaminated Land)

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

Site Location and Description

The site refers to the Doyle Centre, a purpose built single storey resource centre understood to have been constructed in the 1960s. The site has historically been used as an operational base for health and social care staff and a residential institution run by Devon County Council. The site did consist of a number of buildings, the Doyle Centre together with outbuildings including garages and stores and a covered swimming pool. The majority of the buildings have now been demolished.

The site is accessed via an existing vehicular access off Salterton Road. The surrounding area is characterised by a variety of uses which include residential to the north and south and commercial uses to the east.

The site is located within the built-up area boundary of Exmouth and is not the subject of any townscape or landscape designations. A number of trees overhanging the site's western boundary are the subject of a Tree Preservation Order.

Proposed Development:

Planning permission is sought for the demolition of the Doyle Centre and associated buildings and the construction of 10 dwellings comprising of 2 no 3 bedroom detached dwellings and 8 no 4 bedroom detached dwellings. The 3 bedroom dwellings would be two stories with attached garages to the side and the 4 bedroom dwellings would be two stories with attached garages with accommodation over at the side. Each dwelling would have a traditional pitched roof design with a mixture of render, brick and cladding walls under a tiled or slate roof.

The development would be accessed off Salterton Road and a new access road would lead into the site to form a cul-de-sac layout. Each dwelling would be provided with two car parking spaces.

ANALYSIS

Issues and Assessment:

The main issues to consider in determining this application are in terms of the principle of development (whether the development would result in the justified loss of an employment/community use site), the design, size and siting of the proposed development and the impact it would have on the character and appearance of the area and the residential amenities of the occupiers of surrounding properties, the impact on highway safety, flood risk, ecology and biodiversity and the impact on trees.

Principle:

The site is located within the built-up area boundary of Exmouth in a sustainable location with good access to a variety of modes of transport. Therefore in accordance with Strategy 6 (Development within Built-Up Areas Boundaries) and Strategy 22

(Development at Exmouth) the principle of residential development is considered to be acceptable in settlement and locational terms subject to compliance with other policies within the East Devon Local Plan.

Resisting Loss of Employment, Retail and Community Sites and Buildings:

The Local Plan sets out a vision for the whole District that seeks to ensure housing and jobs will be delivered together. Points 1 and 2 of Strategy 22 (Development at Exmouth) seeks moderate new housing provision and significant new employment provision in the town. Point 4 seeks to promote social and community facilities to serve the needs of residents.

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the Local Plan states:

'In order to ensure that local communities remain vibrant and viable and are able to meet the needs of residents we will resist the loss of employment, retail and community uses. This will include facilities such as buildings and spaces used by or for job generating uses and community and social gathering purposes, such as pubs, shops and Post Offices.

Permission will not be granted for the change of use of current or allocated employment land and premises or social or community facilities, where it would harm social or community gathering and/or business and employment opportunities in the area, unless:

- 1. Continued use (or new use on a specifically allocated site) would significantly harm the quality of a locality whether through traffic, amenity, environmental or other associated problems; or*
- 2. The new use would safeguard a listed building where current uses are detrimental to it and where it would otherwise not be afforded protection; or*
- 3. Options for retention of the site or premises for its current or similar use have been fully explored without success for at least 12 months (and up to 2 years depending on market conditions) and there is a clear demonstration of surplus supply of land or provision in a locality; or*
- 4. The proposed use would result in the provision or restoration of retail (Class A1) facilities in a settlement otherwise bereft of shops. Such facilities should be commensurate with the needs of the settlement.*

The policy clarifies that employment uses include those falling into Class B of the Use Classes Order or similar uses classified under planning legislation as 'Sui Generis' uses. Redundant petrol filling stations and associated garage facilities will fall within the scope of this policy as do public and community uses and main town centre uses and other uses that directly provide jobs or employment, community meeting space or serve a community or social function.

The Doyle Centre site was formerly used as a social care centre for people with learning disabilities and as office accommodation for health and social care staff by Devon County Council. Until its closure in 2013, the site offered active employment generating use under DCC as offices and the social care centre for a considerable period of time. Its lawful use is therefore considered to be for social care uses and those which fall within D1 (Non Residential Institutions) of the Use Classes Order and B1 (Office) uses. Whilst the site isn't an allocated employment site within the Local Plan, Strategy 32 is designed to prevent the loss of current employment land or community facilities and therefore the proposed development falls to be considered under criteria 1 and 3 of the policy with criteria 2 and 4 being irrelevant as they relate to safeguarding a listed building and the provision or restoration of retail facilities in a settlement otherwise bereft of shops.

Following concerns that have been raised by the Council's Economic Development Officer (EDO), the applicant has been given the opportunity to submit further information in relation to evidence of marketing the site for its permitted use and for other employment generating uses for a period of a minimum of 12 months. This has been submitted in various stages and consists of instructions given to NPS by DCC and the decision making behind the County Council's decision to dispose of the asset, a Commercial Feasibility Report and copies of advertisement details and marketing of the site.

The Council has published Marketing Strategy Statement Guidance on its website and this explains that it is a validation requirement for all applications proposing the loss of commercial (including employment and retail uses) or community facilities to provide a marketing statement. The guidance states:

'The statement should include details of the Marketing Strategy carried out prior to the submission of the application. The statement should include details of how, where and for how long the property/ land has been marketed, the number and type of enquiries received including feedback and reasons for refusing offers and the price marketed at.'

Notwithstanding the iterative nature of the evidence that has been provided in stages, it has been rigorously assessed as a whole by officers. The applicants contend that the site has been marketed in excess of 18 months for both healthcare and then open market uses. Subsequent to the Economic Development Officer's third assessment of the information provided, the agent has provided a timeline supporting statement which sets out the history of the site, compliance with Strategy 32, copies of advertisements and advertising with regards to the sale of the Doyle Centre and supplementary documents. The statement helpfully sets out a time line for sales and advertising of the site as follows:

'On 30 July 2015 Devon County Council instructed NPS Group to market the Doyle Centre for healthcare users. We have been advised by NPS and Devon County Council that high level negotiations with Devon County Council and a social care provider with a view to taking over a number of sites within Devon with the Doyle Centre being one of them failed.'

It is explained that 'NPS Group selected applicants from their database who fit a particular search criteria and that there were 300 applicants interested in development care homes and a day care facility in Devon with there being 230 applicants interested in care homes and a day care facility in Devon.

NPS after isolating the specific database applicants prepared to send letters or emails, relevant sales particulars to these users to identify whether or not they would be interested in the Doyle Centre for a healthcare use.

After re-evaluation this involving DCC looking at charity organisations external to DCC for social care purposes however this resulted in no interest from any organisations to take on the building and in June 2016 DCC placed the site on the market for sale by tender.

NPS sent out a new tender on the 1st June 2016 running until 27th July 2016. It is documented that DCC had no offers that were acceptable to them even though seven tender packs were requested and sent out during the tender period time, as all tenders returned were too low and unacceptable.

A new request for revised tenders was issued for resubmitted bids by 5th August 2016.

From these comments it is clear that:

- From 30th July 2015 to 1st June 2016 the site has been offered to selected care users from the NPS database with no interest shown.
- From the 1st June 2016 until 5th August 2016 the site was advertised on the open market for social care uses or other development. Evidence of this has been submitted in the form of advertisements from the Exmouth Journal (2nd June 2016), Right Move (un-dated), Estates Gazette (11th June 2016), Caring Magazine (un-dated). Offers were invited through a tender process.
- None of the tender offers were acceptable to DCC but no details as to what these offers were or why they were unacceptable have been provided.

The application is also accompanied by a Commercial Feasibility Study prepared by Chesters Commercial, a specialist firm of Chartered Surveyors which draws the following conclusions:

- There is no potential for re-use of the site for commercial purposes.
- Continued employment use would cause demonstrable harm to the amenity of adjoining residents.
- A lack of interest in the site during marketing indicates no demand for companies, individuals or community groups to use or convert the buildings for commercial purposes.
- Costs of re-developing the site would cost more than the end value of the buildings.
- Alternative employment sites in Exmouth and East Devon offer more favourable opportunities for occupiers elsewhere.
- There is no demand for employment premises in Exmouth.

Under criteria 3 of Strategy 32, the applicant is required to demonstrate that the site has been marketed robustly and effectively under the permitted use class, for a

minimum of 12 months. Officers have assessed all of the supporting information that has been provided and are of the view that the information provided is insufficient to conclude that the requirements of a marketing strategy for commercial premises prior to change of use have been met and as such the marketing has not been robust or effective.

No information has been provided in respect of the methodology used by the surveyor in arriving at a valuation for the site. No verifiable record of the specific enquiries mentioned has been offered and some of the sales particulars and adverts emphasise the site as having potential for residential development. This in itself could be interpreted as being clear evidence of the site being marketed on the basis of a too narrow range of potential end uses. Despite requests for more information about the nature of the enquiries that had been made, offers for the site and reasons why offers were not accepted or the site not considered suitable by prospective purchasers, this information has not been provided. It should also be noted that at no point during the advertising of the site was there any mention of its future use for other employment generating uses such as B1 offices. Furthermore there is a distinct lack of detail about the level of interest when the site was out to tender, the offers that were received or explanations as to why the offers were unacceptable. It is understood that DCC have refused to provide this information to the applicants and whilst this is unfortunate, it doesn't allow for a thorough assessment of the number of enquiries received with feedback and reasons for refusing offers which is needed to demonstrate that there is no demand for use of the site for its current use or for other employment/community uses. It is particularly telling that the tender process promoted the site for residential (subject to planning permission) as well as social care uses.

The EDO has advised that insufficient evidence of a robust and effective marketing for permitted employment uses has been submitted. Of particular note is the 1911 page views and 4 email leads mentioned by the Right Move advisor in the additional information provided retrospectively. This is evidence of interest in this site but as no further information is provided as to the nature of these enquiries or the outcome of subsequent discussions. The Council therefore has an incomplete picture of the potential B1 and D1 employment generating uses for this site and cannot therefore robustly assess whether this site did have interest for a continuation of its existing use or for other employment generating uses.

On this basis, it is not considered that sufficient evidence has been provided to satisfactorily demonstrate that the site has been marketed robustly and effectively under its permitted lawful use or for other employment generating uses for a minimum of 12 months to demonstrate a lack of wider interest in the site contrary to criterion 3 of Strategy 32.

In addition, a further, and equally important, requirement of this part of the policy is for the applicant to demonstrate that there is surplus supply of land or provision in a locality. This should be in relation to employment, employment generating and community uses. The Council's Economic Development team has recently analysed enquiry data from the Exeter & Heart of Devon (EHOD) Commercial Premises Register to inform a review of employment space demand in Exmouth. From this dataset, they have been able to identify the volume of registered user enquiries/premises views by postcode and specifically in Exmouth. They can also

report the number of downloads of sales/lettings particulars for individually listed employment premises. They have advised that this data is strongly indicative of demand and commercial interest within Exmouth.

Appended to the Commercial Feasibility Report are rental particulars for two high spec offices to let at Exmouth Marina, one small self-contained office above a retail unit in the Town Centre shopping arcade and to newly built (and now fully let) 'Harpford' new employment units built by Clinton Devon. It seems this information has been provided in an effort to demonstrate excess supply, but for a town the size of Exmouth if this is all that is available this fact proves there is very little employment land available on the market, and that Clinton Devon are actively developing more B class uses to meet this clear need.

Coupled with reports of significant employment space demand provided by a number of commercial agents and developers in Exmouth, this lends added weight to the argument for maintaining the B1 office and D1 employment generating use of the current application site.

The EDO is of the opinion that objective assessment demonstrates local demand for B use employment premises has increased across the District and evidence of this is provided within the consultation response at the start of this report. The Local Plan has a clear target of one job per new dwelling and this has not been realised. The focus on new homes provision has resulted in a severe and unsustainable imbalance between the provision of new homes and new, quality jobs in East Devon which reinforces the need to ensure employment land is retained within and adjoining settlements in sustainable locations. It is the intention of Strategy 32 to protect existing employment and community land from other competing (and in the case of residential, significantly more valuable) uses.

Re-use of the site for community use has not been addressed at all in the feasibility appraisal, except for an oblique reference in para 6.2 to efforts to retain the property in social care use. Although the report states these were not successful no further details have been provided, only the assertion that the condition of the building was a factor. However as it is the land, not the buildings per say that this policy seeks to secure, more information about the potential of re-development of the site for social care is needed. The Council's Development Enabling and Monitoring Officer (DEMO) has advised that the community of Exmouth were very active in seeking to secure some kind of community use as part of any re-development of Rolle College. The YMCA has also been actively and unsuccessfully looking for a potential site within the town which does suggest an expressed need for additional community sites.

The Council's DEMO has also expressed concerns about the viability arguments that have been put forward within the feasibility report in terms of the methodology in relation to choice and details of scenarios modelled which has been inadequately explained. The included Residual Land Valuation (RLVs) are lacking the detail and supporting evidence needed to be a robust assessment. It is advised that the land values assumptions used for the office and industrial re-development are unclear and inadequately explained and no modelling of re-development for community use has been provided. It is therefore concluded that it has not been adequately proven that the continued use of the site for employment and/ or community uses is unviable.

Criteria 1 of Strategy 32 looks at whether a continued use or a new use would significantly harm the quality of a locality whether through traffic, amenity, environmental or other associated problems. The author of the Feasibility report contends that the site is unsuitable for commercial use because of its constrained access from Salterton Road and because of its proximity of residential properties and a sheltered housing scheme. Whilst these points are noted, it isn't considered that a continuation of B1 and D1 uses would necessarily give rise to any significant harm to the residential amenities of the occupiers of adjoining properties. Active B1 and D1 employment uses have existed on the site for some time in this location and B1 offices in particular are considered to be benign and compatible with residential uses. In addition, concerns expressed about the condition of the buildings, their inflexible arrangements for modern businesses etc. are not considered to be particularly relevant because the majority of the buildings on the site have already been demolished. Again it is the land, not the buildings that this policy seeks to secure. As such it isn't considered that re-use of the site for business or community uses would conflict with this part of the policy.

The applicant has advised that there is a covenant on the site only allowing dwelling houses on the site. Covenants are not material planning considerations and as such this does not change the assessment of the application.

To conclude, it is not considered that it has been demonstrated that the site has been marketed robustly and effectively for employment/community uses for a minimum of 12 months. The supporting information that has been submitted by the applicants has been rigorously assessed and the Council's EDO has questioned the lack of information pertaining to the methodology used by the surveyor in arriving at a valuation for the site, the lack of information about the nature of enquiries for employment generating uses for the site, evidence of sales and marketing information that has been put forward which points at it being marketed on the basis of a too narrow range of potential uses, and the assertions that there is no employment need and demand in the locality. In disposing of the Doyle Centre, Devon County Council were obliged to obtain best value for sale of the site. It would seem that the site was purchased by a developer seeking only to develop housing and so in anticipation of a higher financial return, a high offer was likely to have been made to secure the purchase. The EDO is strongly of the view that the fact that the purchasers of the site have chosen not to re-use it for employment generating uses should not be misinterpreted as evidence of any lack of wider interest in the site under its permitted uses.

In the absence of any justification for the loss of the employment use and given that there is no lack of demand, it considered that the application would harm employment opportunities in the area and be contrary to the provisions of Strategy 32 of the Local Plan. The application is therefore recommended for refusal on these grounds.

Character and Appearance:

The site is set well back from Salterton Road where it is not considered that a residential development of 10 detached dwellings would have any significant harmful impact on the character and appearance of the area. The immediate area is defined

by a variety of uses and a residential development on this site would be in keeping with the general pattern of development within the area.

The submitted site plan adequately demonstrates that the site can accommodate the development in a cul-de-sac form with an estate road running centrally through the site. Each dwelling would be well spaced and would be provided with good sized private gardens.

The design and form of each of the dwellings are considered to be appropriate for the surroundings.

Views of this development would be very limited from public vantage points outside of the site. Any views of the housing would be read against the existing townscape and on this basis it is not considered that it would give rise to any harm to the character and appearance of the area.

Policy D1 (Design and Local Distinctiveness) of the Local Plan seeks to ensure that new development respects the key characteristics and special qualities of the area in which the development is proposed and to ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context. The proposed development is considered to comply with the provisions of this policy and it is not considered that an objection could be sustained on these grounds.

Residential Amenity

The proposed development has been designed not to adversely affect the residential amenities of the occupiers of surrounding properties. The properties most likely to be affected by the proposal are Redgate Cottage to the west of the site and no's 8 and 9 Evett Close whose rear gardens back onto the site's northern boundary.

Plots 3 and 4 would be positioned around 14.0 metres from the western boundary and would be orientated such that the rear elevations face towards the boundary. Each dwelling would have two first floor windows and an en-suite window on the rear elevation. Whilst these would face towards the boundary of Redgate Cottage, given the existing trees on the boundary (which are protected by a TPO) coupled with the distance from the boundary and the neighbouring property it is not considered that they would result in any significant harm in terms of their physical impact or in terms of overlooking or loss of privacy. Plot 5 would be set well away from the boundary and the rear private garden of Redgate Cottage so as not to adversely affect the amenity of the occupiers of the property.

Plots 5 and 6 at the rear of the site would have a degree of impact on the occupiers of no's 8 and 9 Evett Close whose rear gardens back onto the northern boundary. The rear elevations of these properties would have two bedrooms and an en-suite facing towards the modest rear gardens of no's 8 and 9 Evett Close. Plots 5 and 6 would be positioned around 10 m from the boundary with these properties and it is accepted that the introduction of two storey dwellings on this part of the site with first floor windows would have an impact upon the occupiers of Evett Close. However, given that there would be between 16m and 22m between windows with numbers 8 and 9 Evett Close orientated at an angle to the proposed dwellings, and existing boundary

planting, it is considered that it would be difficult to justify refusal of permission on this basis of this relationship.

Policy D1 and one of the core principles of the NPPF is to ensure that developments provide a good standard of amenity for future occupiers of land and buildings. There is a further consideration regarding the relationship between Plots 9 and 10 and the builder's yard and outside storage area onto which the rear of these units would face. It is understood that the building and timber supplier unit operates from 0700 to 1700 Monday to Friday and 0800 to 1200 on Saturday. This use does generate noise on site, site servicing and deliveries to and from the site and also noise from the comings and goings of customers which would not result in an entirely satisfactory relationship between uses. Whilst this is an area of concern, the EHO has advised that an appropriate noise mitigation scheme could be provided to provide amelioration to the gardens and the rear property facades. This is probably best provided in the form of an acoustic barrier on the property boundaries.

On balance, it is considered that the proposal complies with the provisions of Policy D1 (Design and Local Distinctiveness) which seeks to ensure a developments do not adversely affect the amenity of adjoining occupiers.

Highway Safety:

The County Highway Authority have advised that the existing access road and its junction with Salterton Road is adequate for the number of dwellings proposed. The proposed layout of the shared surface access road adjoining plot 3 is unusual but not harmful and as such is considered to be acceptable. There would be adequate off road parking for each plot with a garage and an additional parking space in front of it. On this basis, it is not considered that there are any highway safety concerns and that the proposal complies with the provisions of policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Developments) of the Local Plan.

Flood Risk and Surface Water Run-off:

The site does not fall within a flood zone and so the proposed development is not considered to be at risk from flooding.

The County Council's Flood Risk Management Team have considered the application and have no objections to the proposal from a surface water drainage perspective. They have confirmed that as there would be a reduction in impermeable area within the application boundary' which currently drains to the SWW Surface Water sewer, off site flows would be reduced compared to the existing brownfield conditions with water quality being supported by means of permeable surfacing. This would represent a betterment in offsite flows and is agreed with SWW. A condition could be imposed requiring the submission of a surface water drainage management system. The proposal is considered to comply with the provisions of policy EN22 (Surface Run-Off Implications of New Development) of the Local Plan.

Arboricultural Impact:

The protected Oak trees (in third party ownership) overhanging the western boundary are a constraint to development. Where development is proposed in close proximity to trees the objective is to achieve a harmonious relationship between trees and the proposed structures that can be sustained long term.

In this regard the Council's Tree Officer originally raised concerns about the location of plots 3 and 4 and the incompatibility between the layout of these plots and the group of trees identified as T1 to T6 in the submitted arboricultural report. The location of the dwellings did not take into account the current / future height and spread of the trees, and suggests trying to manage this through unsustainable pruning. Due to the species and growth potential they will be overly dominant, drop honeydew, drop acorns, twigs and leave over most of the private garden space of these two dwellings. This will lead to pressure for lopping or removal of the trees in future years. These trees will also significantly shade the garden space and leaving rooms of the two dwellings.

In response to these concerns, amended plans have been received which have re-positioned plots 3 and 4 moving them further away from the western boundary and providing them with larger rear gardens less likely to be shaded by the crown of these trees.

Following these amendments, the tree officer is now satisfied that the trees which do contribute to the amenity and character of the area have now been given sufficient space to ensure they can be retained in an arboriculturally sustainable way. The proposal is therefore considered to comply with the provisions of Policy D3 (Trees and Development Sites) of the Local Plan.

Contaminated Land:

The contaminated Land officer has advised that there is potential for contaminated ground to be encountered during site clearance and ground works. Whilst not objecting to the application, a standard contaminated land condition has been recommended in the event that the application is approved.

Conclusion

Whilst the application is considered to be acceptable in all other regards, Strategy 32 of the adopted Local Plan requires existing employment and community sites to be adequately marketed to ensure that such uses and land are protected where there is a local need.

It is considered that whilst the site has been marketed, the information submitted in this regard falls short of being robust and as such officers are not satisfied that the site has been adequately marketed for employment/community use. This is particularly important as Strategy 32 also has a requirement to ensure protection of employment/community sites where there is a need for such sites. It is clear to officers that there is a shortage of employment and community land within Exmouth and that this site would be suitable for such uses.

In light of this, the application is recommended for refusal as it is considered to be contrary to Strategy 32 of the adopted Local Plan.

RECOMMENDATION

REFUSE for the following reasons:

1. In the opinion of the Local Planning Authority, insufficient evidence has been provided to satisfactorily demonstrate that the site has been adequately marketed and fully explored for employment and/or community use uses. In addition, it has not been adequately demonstrated that there is a surplus of employment or community land or provision in the locality. As such, the proposed development would result in the loss of an employment and community site which would harm social or community gathering and employment opportunities in the area contrary to the provisions of Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the East Devon Local Plan 2013-2031.

Plans relating to this application:

7487-09 REV A	Proposed Combined Plans	29.11.16
7487-10 REV A	Proposed Combined Plans	29.11.16
7487-11 REV C	Street Scene	29.11.16
7487-12 REV B	Street Scene	29.11.16
7487-LP	Location Plan	29.11.16
COMMERCIAL FEASIBILITY REPORT	Additional Information	17.07.17
STATEMENT	General Correspondence	13.03.17
7487-07 REV F	Proposed Site Plan	13.03.17
MARKETING DETAILS	Additional Information	21.08.17
TIME LINE SUPPORTING	General Correspondence	03.10.17

STATEMEN
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List of Background Papers

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

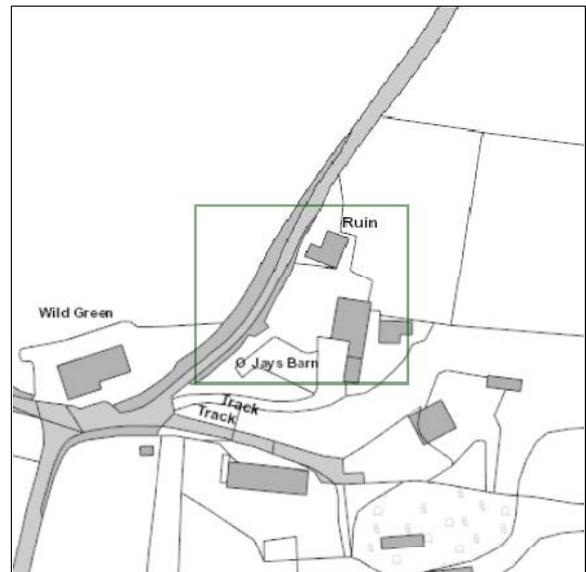
Ward Ottery St Mary Rural

Reference 17/2381/AGR

Applicant Mr P Carter

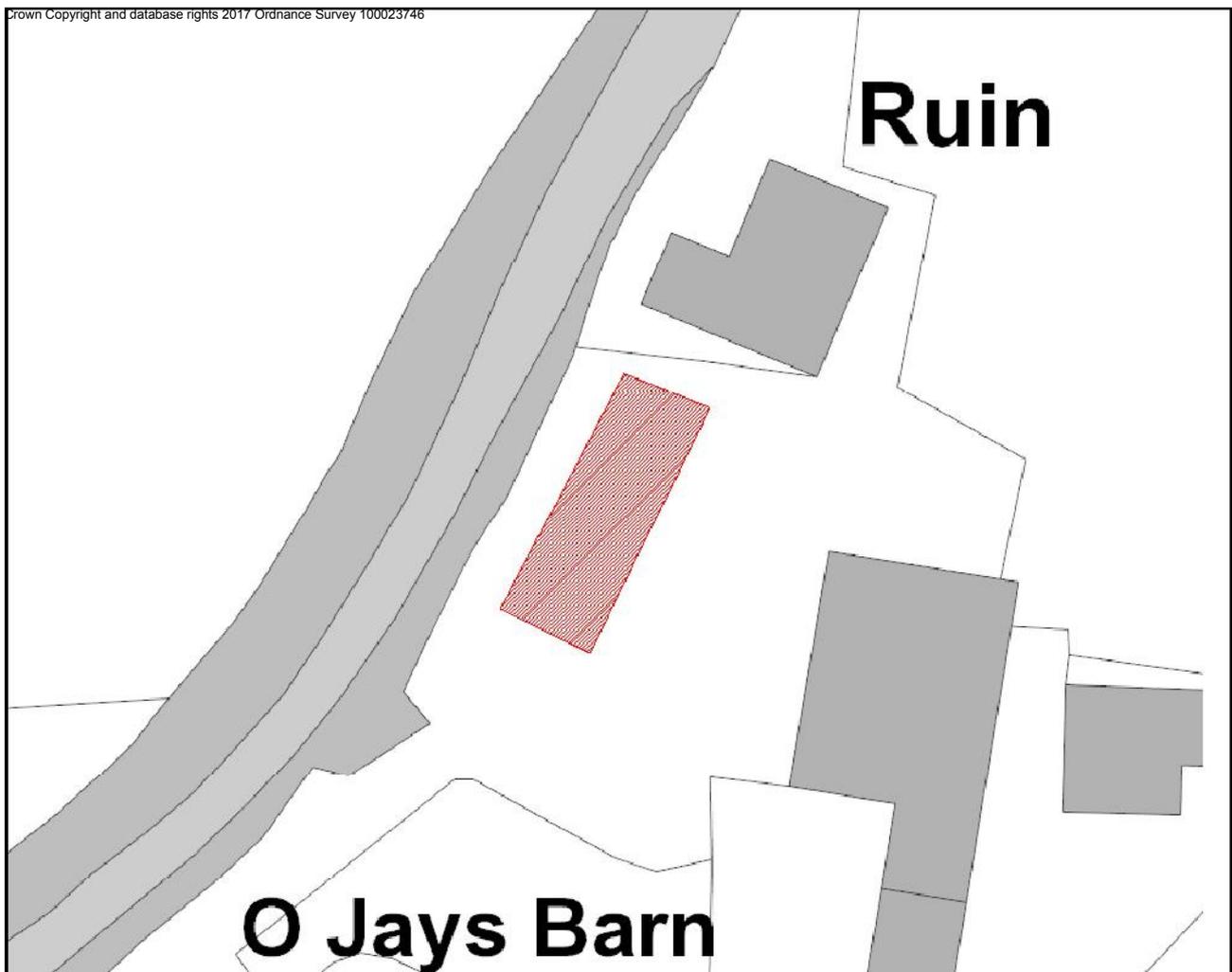
Location O Jays Barn Higher Metcombe Ottery St Mary
EX11 1RS

Proposal Agricultural storage building.



RECOMMENDATION: Approval with conditions

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		Committee Date: 31st October 2017
Ottery St Mary Rural (OTTERY ST MARY)	17/2381/AGR	Target Date: 04.12.2017
Applicant:	Mr P Carter	
Location:	O'Jays Farm, Metcombe, Ottery St Mary	
Proposal:	Agricultural storage building	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before Members at this committee as the applicant is a Member of the Council.

The application has been submitted under part 6 of the 2015 General Permitted Development Order for the consideration of the siting and appearance of an agricultural storage building. The proposal is classed as permitted development, if considered reasonably necessary for the purposes of agriculture within the unit and subject to the submission of a determination as to whether the prior approval of the Council is required for the siting and appearance of the proposed development.

Whilst officers have determined that approval of the siting and appearance is required, it is considered that the proposed building is reasonably necessary for the purposes of agriculture, is designed for agricultural purposes and, in the proposed location, would not have any significant detrimental visual impact on the character or the appearance of the area.

CONSULTATIONS

Local Consultations

Parish Council

No comments received at time of writing the report.

Ward Member

No comments received at time of writing the report.

Technical Consultations

No comments received at time of writing the report.

Other Representations

No comments received at time of writing the report.

RELEVANT PLANNING HISTORY

Reference	Description	Decision	Date
14/0956/FUL	General purpose agricultural building for machinery and dry fodder	Approved	11.07.2014

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D7 (Agricultural Buildings and Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

O'Jays Farm is situated approximately 1km to the west of the village of Tipton St John. There is a group of buildings forming the existing farm building complex associated with the holding which are sited close to the farmhouse known as O'Jays Barn. The holding has a mixed agricultural and equestrian use and extends to an area of 40 Hectares of land which has a mixed arable and grazing use including sheep rearing and the growing of maize and grass for silage and hay production.

The proposed building is in an elevated location 80m to the north of the farmhouse and sited between a mature hedgerow and an existing agricultural building on the site. There are other residential properties sited to the west and south west of the site, the closest being 'Wild Green' which is within 40m of the site of the proposed building.

Proposed Development

Permission is sought for the construction of an open fronted agricultural building for the storage of machinery and vehicles used in association with the agricultural holding. The proposed building measures 18m x 6.5m in plan, with an eaves height of 3.6m

and ridge height of 5.2m. The walls and the roof are to be finished in profiled sheeting; dark grey for the walls and light grey for the roof.

ANALYSIS

The issues to be considered in determination of this application relate to the design and appearance of the proposed building, the effect of the proposal on the character and appearance of the landscape of the area and any impact on the amenity of neighbours.

Design and appearance of the proposed building and impact on the wider landscape

The proposed agricultural building is modest in size, having a footprint of 117sq m and a maximum height of 5.2m. The building is open sided with four bays and has the appearance of a typical modern agricultural building which is designed for the purposes of agriculture. It is proposed to be finished in dark grey sheeting for the walls and light grey sheeting for the roof although materials can be conditioned for approval.

The site of the proposed building is in an elevated location above the farmhouse, adjacent to an existing mature hedgerow and close to existing agricultural buildings on the site. The existing hedgerow would provide some screening of the proposed building and the site is well related to the existing building group. Any views of the proposed building, from the wider landscape, would be seen in the context of the existing farm building complex. It is therefore considered that the proposed development would not have any significant additional detrimental visual impact on the character or the appearance of the landscape, in this location.

Impact on neighbour amenity

The property known as 'Wild Green' is within 40m of the site of the proposal, however, considering the orientation of that property and the intended use of the proposed building, it is considered that the proposed development would not result in having any adverse impact on the amenities of the occupiers of this property.

Conclusion

The applicant has demonstrated a need for the building and it is considered to be of a suitable design and appearance without causing harm to the landscape.

There will be no impact harm from the proposal upon the amenity of surrounding residents and as such it is recommended that Prior Approval is granted.

RECOMMENDATION

APPROVE

1. The development hereby permitted shall be carried out within a period of five years of the date of this decision.
(Reason - To comply with Section 60 of the Town and Country Planning Act 1990.)

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

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Location Plan	05.10.17
TW17/88/01	Other Plans	04.10.17
	Proposed Site Plan	04.10.17

List of Background Papers

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

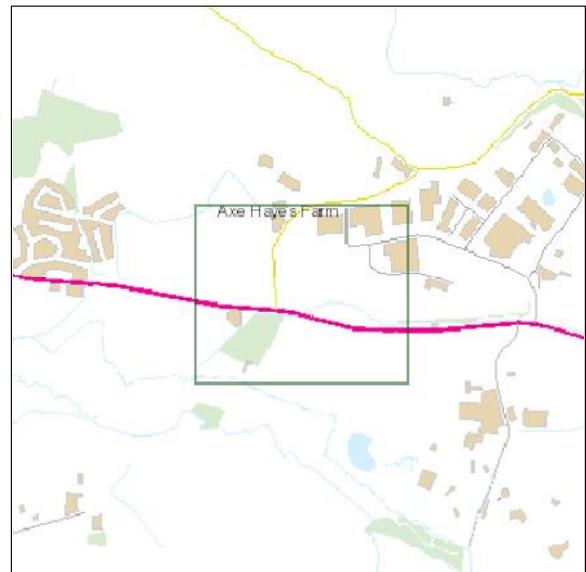
Ward Broadclyst

Reference 17/1329/MFUL

Applicant Mr Buckland

Location Hill Pond Clyst St Mary Exeter EX5 1DP

Proposal Demolition of existing dwelling and associated outbuildings and provision of new office floorspace (Use Class B1) and associated infrastructure, including parking and landscaping



RECOMMENDATION: Refusal



		Committee Date: 31st October 2017
Broadclyst (CLYST HONITON)	17/1329/MFUL	Target Date: 14.09.2017
Applicant:	Mr Buckland	
Location:	Hill Pond Clyst St Mary	
Proposal:	Demolition of existing dwelling and associated outbuildings and provision of new office floorspace (Use Class B1) and associated infrastructure, including parking and landscaping	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Members as the officer recommendation is contrary to the views of the Parish Council.

The site lies in the open countryside where development should be strictly controlled. Whilst this does not represent a bar to development, proposals must be consistent with the policies of the East Devon Local Plan unless material considerations indicate otherwise. In this instance the principle of the proposal would not conform to any of the policies of the Local Plan, and the proposal is unsustainably located.

There would be clear economic benefits in providing the type of business units that the market currently demands and that are not being provided for elsewhere in the district as highlighted in the Economic Development Officer's consultation response. However, there would be environmental dis-benefits to the location of the proposed units and how they are accessed by means other than by the private motor vehicle, the nearest bus stops to the site are located on the main A3052 public highway to the west of the site at Cat and Fiddle close to the public house on either side of the highway. From here the public would need to walk along a an unmade and unlit grass verge for a distance of in excess of 400 metres which is considered too far and not a dedicated lit route for people to use on a regular basis especially in times of inclement weather and during the winter months when daylight hours are reduced. In the opposite direction to the east the nearest bus stops serving Hill Barton Business Park and Crealy Adventure Park lie 600 metres from the site, however, it is not considered to be a walkable route being on a 50mph carriageway with no footways and not lit. In addition, the destinations of the buses are limited. There are no social benefits or dis-benefits.

Matters of highway safety and drainage have been found to be acceptable.

Overall, it is considered that the environmental harm of siting business units in an unsustainable location contrary to the adopted Local Plan with no other realistic means of travel other than the private motor vehicle would outweigh the economic benefits of the scheme. The Local Plan allocates sufficient amounts of employment land to cover the plan period for all types of business use, without the need to use open countryside where there would be a clear change in character and intrusive visual impact especially when viewed from the passing highway, an impact that would be further emphasised by the design of the units and large amounts of glazing, at odds with the surrounding built form of the industrial estate to the east.

CONSULTATIONS

Local Consultations

Parish/Town Council

It was resolved that the Council is in support of the development, with the main point of favour being the aesthetic design of it and that it seems to be a good business environment. Council would like to add the following points:

Design:

the theme is more in-keeping with the style that the parish likes and would like to see more of, demonstrating imaginative designs.

It is apparent that a lot of thought had gone into the design and landscaping, as well as the actual buildings.

o the design would look nice from the road, which would create a positive impression for tourists travelling on the A 3052.

Planting: The development will see the loss of a few trees; Council would encourage a planting scheme with a good mixture of species.

Highways and transport

impact: concerns were raised that the road may not be able to cope with the increased volume of traffic the Council would like to hear about what will be done in terms of pavements and ensuring the safety of the main road alongside (A 3052).

Council requests that a bus stop be provided with a safe pathway to the development, with consideration given to the possibility that bus route running through Hill Barton could go through the development.

Safe access/exit must be ensured

Impact:

these developments tie in theme-wise with the existing offices nearby.

despite the loss of a bungalow, the employment opportunities the development will bring are very welcome the office spaces will be a positive addition should the surrounding area be developed in the future lighting should be office lighting and not industrial, and therefore shouldn't be too bright.

Adjoining Parish

Farringdon Parish Council Comment: The PC view the access single track as a very dangerous exit onto the A3052. There are also major concerns about the impact of further heavy industrial traffic on the A3052 road. With the expansion of Hill Barton

and Greendale this application if approved would further exacerbate an already busy road and roundabout at Clyst St Mary.

Technical Consultations

EDDC Trees

Objection in principle to the proposed scheme due to the net loss of tree cover and detrimental impact of the scheme on retained trees.

The proposed scheme appears to have been devised without regard to tree constraints and contrary to the process detailed in BS5837:2012. Consequently a significant proportion of the sites trees will be lost and those retained compromised by the layout of the scheme. The scheme show the removal of B Category trees which should be retained. The tree constraints assessment under plays the impact on retained trees, especially the oaks at the entrance to the site as no allowance has been made to more favourable rooting into the site, due to the adjacent road.

The landscape assessment in the Arboricultural report shows an image of the site in winter which markedly contrasts with the in summer view which can be seen on Google Street View. The land is elevated and the trees make a localised distinctive wooded feature of visual significance, collectively the trees on site make an important local landscape feature and contribute to the amenity of the area. The trees in part screen the Hill Barton Estate but also act as a focal point distracting views.

No details have been supplied of actual landscape mitigation planting, given the scale of tree loss, this needs to be established prior to issuing a planning decision.

The current scheme is contrary to our adopted local planning policy's D1, D2 and D3.

Economic Development

We welcome proposals for business investment and the creation of units for small and medium sized enterprises associated with this application.

Whilst supportive, we acknowledge the legitimate access concern raised by a business just north of this location and appreciate that cumulative development along this transport corridor has the potential to negatively impact upon existing infrastructure and the operations of existing businesses. At this stage, however, the lack of objection from Highways England is significant.

We will examine four main areas of consideration for Economic development in respect of this application:

1) Yeo Business Park Appeal:

To the north of the site is Axehayes farm. Recently a development known as Yeo Business Park was granted planning permission on appeal. This determination is of direct material significance in considering the proposed development.

It could be reasonably assumed that the Planning Inspector's view that this nearby employment space proposal being 'relatively small scale development that would provide jobs for local people' would be applicable to the current application. It is

similarly likely that this location would also be deemed a suitable location for business units at appeal.

In their Design & Access Statement, the applicant cites a number of advantages of the proposed scheme over that upheld at the Axehayes Farm Scheme (Yeo Business Park), including:

- the previously developed nature of the current application site
- lack of residential neighbours meaning no loss of amenity
- clear demand in that the applicant's business expansion would be accommodated
- the high quality, flexibility and appeal of the proposed units to small and growing businesses in the district

To be clear, we have no economic basis on which to challenge these points.

2) Sequential Test:

Moreover, we acknowledge the sequential test carried out by the applicant after receiving pre-application advice from EDDC.

Given the Council's strategic drive to prioritise the development of employment land in the west of the district. The applicants were advised to examine the potential suitability of our Enterprise Zone sites (inc. the Exeter Airport Business Park Expansion site; Cranbrook Town Centre; Skypark & Science Park), all of which benefit from infrastructure investment in excess of £25 million and include enhanced transport corridor infrastructure, rail stations and employment site infrastructure as well as being immediately adjacent to Exeter Airport and A30 and M5 junctions.

We are aware of some businesses feeding back a view that sites, such those examined above as part of the applicant's sequential test, are aimed predominantly at the medium to large scale employers with accommodation requirements in excess of 5,000 sq ft. The applicant has commented that this can fail to meet the needs of many new and growing local micro and SME businesses. These micro enterprises account for 90% of the businesses registered in East Devon, rising to 99% if we include SME's. The continued provision of smaller, flexible serviced office accommodation is a known requirement for both our towns and rural economies.

3) Parking:

The pre-application advice is noted. We see the recommended parking provision for B1 use in this location is higher than the 53 proposed as part of the proposed scheme. The recommended level of provision was 1 space per 30sqm. For 2,071 sqm of B1 floor space, this would indicate c.69 spaces inc. 3 spaces for disabled visitor's vehicles. The proposed scheme provision may not be sufficient and we would encourage a higher provision of parking to accommodate large meetings and events beyond the more predictable requirement of tenant/business employees based there.

4) B1 Premises Demand:

The first thing to appreciate in respect of this application is that it does not represent an expansion of the Hill Barton Business Park. The land is in separate ownership and the employment offer is a very different one in both scale and nature.

The scheme will provide the required premises for the applicant's companies to converge and 800 to 4,000 sq ft of flexible office space and extra meeting space for

additional businesses for which we are aware there is a shortage of supply in the district.

The design proposals and vision for the development fit well with a large number of B use premises enquires received by Economic Development in the last 2 years, with demand for affordable and well located serviced B1 office accommodation in the district having grown in the last 12 months in particular. This is in keeping with the findings of the Carter Jonas Serviced Workspace Demand and Delivery Appraisal which the applicants have referenced in their Design & Access Statement.

By way of a concrete example, the East Devon Business Centre has seen levels of tenancy almost double in the last 18 months and the Centre is now at capacity. There is a lack of suitable B1 office provision being brought to market and so demand continues to outstrip supply.

The proposed scheme will complement the neighbouring larger B use provision and be a welcome addition to the diverse mix of commercial accommodation required to facilitate indigenous business growth (inc. micro & SME start-ups with a more flexible offer) as well as the district's ability to meet the needs of potential inward investors seeking to become established or grow their operations in East Devon.

Having recently reviewed B use premises demand across the district, the following updates can be cited:

- In Exmouth, B use accommodation at Liverton Business Park is in high demand. We have seen speculative build in this location with all but their final unit now let. They are unable to accommodate demand for B1 premises
- Across Clinton Devon Estate's whole East Devon portfolio of commercial property, they have no other vacant B use premises available, representing a significant shortage of supply
- The EHOD Commercial Premises Register has received 43 separate enquiries for B1 Office accommodation in the District in the last 3 months
- Greendale have received more than 80 B use premises enquiries in the last 12 months totalling more than 850,000 sq ft.
- Also, west of the Enterprise Zone, land is being brought forward for speculative development of small, flexible B use units. The applicants have reported high levels of demand for this B use workspace
- Recently, as part of their Business Plan for the use of the Owen Building, Rolle Exmouth Ltd provided details of 59 separate businesses, social enterprises, individuals, groups/classes, education & training providers who have declared an interest in finding commercial premises in Exmouth
- More recently, we have met with a group of young entrepreneurs who expressed frustration at our collective inability to identify suitable workspace for them to grow their businesses and provide additional jobs
- East Devon Business Centre offers B1 office space and is now fully let. There are no available office developments in Honiton to meet the current demand
- Lastly, we continue to receive inward investment enquires of differing scales and different employment use classes, inc. from the Dept. for International Trade (DIT, formerly UKTI). These offer a diverse mix of investment and much needed employment opportunities from outside the district for which it is often difficult to identify available employment premises. Maintaining a diverse mix of land and premises is key to securing these investments and associated local economic benefit.

That the applicant has had five expressions of interest from local businesses seeking to secure premises within the proposed development is entirely consistent with the pattern of demand we have accumulated evidence of. We are particularly supportive of the aspiration for a rural business hub to be provided as the scheme progresses. The increased density of employment possible on this site under B1 use (c.50 FTE has been stated) compared to more traditional B2 and B8 uses is similarly upheld as is the clear benefit to our established local supply chains and producers/providers serving this development.

Environmental Health

I have assessed the above application and have concerns about the following:

Noise from mechanical plant. air conditioning etc

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

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

Construction phase

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

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

Lighting

A lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable.

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

Devon County Council, Minerals & Waste

Demolition of existing dwelling and associated outbuildings and provision of new office floorspace (Use Class B1), Hill Pond, Clyst St Mary (17/1329/FUL)

Thank you for your consultation of 22nd June 2017 concerning the above application.

The site lies just outside the Waste Consultation Zone associated with the existing and proposed waste management facilities at Hill Barton, and it is considered that the proposed office development will not constrain those facilities and is therefore consistent with Policy W10 of the Devon Waste Plan

Devon County Council therefore has no objection in its role of waste planning authority.

DCC Flood Risk Management Team

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Hill Pond - Drainage Strategy (Ref. 10870, dated March 2017).

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

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

No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning

Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

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

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

Observations:

Further to our comments dated 24/07/2017 the applicant has submitted additional information in support to the application. Within the consulting engineer's email dated 03/08/2017 and presented within Drawing No.10870-SK001-P1 (dated 02/08/2017) in which a suitable drainage strategy can be achieved on site.

Given the proposed attenuation pond is situated within Flood Zone 3, it has the potential to store fluvial flood waters from the east. Therefore the site of the proposed attenuation pond is valuable for the storage of flood waters on such occasions and therefore the detailed design of the drainage strategy should take this into account.

Therefore subject to the above conditions we have no further objection.

South West Water

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

Highways England

No objections

WW Utilities

No objections

Landscape Officer

It should still be considered the LVIA underestimates the impact of the development:

1. The susceptibility of the Site's Landscape character should still be considered medium as the proposal would constitute an extension of the linear spread along the A3052, which is in direct conflict with the guidelines set out for Clyst Lowland Farmlands landscape character areas, which states:

'Protect the sparse settlement pattern of clustered hamlets, villages and farmsteads, preventing the linear spread of development along river valleys and roads wherever possible'

The proposed development would considerably increase the extent of development on site. It would position built form closer to the road and further west, include car parking directly abutting the existing hedgerow and increase the max ridge height by 2.5m.

2. The magnitude of change should be considered medium as the proposed development would insert 2071m² GIA office space with associated car parking on a site which currently houses only a 130m² bungalow with a couple of sheds. The proposed development would not only increase the footprint of buildings on the site but would locate buildings closer to the road and further to the west, increase the ridge height of buildings on site by 2.5m and would remove the majority of the existing planting around the pond, which currently assist in screening the development at Hill Barton. Further the proposed development would require the removal of tree and tree groups in good condition and would alter the current green setting of the pond area. This green setting also forms a landmark within the wider landscape.
3. The reply to the earlier consultation response does not address the concerns raised in relation to the more sensitive pond area and the loss of planting around this pond and its impact on the current levels of screening of Hill Barton afforded by this planting.

In relation to views from the west, it should be considered that:

1. the LVIA still underrates the sensitivity of the road users along Sidmouth Road should be considered medium as the road affords a continuous view of the site along approximate 550m stretch of road, where views when travelling eastwards are directly pointed towards the site. Views across the wider landscape from the A3052 are unusual, which makes this view even more prominent.

2. The magnitude of change should be considered to be medium-low as the development will constitute a major increase in built form (see above raised comments) on top of a localised ridge. The chosen materials although reminiscent of agricultural barns will not make the buildings appear as agricultural due to the shape of the buildings and the extent of glazing proposed. The additional planting within the western hedgerow is a welcomed addition, however how will this be implemented without damaging the existing hedge. A re-arrangement of the car park area allowing for more space along the western hedgerow to include additional planting would allow for planting to take place without damaging the existing hedgebank.
3. Due to the aforementioned the impact on the views from the A3052 road users should be considered moderate adverse. the impact should be considered the same for the footpath users.
4. It should still be considered that the visual influence of the site is greater than it has been represented within the LVIA. As there are public vantage points beyond the 500m radius from which the site or its existing planting can be viewed as demonstrated within the earlier landscape consultation response.

The additional bund sketch still fails to include key information:

- What will be the maximum height and maximum width of the bund?
- What is meant by gentle slopes (normally 1/3 or shallower)
- What will be the minimum depth of planting?
- Section should indicate existing levels.

The submitted sketch appears to indicate a 3.4m high bund, which is twice as tall as an average person and nearly as tall as the existing bungalow on site, this is not in keeping with the local landscape character.

The following comments still stand:

1. The difference in the assessment of the impact on the Cat and fiddle residents and the users of the road leading from the A3052 to the site access
2. The location of the existing sewer pipeline has still not been shown on landscape proposals
3. Impact on the existing tree cover on site including the removal of trees in good condition and the location of development within the root protection areas of the existing trees to be retained.
4. Safety concerns in relation to the design of the SuDS features as they include slopes steeper than 1/1.
5. Further clarification is needed on the permanent water level within the ponds
6. The access arrangement with proposed roundabout appears excessive and appear at odds with the rural setting of the site, especially in relation to the lane from which the site is accessed and the mature oak trees on either side of the entrance.
7. Further detail on levels is needed to ensure the scheme provides access for all.
8. Impact of construction work on the existing on-site pond habitat.
9. Proposal to increase height of existing hedgerow is out of character with the surrounding landscape.

Due to the aforementioned the scheme should be considered in conflict with:

- **Strategy 46 - Landscape Conservation and Enhancement and AONBs,**
- **Policy D1 - Design and Local Distinctiveness, and**
- **D2 - Landscape Requirements.**

And therefore is unacceptable in landscape design terms

If the scheme were to be approved the following should be conditioned:

- landscaping scheme including:
 - A Green infrastructure statement describing the function and character of the provided open spaces and the various types of planting proposed and hard surfacing and how this ties into the local landscape character and other elements of the proposed development.
 - Detailed plans outlining the soft landscape proposals accompanied by a specification detailing the proposed species, their planting size, the density at which they will be planted, any specific planting matrices, the number of plants of each specie and notes describing how the scheme will be implemented.
 - Detailed plans outlining the hard landscape proposals and boundary treatments including proposed levels and accompanied by a material specification.
 - A minimum of 2 sections showing how the proposed development will integrate into the existing context.
 - Details of any proposed walls, fences and/or any other hard or soft landscape boundary treatments
 - Details of any retaining, outlet or inlet features
 - The various tree pits and/or Devon bank construction details.
 - Implementation schedule
- CEMP
- Landscape Ecological management Plan

Other Representations

One representation has been received raising the following concerns:

- Additional employment in an area where there has been recent approvals;
- Additional traffic using a single track road with a passing bay half way down;
- Vehicles often have to wait on the main A3052 before having to turn down the access;
- Signage competition on the main highway.

PLANNING HISTORY

None relevant

POLICIES

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

D1 (Design and Local Distinctiveness)

E5 (Small Scale Economic Development in Rural Areas)

E7 (Extensions to Existing Employment Sites)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

D2 (Landscape Requirements)

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

Strategy 31 (Future Job and Employment Land Provision)

D3 (Trees and Development Sites)

EN22 (Surface Run-Off Implications of New Development)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Site Location and Description

The site lies in the open countryside adjacent to the A3052 Exeter to Sidmouth highway. It currently comprises a detached bungalow with associated outbuildings and vehicular access from the minor lane to the west, there is also an existing pond on the site. The site sloped down gently from north to south and is bound by mature hedgerows and trees on all boundaries. The Hill Barton Business Park lies to the east and north east of the site with the recently implemented business units at Axe Hayes farm to the north west of the site.

Proposal

This application seeks full planning permission for the demolition of a bungalow and associated outbuildings and replacement with 5 new purpose built B1 office buildings of 2 storeys in height. The overall floorspace would be 2100 square metres envisaged to employ 50 employees and extend up to a maximum height 2.5 metres higher than the existing building.

The existing access from the minor road would be improved and a car park comprising 59 spaces provided.

ANALYSIS

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

- Principle of the proposed development
- Sustainability
- Impact of the proposal on its surroundings
- Impact on trees
- Design of the proposed development
- Impact on highway safety
- Drainage

Principle

The site lies in the open countryside as defined by Strategy 7 of the East Devon Local Plan where all development must be strictly controlled so that it does not impact unreasonably on the character and appearance of its surroundings. That does not represent a bar on all development, however, only proposals which are in accordance with a specific policy of the Local Plan would be permissible unless other material considerations outweigh this. In this instance as the site lies outside of any recognised built up area boundary it must be judged whether there are any economic based policies which would support the provision of new employment units.

Policy E7 of the local plan supports the expansion of existing employment sites, though whilst the proposal site would be geographically adjacent to Hill Barton Business Park, it would not be accessed through the existing estate or physically well related. Furthermore, this policy explicitly excludes expansion of Hill Barton Business Park. The draft Villages DPD, which is due for examination imminently, sets out the quantum of existing development at the business park and sets out reasons why the business park should not be able to expand beyond its existing boundaries.

Policy E5 of the local plan supports the small scale growth and expansion of business in the rural area subject to the following criteria:

1. It involves the conversion of existing buildings. Or
2. If new buildings are involved, it is on previously developed land. Or
3. If on a Greenfield site, shall be well related in scale and form and in sustainability terms to the village and surrounding areas.

However, before assessing the proposed scheme against these criteria, it must be determined whether or not the proposed development represents small scale. The proposed floor space of the office buildings would be in excess of 2,000 square metres, and whilst the policy does not define small scale, it is not considered that this level of development would not be classified as small scale.

Accordingly, there are no policies contained in the East Devon Local Plan that would support the proposed development and therefore the principle of the proposed development is considered to be contrary to Strategy 7 of the plan and the emerging Villages DPD. The proposal does not therefore accord with the Development Plan and as such the application has been advertised as a departure.

Sustainability and other material considerations

The National Planning Policy Framework is a material planning consideration in the determination of this application, with sustainability at its heart it is considered appropriate to test the proposed development against the three strands of sustainability, economic, social and environmental.

Economic

The most appropriate officer to comment on the economic impacts of the proposal is the Economic Development Manager and his comments are provided earlier in this report.

From the comments it is clear that there is a need at present for the type of business units sought by this application. However, it has to be considered whether this is the right location for those facilities. The local plan seeks to provide business units in the 'West End' of the district and close to existing settlements so that the units are located close to housing and in locations serviced by good public transport links. The site is not within the 'West End' or close to a settlement. This is assessed further below.

However, overall the economic benefits clearly weigh in favour of the proposed development.

Social

There are not considered to be any positive or negative social benefits to the proposed development.

Environmental

It is noted that there have been recent appeal decisions on a site immediately to the north of the application site for the small scale growth and expansion of Yeo Business Park where and Inspector concluded that the site is sustainable in transport terms as there are bus stops nearby to the site where people could walk from/to work and that buses stop on demand on the road leading up to the business units. However, that decision was based around Policy E5 of the Local Plan for small scale economic development in rural areas which is not relevant to the current application. These appeal decisions also pre-date the Villages DPD and its supporting evidence submitted as part of the DPD that demonstrate that Hill Barton is in an unsustainable location for further expansion of the business park.

The nearest railway station, Digby and Sowton, is 4 kilometres (2.5 miles), straight line distance, the nearest bus stops to the site are located on the main A3052 public highway to the west of the site at Cat and Fiddle close to the public house on either side of the highway. From here the public would need to walk along an unmade and unlit grass verge for a distance of in excess of 400 metres which is considered too far and not a dedicated lit route for people to use on a regular basis especially in times of inclement weather and during the winter months when daylight hours are reduced. In the opposite direction to the east the nearest bus stops serving Hill Barton Business

Park and Crealy Adventure Park lie 600 metres from the site, however, it is not considered to be a walkable route being on a 50mph carriageway with no footways and not lit. In addition, the buses that stop on the A3052 only serve limited parts of the district.

Leaving aside the busy A3052, and other busy roads and the hilly terrain of much of East Devon, the business parks might be somewhat more accessible to cyclists than pedestrians, but without dedicated cycle paths and with travel distances to larger towns and the city of Exeter that are still long, the expectation would be of few people being able or choosing to cycle to the business parks.

Notwithstanding the very low population levels within easy walking or cycling distance of the two business parks they are not destinations, on road safety grounds, you would readily want to encourage people to walk or cycle to. The A3052 is a busy single carriageway road with long lengths, specifically including in the vicinity of Hill Barton, where there are limited footpaths and no cycle lanes. Accordingly it is considered that there would be heavy reliance on the private motor vehicle for people working at the site.

As mentioned above, the Local Plan Strategy is for a large part of future development to take place within the 'West End' with further small scale expansion of rural employment sites, extensions to employment sites (other than Hill Barton and Greendale) and through the protection of existing employment sites. The proposal is not within the 'West End', is not small scale and proposes the expansion of the employment land adjoining Hill Barton. The site is also remote from housing and a range of services and facilities.

Given the above, and given the availability of adequate amounts of employment floorspace across the district, it is considered that the proposal would result in environmental harm (through provision of development in the wrong location) that clearly weighs against the proposal.

A balance of the overall sustainability will be undertaken at the end of this report after all of the other issues have been discussed.

Impact on surroundings

The proposal seeks to provide 5 main buildings on site for use as offices, although these buildings would be linked in the main by their roofs. The overall maximum height would be 2.5 metres higher than the roof of the bungalow that lies in the northern part of the site.

A landscape and visual assessment (LVIA) has been submitted with the application, which has been considered by the Council's Landscape Architect who considers that the overall assessment underestimates the impact that the proposal would have on its surroundings.

The effect on the landscape should be considered Moderate adverse, and the magnitude of change should be considered medium-low because:

- the development conflicts with the guidelines set out for Clyst Lowland Farmlands landscape character areas, which states:
'Protect the sparse settlement pattern of clustered hamlets, villages and farmsteads, preventing the linear spread of development along river valleys and roads wherever possible'
- The development constitutes a major increase in the scale of development within the site on top of localised ridge, resulting in greater prominence of development within the wider landscape where currently the majority of Hill Barton is not prominent.
- The proposed scheme would require the removal of tree and tree groups in good condition and would alter the current green setting of the pond area. This green setting also forms a landmark within the wider landscape.

The development constitutes a major increase in scale compared to the existing on-site situation and this is on top of localised ridge, which will make the proposal highly visible from the west travelling down on the A3052 towards Sidmouth from the Cat & Fiddle till just past the site. The LVIA underrates the sensitivity of the road users along Sidmouth Road, it should be considered medium as the road affords a continuous view of the site along approximate 550m stretch of road, where views when travelling eastwards are directly pointed towards the site. Views across the wider landscape from the A3052 are unusual, which makes this view even more prominent; from an LVIA perspective this impact would be classified as moderate adverse. From other viewpoints the proposed development would not be as prominent and would be screened either by the existing buildings in Hill Barton Business Park, landscape features or the distance of views from the site.

The chosen materials although reminiscent of agricultural barns would not make the buildings appear agricultural due to the shape of the buildings and the extent of glazing proposed. The additional planting within the western hedgerow is a welcomed addition, however concern is expressed as to this would be implemented without damaging the existing hedge. A re-arrangement of the car park area allowing for more space along the western hedgerow to include additional planting would allow for planting to take place without damaging the existing hedgebank.

Due to its prominent position when travelling along the A3052 from west to east it is considered that lighting would be key to its assimilation into its surrounding, whilst no details have been provided at this stage, it is considered that an appropriate scheme could be secured by condition on any approval.

Overall the LVIA underestimates the impact of the development on the landscape character and on views from the west. The scheme would dramatically increase the amount of development on the site and locate it where it would be more prominent and would alter the setting of the pond, which does not only shape the direct landscape around the pond, but which also forms a visible landscape feature within the wider landscape. The scheme is in direct conflict with Clyst Lowland Farmlands Devon Landscape Character Area Guidelines, which requires the prevention of linear spread along roads and constitutes the loss of number of trees and tree groups in good condition. Due to the aforementioned the scheme should be considered in conflict with Strategy 46, Policies D1, D2 and D3.

Impact on trees

There are a number of trees on site which are proposed to be felled to accommodate the proposed development. An arboricultural assessment has been submitted in support of the application which the tree officer has reviewed and made the following comments:

The proposed scheme appears to have been devised without regard to tree constraints and contrary to the process detailed in BS5837:2012. Consequently a significant proportion of the sites trees will be lost and those retained compromised by the layout of the scheme. The scheme show the removal of B Category trees which should be retained. The tree constraints assessment under plays the impact on retained trees, specially the oaks at the entrance to the site as no allowance has been made to more favourable rooting into the site, due to the adjacent road.

The landscape assessment in the Arboricultural report shows an image of the site in winter which markedly contrasts with the in summer view which can be seen on Google Street View. The land is elevated and the trees make a localised distinctive wooded feature of visual significance, collectively the trees on site make an important local landscape feature and contribute to the amenity of the area. The trees in part screen the Hill Barton Estate but also act as a focal point distracting views.

Given that the trees are an important landscape feature and amendments could be made to the layout of the site to retain the more important trees, it is considered that the proposed development would be contrary to Policy D3 of the EDDC Local Plan.

Design and layout

The site slopes down gently from north to south, the existing bungalow and associated outbuildings (which are to be demolished) are located in the immediate north of the site. The proposed office buildings would be of a bespoke design and not of a standard industrial estate finish and be a maximum of 2.5 metres higher than the ridge height of the existing bungalow. Although concern has been expressed regarding the amount of glazing in terms of its impact on the surroundings, design wise it creates an aesthetically pleasing appearance especially when taken with the curved form of the buildings and roof overhang which creates a flow between all of the buildings. The office buildings would have an outlook to the east over the existing pond.

There would be car parking to the west and south of the buildings and whilst this is less than the Economic Development Officer would like, it is considered that 59 spaces for the projected 50 jobs is acceptable.

In terms of the design, the buildings would be high quality and the materials would complement the bespoke design, however, the buildings have not been designed to take into account the wider landscape setting. The large amounts of glazing and angular form would make the buildings appear more prominent in the setting rather than appearing recessive like other industrial buildings to the east do as they are designed to fit in with their surroundings.

Therefore, whilst good design in themselves the buildings would fail to take into account the character and appearance of the surroundings contrary to Policy D1 of the East Devon Local Plan.

Impact on highway safety

The site lies adjacent to the A3052 although it is currently accessed through a dedicated access which serves a dwelling and caravan site from a minor road which accesses onto the main A3052 immediately to the west of the site frontage. The minor road also serves a number of small businesses on a site known as Yeo Business Park to the north west of the site. This access arrangements to the site are not proposed to change, save for some minor widening and work to the access point.

Concerns have been raised by various parties regarding the width of the minor road and its ability to accommodate the increase in traffic that the development would produce, however, Highways England raise no objections to the impact on the strategic road network and Devon County Highways Engineer raises no objection regarding the technical aspects of the proposed access layout.

It is therefore considered that the proposed access arrangement are acceptable in relation to Policy TC7 of the East Devon Local Plan and advice contained in the National Planning Policy Framework.

Drainage

The application was originally submitted with a drainage scheme which included an attenuation pond to mitigate the surface water emanating from the proposed development, however, this feature is proposed in flood zone 3 and therefore concerns were raised by Devon County regarding its effectiveness during times of flood, its discharge point, bank levels and discharge rate.

Since the original comments were received the applicant has submitted additional information in support to the application. Drainage information contained in the consulting engineer's email dated 03/08/2017 and presented within Drawing No.10870-SK001-P1 (dated 02/08/2017) in which a suitable drainage strategy can be achieved on site.

Given the proposed attenuation pond is situated within Flood Zone 3, it has the potential to store fluvial flood waters from the east. Therefore the site of the proposed attenuation pond is valuable for the storage of flood waters on such occasions and therefore the detailed design of the drainage strategy should take this into account, this detailed design can be secured by condition on any approval.

The proposal is therefore considered to conform with Policy EN22 of the East Devon Local Plan.

Planning balance and conclusion

In accordance with Paragraph 14 of the NPPF, where proposals are not in accordance with an up to date development plan, there must be clear sustainability benefits/other material considerations to approving development. In this instance it has been highlighted that there are clear economic benefits in providing the type of business units that the market currently demands and that are not being provided for elsewhere in the district. However, it has been demonstrated that due to the scale of the development there would be environmental dis-benefits to the location of the proposed units and how they are accessed by means other than by the private motor vehicle. There are no social benefits or dis-benefits.

Overall, it is considered that the proposal is contrary to the Local Plan with the environmental harm of siting this scale of business units in an unsustainable location with no other realistic means of travel other than the private motor vehicle outweighing the economic benefits of the scheme. The Local Plan allocates sufficient amounts of employment land to cover the plan period (directing new proposals nearer to settlements and a range of services and facilities) for all types of business use, without the need to use open countryside where there would be a clear change in character and intrusive impact especially when viewed from the passing highway. The visual impact further emphasised by the design of the units and large amounts of glazing, at odds with the surrounding built form of the industrial estate to the east.

Whilst there are therefore economic benefits from the proposal, it is contrary to adopted local plan policy by proposing a significant scale of development in the countryside in a location that is remote from services and facilities. The proposal also runs contrary to the evidence submitted as part of the Villages DPD where the expansion of Hill Barton is resisted due to its remote location.

RECOMMENDATION

REFUSE for the following reasons:

1. The application site lies in a countryside location outside of a defined built up area boundary or neighbourhood plan boundary in an area where employment expansion has not been planned for due to its unsustainable location. The site has limited access to public transport connections through there being no footways or lighting to provide safe walking routes to nearby bus stops along the A3052, neither is the route from nearby settlements and attractive environment for cycling to work. As such it is considered that there would be heavy reliance on the private motor vehicle to access the site which is considered to outweigh the economic benefits of the proposed development. As such the proposal is contrary to Strategy 7 – Development in the Countryside of the adopted East Devon Local Plan, the emerging Villages DPD and contrary to Paragraph 14 of the National Planning Policy Framework.
2. The landscape and visual impact assessment (LVIA) submitted with the application underestimates the impact of the development on the landscape character and on views from the west. The scheme would dramatically increase the amount of development on the site and locate it where it would be more

prominent, especially through its unique design with large amounts of glazing and materials that would be at odds with the surroundings and would alter the setting of the pond, which does not only shape the direct landscape around the pond, but which also forms a visible landscape feature within the wider landscape. The scheme is in direct conflict with Clyst Lowland Farmlands Devon Landscape Character Area Guidelines, which requires the prevention of linear spread along roads and constitutes the loss of number of trees and tree groups in good condition where alternative layout would not require such loss. The proposal is therefore considered to be contrary to Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees and development Sites) of the East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

3541.SLP.001 REV A	Location Plan	05.06.17
3541.AE.003	Proposed Elevation	15.06.17
3541.AE.002	Proposed Combined Plans	16.06.17
3541.AL.004 REV E	Block Plan	15.06.17
3541.SX.001 REV A	Sections	15.06.17
3541.SL.001 REV A	Layout	15.06.17
3541.AL.006 REV A	Proposed Floor Plans	15.06.17
3541.AL.005 REV C	Proposed Floor Plans	15.06.17

3541.AL.003 REV C	Proposed Floor Plans	15.06.17
3541.AL.001 REV C	Proposed Floor Plans	15.06.17
3541.AE.001 REV C	Proposed Elevation	15.06.17
3541.AL.007 REV A	Proposed Floor Plans	15.06.17
STRATEGY 444/01	Landscaping	15.06.17
04855 TCP	Landscaping	15.06.17
04855 TPP	Landscaping	15.06.17
3541.AL.002 REV C	Proposed Floor Plans	15.06.17
3541.SX.002 REV A	Sections	15.06.17

List of Background Papers

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

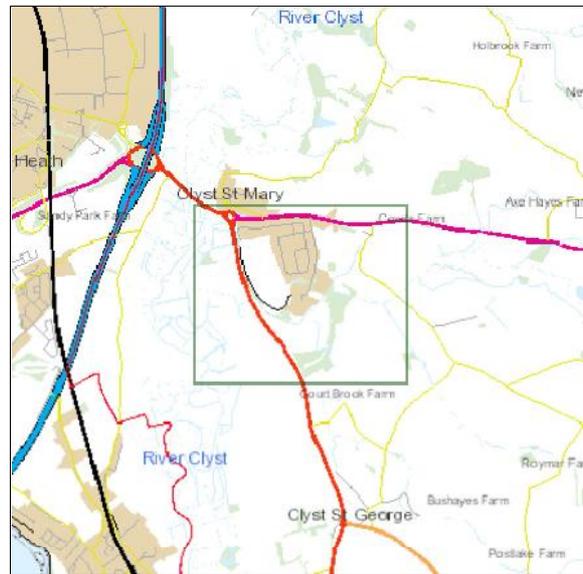
Ward Clyst Valley

Reference 16/2460/MOUT &
16/2461/LBC

Applicant JLL

Location Friends Provident Winslade Park Clyst St Mary
Exeter EX5 1DS

Proposal Hybrid application for 150 dwellings and 0.7ha of employment land (Use Class B1) to include full permission for 67 dwellings (conversion of Winslade House and The Stables) and outline permission seeking means of access only for up to 83 dwellings, new workplace units of 1809 sq. m along with associated infrastructure. Conversion of Winslade House and The Stables to 67 dwellings



RECOMMENDATION: Approval with conditions



		Committee Date: 31st October 2017
Clyst Valley (CLYST ST MARY)	16/2460/MOUT	Target Date: 09.02.2017
Applicant:	Friends Life LTD	
Location:	Friends Provident Winslade Park	
Proposal:	Hybrid application for 150 dwellings and 0.7ha of employment land (Use Class B1) to include full permission for 67 dwellings (conversion of Winslade House and The Stables) and outline permission seeking means of access only for up to 83 dwellings, new workplace units of 1809 sq. m along with associated infrastructure.	

RECOMMENDATION: APPROVE subject to a legal agreement

		Committee Date: 31st October 2017
Clyst Valley (CLYST ST MARY)	16/2461/LBC	Target Date: 09.02.2017
Applicant:	Friends Life LTD	
Location:	Friends Provident Winslade Park	
Proposal:	Conversion of Winslade House and The Stables to 67 dwellings	

RECOMMENDATION: APPROVE subject to conditions

EXECUTIVE SUMMARY

These applications are before Members as the officer recommendation is contrary to the view of the Ward Member.

This report relates to a hybrid planning application and associated listed building application.

The planning application covers two distinct parts: a full application for the conversion of the listed Winslade House and stables into 67 residential units and

consent for outline permission for the erection of up to 83 dwellings, new office buildings and associated infrastructure on the remainder of the site. The quantum of development proposed is considered to be in accordance with that which forms an allocation for a mixed use development of around 150 dwellings and 0.7ha of B1 office space under Strategy 26B of the adopted Local Plan.

The conversion, associated parking and design of Winslade House are considered to be appropriate subject to conditions.

The outline application is submitted with all matters reserved for subsequent approval save for access. Illustrative plans have been submitted which indicate that the quantum of development proposed could reasonably be accommodated on site without impacting unreasonably on the surrounding settlement pattern, the amenity of surrounding properties or highway safety.

Listed building consent is also proposed for the conversion of Winslade House and the Stables into 67 residential units. Listed Building consent has previously been granted on this site under references 14/2461/LBC and 14/2463/LBC for the same quantum of development so this aspect of the proposal is again acceptable.

The impact upon the setting of the listed building through the construction of up to 83 new dwelling and employment units would cause less than substantial harm to the listed building but it must be determined whether there are any public benefits that would outweigh the harm. In this instance it is considered that the re-use of redundant buildings, the provision of office space and the erection of up to 83 new dwellings (in accordance with the local plan allocation and Strategy 26B) would bring substantial public benefits that would outweigh the limited harm to the setting of the listed building, particularly where the harm could be lessened through appropriate design which is a consideration at the reserved matters stage; it is proposed to condition submission of a design code and landscaping for the new build houses.

The planning application is accompanied by a viability appraisal seeking to demonstrate that 50% affordable housing is unviable. However, given that the planning application is partly in outline form, agreement cannot be reached with regard to viability and affordable housing at this stage. As such, it is proposed that the viability be reviewed at the reserved matters stage.

Accordingly, it is considered that both applications are acceptable and are both recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

Concerns:-

1. No replacement for the loss of and removal of the Stable Club, its swimming pool and gym
2. Part of the area ear marked for outline planning approval lies on flood zone 2 and 3 in particular that part indicated for industrial units on the existing car park
3. That where trees are to be removed there should be additional trees planted strategically
4. No provision has been made to provide a parking area for the Church as was previously agreed by the developers
5. Access from the proposed outline planning area does not allow for access currently in existence to continue and this should be provided

Objections:-

1. Objection to the possible height of the industrial units to be built on the existing car park.

We have today submitted our comments but would like to reserve the right to make further comments, if needed, as we have put in a Freedom of Information Request to see the Viability Report which is currently marked confidential.

Further comments:

Whilst BCPC does not object to the amended plans we will fully support specific consultee comments. Please ensure access to service cricket pavilion is retained.

Clyst Valley - Cllr M Howe

TO: HEAD OF PLANNING & COUNTRYSIDE SERVICES

MEMBER'S CONSULTATION RESPONSE FORM

FROM COUNCILLOR:...Mike Howe.....

PLANNING APPLICATION NO: 16/2460/MOUT.....

ADDRESS: Friends Provident Winslade Park Clyst St. Mary

Following an initial review of the above application I recommend the following:

appropriate) (tick as

Support the application No

Object to the application Yes

In the event my recommendation and that of the Planning Officer differs, I wish the application to be referred to Development Control Committee Yes

Relevant planning observations on the planning application to support my recommendation above:

I had been waiting for the Amendments for this before commenting but now I believe time is up, As such I object to this on the grounds of the Conservation Officer, Environment Agency, and DCC Flood Risk Team and totally agree with their comments.

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

Technical Consultations

Environmental Health

I have considered the application and have concerns relating to environmental health issues as follows:

(1) Noise from road traffic

The Acoustic Air noise and air quality assessment dated October 2016 states in section 4.21:

"Opening windows for ventilation purposes would reduce the insulation provided by the building façade and internal noise levels would then exceed the daytime design standards in living rooms, although this situation is not unusual for residential areas within the urban environment where transportation noise is prevalent. Passive acoustic ventilators, such as acoustic trickle vents in the window frames or acoustic airbrick type vents within the walls, can be used for living rooms that have windows having an unscreened view towards the road. These would enable occupiers to obtain natural ventilation with windows closed, without any loss of amenity due to noise intrusion."

Given that this is a new development I would expect the design of the development to ensure that noise levels are well within design standards such that future occupiers can open windows as they wish (with noise levels below internal noise level design standards) during the hot summer months.

Methods of control include:

- o Screening of the site (bunds / barriers)
- o Location of the building on the site
- o Internal planning of the building
- o Building form and orientation

For further information please refer to the document "BUILDING RESEARCH ESTABLISHMENT and CIRIA. Sound control for homes. Building Research Establishment, 1993 BR 238/CIRIA report 127. Watford: Building Research Establishment.

Should the applicant choose to provide acoustic screening, such screening is likely to benefit the acoustic environments of the gardens and amenity areas as well.

(2) Construction phase

Should the application be approved, we recommend the following planning condition:

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

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

Housing Strategy Officer Melissa Wall

The applicants are not proposing to provide any affordable housing citing viability reasons, which is disappointing. However we recognise that the nature of the site with the conversion of listed buildings will result in higher than normal costs which will impact upon viability.

The Council's Development Enabling and Monitoring Officer will be reviewing the viability evidence submitted and will make her recommendation. Should it be found that the development could support a reduced level of affordable housing we will enter into discussions with the applicant on how this could be provided.

An overage clause will be sought in respect of future profits and affordable housing provision, where levels of affordable housing fall below policy targets.

Further comments:

We have no further comments to make on this application and await the outcome of the sites viability assessment.

EDDC Trees

The submitted Advanced Arboriculture Arboricultural Survey (AS) in accordance with BS5837:2012, accurately records the location ,physical parameters and tree classifications for the trees growing on and adjacent to the site.

The purpose of this survey is to inform the design and layout of the development, in order that the retention of trees is optimised and such retained trees are sustainably integrated within the hard and soft landscape

Whilst this is an outline application and design and layout is part of the reserved matters , the indicative site plan (ATP _101 rev D) of the proposed development demonstrates that the important trees are to be retained in a sustainable manner. However, this drawing and the Arboricultural Impact Assessment do not show or take into account the works being put forward in the Proposed Drainage Strategy.

Drawing C14491/C200 Rev. A shows a large attenuation pond located within an area of trees identified in the AS as Area A 26 and described as an area of legacy planting which might benefit from selective clearance and management in association with a

wider Landscape scheme. The BS5837:2012 classification of A3 supports the Landscape Officers observations that this area includes the Water Garden area of the historic landscape and should be considered as an area for restoration, not development.

If the attenuation pond is moved to a location where it, or its connecting pipes and culverts, are not compromising important retained trees then I am content that the principle of development is acceptable. The detail of any forthcoming reserved matters applications will need to be informed and guided by the AS and the principles outlined in BS5837:2012 and this should be secured by imposing the following conditions :

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

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

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

The development shall be carried out in accordance with the approved details. Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

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

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

Tree Protection (excavations)

Prior to the commencement of any works on site (including demolition and site clearance or tree works), details of the design of building foundations, access roads and car park surface construction(temporary and permanent) the layout (with positions, dimensions and levels) of service trenches, ditches, drains and other excavations on site (insofar as they may affect trees on or adjacent to the site) , shall be submitted to and approved in writing by the Planning Authority.

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

Tree Pruning / Felling Specification/ ground condition amelioration

Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed and timetabled specification for all necessary arboricultural work to retained trees shall be submitted to and approved in writing by the Local Planning Authority. The specification will accord with the principles given in BS 3998:. All tree felling and pruning works shall be carried out in full accordance with the approved specification and the principles of British Standard 3998:2010 - Recommendations for Tree Works and in accordance with the agreed timetable of operations or such other works at such other times as may be agreed in writing by the Local Planning Authority

Reason: To ensure the continued well being of the trees in the interests of the amenity of the area.

Service / Drainage layout

Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed plan showing layout of above and below ground services , foul and surface water drainage and other infrastructure shall be submitted to and approved in writing by the Local Planning Authority (notwithstanding any additional approvals which may be required under any other Legislation). Such layout shall provide for the long term retention of the trees and hedgerows . No development or other operations shall take place except in complete accordance with the approved service / drainage/infrastructure layout.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the area.

Further comments:

The original arboricultural comments raised concerns over the proposed large attenuation pond and associated connections to wider drainage infrastructure and the impact on the good quality tree group A26.

The submitted landscape details make reference to restoration of the historic ponds in this area and not creation of a new attenuation pond. I have not seen a revised drainage strategy to the same.

No further comments.

Simon Bates
14/2460/MOUT

150 homes, 0.7 ha of workplace, nature reserve, Winslade Park, Clyst St Mary

Many thanks for consulting the Growth Point Team on this application by Friends Life/BMO. This is a response on the green infrastructure impacts and proposals only.

Sustainable Alternative Natural Greenspace (SANG)

The development is within 10 km of both the Exe Estuary SPA and the East Devon Pebbledbed Heaths SAC, and thus mitigation of indirect impacts is required to meet

plan policy Strategy 47. Section 8.2.2 erroneously states that "easy access to footpaths into open countryside...should ameliorate the risk of increased visitors to the sensitive international sites to a considerable degree". In fact, the site is poorly connected to the countryside, and the proposed nature reserve is provided as mitigation for impacts on dormice, which are sensitive to disturbance, and thus is not suitable as a SANG.

The applicant therefore proposes to pay for mitigation via CIL. However, in previous applications there was a proposal to convert 16.9 ha of agricultural land to Community Park on the former historic Winslade parkland. This land could function as SANG and has the potential to make a significant contribution to the achievement of the Green Infrastructure Strategy for the Growth Point, by providing new public access, enhancing natural habitat/landscape, and thus restoring the historic setting of the Manor.

Green Infrastructure Strategy

A Green Infrastructure Strategy should be submitted as per EDDC's validation checklist: <http://eastdevon.gov.uk/planning/planning-permission/apply-for-planning-permission/general-validation-advice/>

The strategy should form an approved parameter plan for any future reserved matters application, with delivery achieved through a Section 106 agreement.

Multi-use trail along old carriageway

A crucial piece of green infrastructure would be the creation of a restricted byway along the curving line of the old park carriageway. This could then become part of the proposed Clyst Valley Trail, which is to form the backbone of the Clyst Valley Regional Park (Strategy 10 of our Local Plan). I have attached a leaflet which shows the potential route of the Clyst Valley Trail.

Natural England

Thank you for your consultation on the above application, which was received by Natural England on 15 November 2016. We commented on the previous proposals for up to 217 new dwellings etc. on this site in November 2015 (14/2637/OUT / Our ref: 170131). Much of our advice remains the same.

CONSERVATION OF HABITAT AND SPECIES REGULATIONS 2010 (AS AMENDED)

WILDLIFE & COUNTRYSIDE ACT 1981 (AS AMENDED)

NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006

EUROPEAN WILDLIFE SITES

Further information required: No Habitats Regulations Assessment

The application site is in close proximity to three European Wildlife Sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their ecological interest. European wildlife sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats

Regulations'). The application site is in close proximity to the Exe Estuary Special Protection Area (SPA) and Ramsar site¹ and the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and East Devon Heaths Special Protection Area (SPA), which are European wildlife sites. The sites are also notified at the national level as Sites of Special Scientific Interest (SSSIs).

1 Listed or proposed Ramsar sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

2 Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have².

The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include any information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered, i.e. your authority has not recorded your assessment and conclusions with regard to the various steps within a Habitats Regulations Assessment.

It is Natural England's advice that, as the proposal is not necessary for European site management; your authority should determine whether the proposal is likely to have a significant effect on any European site. If your authority is not able to rule out the likelihood of significant effects, there are uncertainties, or information to clarify areas of concern cannot be easily requested by your authority to form part of the formal proposal, you should undertake an Appropriate Assessment, in accordance with Regulation 61 of the Habitats Regulations, including consultation with Natural England.

On the basis of the information provided, Natural England is able to advise the following to assist you with your Habitats Regulations Assessment. Decisions at each step in the Habitats Regulations Assessment process should be recorded and justified:

Exe Estuary SPA and Ramsar site

East Devon Pebblebed Heaths SAC and East Devon Heaths SPA

The application site is approximately 1.7km from the Exe Estuary Special Protection Area (SPA) and Ramsar Site and approximately 5.5km from the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA. The Planning Statement submitted with this application recognises that this is within the 10km zone within

which impacts of residential development on the aforementioned sites could reasonably be expected to arise in the absence of appropriate mitigation.

Note of clarification:

The title on page 40 of the Planning Statement should read 'The Exe Estuary SPA and Ramsar Site and the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA'.

In the case of the European sites referred to a above, your authority cannot grant permission for this proposal in the absence of a Habitat Regulations Assessment which concludes either i) no likely significant effect due to mitigation included by the applicant or, ii) no adverse effect on integrity following an Appropriate Assessment. Please note that Natural England is a statutory consultee at the Appropriate Assessment stage of the Habitats Regulations Assessment process.

It is stated on page 40 of the Planning Statement that 'mitigation will be provided by means of a financial contribution via the Community Infrastructure Levy (CIL) per new house to allow the Council and its partners to provide Suitable Alternative Natural Greenspaces (SANGS) to draw users away from the protected sites or the provision of on-site mitigation measures in lieu of the financial contribution'. It then goes on to say that 'it is considered that the provision of a financial contribution via CIL will mitigate the impact of the development on the SPA by providing an avoidance strategy thus negating the need for a full habitat regulations assessment'.

We therefore recommend you secure confirmation of the following to assist you in reaching a positive conclusion to your Habitats Regulations Assessment:

1. Clarification from the applicant regarding any mitigation they propose to offer, whether contributions and/or provision of Suitable Alternative Natural Greenspace (SANGS) in line

with the South East Devon European Sites Mitigation Strategy (SEDESMS) and the Joint Approach of your authority, Teignbridge and Exeter to implementing that strategy.

2. For any SANGS which is to be delivered as part of the mitigation package, whether by the applicant or your Authority, a site must be identified and confirmed as suitable and deliverable prior to granting of permission.

3. A condition must be included on the permission preventing occupancy of any dwellings until an appropriate quantum of SANGS has been provided (i.e. a Grampian Condition).

SITES OF SPECIAL SCIENTIFIC INTEREST (SSSIs)

Providing appropriate mitigation is secured to avoid impacts upon the European sites occurring there should be no additional impacts upon the SSSI interest features of the Exe Estuary and East Devon Pebblebed Heaths.

PROTECTED LANDSCAPES

The application site lies approximately 5km outside of the East Devon Area of Outstanding Natural Beauty (AONB). Having considered the application, Natural England does not believe that it would impact significantly upon the purposes of designation of the AONB.

PROTECTED SPECIES

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

OTHER ADVICE

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

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

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

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

SSSI Impact Risk Zones

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

County Highway Authority

Observations:

The planning officer will be aware that the county highway authority (CHA) were consulted on a raft of applications in January 2015.

These applications ranged from change of use of agricultural land to community park, demolition and conversion of stable block, conversion of B1 office use to residential units and demolition of Brook House and Clyst House and outline application for access only for up to 237 new dwellings - 1805 sq.m of B1(A) - D1 commercial floorspace - together with replacement sports facilities comprising two football pitches - a cricket pitch and sports pavilion, and associated development including parking and access.

Of those applications, the majority appear to have been refused by the LPA for various reasons or withdrawn by the applicant.

However from a transport point of view the CHA did not have any real concerns because the access, infrastructure and existing use of the site was and is defined by its historic use as an employment site catering for up to 1,500 workers as operated by Friends Provident and their tenants.

13 June 2017

The CHA has been re-consulted regarding this application regarding Site Plan-Proposed ATP_101 rev F; Winslade House - Proposed Lower GF Plan ATP_AGP_001 rev B & Winslade House - Proposed GF Plan ATP_AGP_002 rev B.

Site Plan-Proposed ATP_101 rev F

This plan shows the proposed access points to Neighbourhood 1 and Neighbourhood 2.

It is assumed that the access point to the Stables will remain as existing.

Winslade House - Proposed Lower GF Plan ATP_AGP_001 rev B

This plan shows the undercroft parking (54) and open air parking (9), equalling 63 parking spaces in total.

Winslade House - Proposed GF Plan ATP_AGP_002 rev B

This plan shows 8 open air parking close to the building and 26 open air parking spaces a short distance from the building, equalling 34 in total. It should be noted that the spaces away from the building number 26 which is not as annotated on the plan.

Conclusion

The CHA re-emphasises its previous comments in that the site used to accommodate up to 1,500 workers per day and therefore the existing highway infrastructure both

external and internal will generally be able to cope with the traffic generated and attracted by the proposed hybrid application.

Access arrangements for the outline element (83 new dwellings and new workplace units (1809 sq.m)) still appear a little unclear in that the access widths are not shown nor is any visibility splays or forward visibilities on the access routes shown. The CHA requires further information before it could recommend that the proposed indicative accesses are suitable.

I have concerns that there does not appear to be any cycle storage provisions within the conversions proposals. Also there does not appear to be any dedicated walking/cycle provisions within the scheme, apart from those adjacent to or on the vehicular access routes.

The applicant should be aware that the CHA is keen to promote a multi-use route for the Clyst Valley Trail which is proposed to run north to south on the eastern side of the development. From the existing toucan crossing on the A3052 Sidmouth Road to the north of the site, by upgrading the alley link to Winslade Park Avenue, continuing south via Clyst Valley Road, linking to Church Lane (near the Allotment Gardens), continuing southwards towards St Mary's Church and turning left past Clyst House to link with the bridge over Grindle Brook where optional routes can be extended to the south and east.

Whilst this multi-use Clyst Valley Trail may not technically be proposed within the site, it is adjacent to the site and would benefit the occupants and commuters greatly as well as the communities along the Clyst Valley. Therefore the CHA, in promoting sustainable and viable transport links, is seeking a contribution from this development for the provision of this part of the trail.

Without any current feasibility study, the figure requested would be £250,000 and we would expect this sum to be secured within a suitable s106 agreement.

The proposed vehicle parking arrangements for the conversions would most probably be acceptable where they are existing, as in the undercroft parking. However the external open air parking spaces are not dimensioned nor are they correctly number annotated on plan.

It would be for the LPA to decide whether the proposed number of vehicle parking provisions for this size of development accord with the East Devon Local Plan.

Considering the above comments and the lack of suitable detailed information as indicated, unfortunately I must recommend that the application is refused until suitable detail is made available.

DCC Flood Risk Management Team

Recommendation:

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013 to 2031). The applicant will

therefore be required to submit additional information, as outlined below, to demonstrate that all aspects of the surface water drainage management plan have been considered.

Observations:

Given the fact that this is a hybrid planning application, the applicant must clearly identify the catchments and/or surface water drainage management systems which form part of the outline planning application, as well as those which form part of the full application.

Section 8.1 of the Flood Risk Assessment (Report Ref. R/C14491/002.06, Rev. 6, dated 18th August 2016) states that a 30% allowance for climate change has been made in the calculations of peak rainfall intensity for this site. However, following the publication of the Flood Risk Assessments: Climate Change Allowances document (dated 19th February 2016) by central government, the applicant will be required to use a climate change uplift value of 40% when sizing the proposed surface water drainage management system for this development.

Section 9.2 of the aforementioned document also states that Catchment A will be served by an attenuation storage tank sized to the 1 in 30 year (+20% allowance for climate change) rainfall event. However, these underground tanks cannot be considered as a truly sustainable means of drainage because they do not provide the required water quality, public amenity and biodiversity benefits, which are some of the underpinning principles of SuDS. Consequently, above-ground attenuation features should be utilised unless the applicant can robustly demonstrate that they are not feasible; in almost all cases, above- and below-ground features can be used in combination where development area is limited.

Furthermore, in order to ensure that the surface water runoff generated in the 1 in 100 year (+40% allowance for climate change) rainfall event is managed as safely as possible, the applicant will be required to explore the possibility of upsizing the proposed system for this catchment in order to accommodate this high order storm, without the need to flood portions of the site. Indeed, I note the proposal to incorporate permeable paving into this catchment and therefore would request the applicant to explore the possibility of incorporating underdrained permeable paving in order to provide a level of sourcecontrol, whilst also providing attenuation storage.

Similarly, for Catchment D, above-ground attenuation features should be utilised unless the applicant can robustly demonstrate that they are not feasible, and the applicant will be required to explore the possibility of upsizing the proposed system in order to accommodate the surface water runoff generated in the 1 in 100 year (+40% allowance for climate change) rainfall event, without the need to flood portions of the site.

I would also note that where brownfield sites are being developed, peak flow control should still be based on the greenfield runoff rate. The applicant must therefore attempt to match this greenfield rate for each catchment in the first instance, but if this is robustly demonstrated to be unfeasible, the applicant should work backwards to achieve a runoff rate as close to the greenfield conditions as possible. Importantly, the

applicant will be required to provide evidence of the calculations undertaken to achieve the proposed runoff rate. This is particularly important given the existing risk of surface water and fluvial flooding in the vicinity of the development site.

Additionally, it is not clear from the Flood Risk Assessment as to whether any component of the surface water drainage management system falls within Flood Zone 2/3. The applicant must therefore submit a plan which clearly overlays the Environment Agency's Flood Zone maps onto the proposed surface water drainage management system for review.

The applicant will also be required to submit an operation and maintenance plan for the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

Finally, I would note that the drawings contained within Appendix B of the aforementioned document are illegible. The applicant will therefore be required to submit high resolution versions of these documents which must clearly present the proposed surface water drainage management systems for the site, as well as the catchments referred to in the Flood Risk Assessment.

Further comments:

At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment (Ref: R/C14491/002.08, Rev. 8, dated 02/05/2017)

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

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

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

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

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

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Further comments:

Further to the comments made within our consultation response dated 05/12/2016 (Ref: FRM/ED/2460/2016), the applicant has submitted a revised Flood Risk Assessment (Ref:R/C14491/002.08, Rev. 8, dated 02/05/2017) which addresses the concerns raised. As such we remove our objection and have no further objections to the proposals subject to the above conditions being implemented on any approval.

Environment Agency

Environment Agency Position

The Flood Risk Assessment (FRA) produced by Hydrock Consultants (ref. R/C14491/002.06, dated August 2016) does not allow us to adequately assess the flood risk to the proposed development. Therefore, we have to object to the grant of planning permission and recommend refusal on that basis for the following reasons.

We have commented on previous assessments by Hydrock Consultants for development proposals on this site and concern is raised that the content of previous correspondence is not incorporated into the current assessment.

Regrettably, the current assessment is lacking in several important areas and does not provide sufficient detail to confirm that flood risks can be safely managed on the site. The author is referred to the 'Planning Practice Guidance' available on the Gov.uk website where there is a model checklist for a site specific flood risk assessment. This provides a step-by-step guide on the expected content required by the Environment Agency.

Specifically, the following areas need to be addressed:

- o The specific elements of the proposed development need to be defined in terms of their usage vulnerability and flood zone classification. It needs to be concluded that the various elements are appropriate and acceptable in accordance with flood risk guidance.
- o The discussion on the potential sources of flooding is not considered to be exhaustive. In particular, there is a small watercourse to the north east of the site, draining into the Grindle Brook, which is not mentioned. In addition, there is an open drainage ditch to the North of the site which is subsequently culverted as it flows in a

westerly direction before discharging in to the Grindle Brook. Assessments of these features are required to determine and associated flood risks.

- o There are a number of weirs located on the stretch of the Grindle Brook that borders the site. Consideration needs to be given the impact of these features on flood risk and their potential removal to reduce risks.

- o Previous assessments have highlighted some discrepancies in the extent of the flood zone 2/3 classifications relating to the site, particularly in the area proposed for the commercial workspace units to the west of the site. This needs to be addressed to demonstrate the viability of the development in such locations.

- o The specific impacts of increased fluvial flood levels in relation to climate change need to be addressed. There is a need to consider such changes over a 60 year period for commercial elements of the development and a 100 year period for the residential elements. The current guidance on climate change, as released in February 2016, needs to be employed.

- o A design flood level needs to be established in order to influence floor levels for the new development. This level should reflect the design life of the development.

- o It is noted that several of the surface water attenuation features are located within flood zones 2 and 3. The ability for these features to operate to their design potential needs to be discussed. Their design should not compromise the operation of the flood zone.

- o A combined site meeting with representatives from the Environment Agency, Devon County Council and Hydrock would be useful to discuss outstanding issues and seek a resolution.

Overcoming our objection

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

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

Further comments:

Thank you for your consultation of 30 May 2017 following submission of the flood risk assessment (FRA) prepared by Hydrock (ref. R/C14491/002.08, dated March 2017).

We have reviewed the FRA and can now support the summary conclusions set out in the report. We can therefore remove the objection raised in our previous response. It is noted, however, that section 2.4 on page 6 of the report refers to the community/commercial workspace being in the far north-west of the site. This should be amended to accurately reflect that this element is in the south-west of the site.

Highways England

No objection.

Further comments:

Thank you for providing Highways England with the opportunity to comment on revised plans in support of the above development proposal.

On the basis that the revisions relate to flooding, landscaping and site plans, and do not alter the proposed quantum of development and therefore the traffic impact on the SRN, we are satisfied that our response of 22 November 2016 remains valid.

Historic England Advice

Summary

These proposals are for the construction of 150 houses on land associated with Winslade Park, Clyst St Mary, a Grade II* country house in a parkland setting that was adapted for use as a corporate headquarters in the early 1970s.

We are pleased that these revised proposals retain the significant area of open space to the west of the Grade II* house, but request that additional information is provided in regards to the visual impact of the proposed workplace units on the site of the existing overflow car park. Without this information it is not possible to accurately assess the potential impact of the proposal on the setting of the house, contrary to paragraph 128 of the NPPF.

Historic England Advice

Our assessment of significance remains the same as that expressed in our previous correspondence regarding development at this location.

Winslade Park, as noted in the statutory list description, is a substantial mansion built to a restrained neo-Palladian design by an unknown architect at the turn of the 19th century. There had been a large house on the site for many years prior to construction of the present property, the building of which coincided with significant expansion of the parkland associated with the house. This land was developed by the owner, Henry Porter, into pleasure grounds which incorporated terraces, an ornamental lake, lawns, woodland walks and kitchen gardens. Sale particulars for the house from 1905 reproduced in Todd Gray's *The Garden History Devon* (1995) are effusive in their praise of the grounds, describing "A great feature of the property is the beautiful pleasure grounds, which are of that varied and lovely character which only time and skill can complete."

In the 1970s the house was skilfully converted into the headquarters of an Insurance company. New office accommodation by the noted architectural practice Powell and Moya was skilfully woven into the landscape, which was both restored and adapted to suit the new use of the site. Some land to the North of the house including the main entrance drive was sold and developed as a housing estate, returning the estate to the size it was in the early 19th century. A new drive for use by cars was established from the Sidmouth Road, which cuts across the lawns to the west of the house and provides sweeping views in which the mansion is the focus. The 1970s landscaping interpreted the original parkland setting and adapted it for the age of the motor car, while retaining its original open character. The landscape contributes strongly to the setting, and thus significance, of the Grade II* listed house.

Impact

We are very pleased to note that development of the area of open parkland and playing fields to the west of the house has been omitted from these proposals, which will preserve the setting of the house. We also commend the proposed conversion of the 1970s office accommodation, designed by the noted architects Powell and Moya as a relatively sensitive response to the setting of the main house while being architecturally distinctive in their own right.

However, we consider that additional information is required in regards to the proposed development of the existing overflow car park, also to the west of the main house. It is proposed to construct 2/3 storey employment units at this location, but we have not been able to find an image detailing the elevations of these proposed buildings. The existing car park is screened behind an earth bund which allows for an open parkland character to be preserved in views from the house, whereas the proposed employment uses are likely to rise above the bund and be visible. I note that this car park is an area which has been subject to flooding events in the recent past, which could require any new buildings here to be raised above the level of a potential flood, increasing their visual impact.

We recommend that you request elevational drawings of the proposed employment units, and a wireline diagram demonstrating the scale and massing of the proposed buildings when seen from the West front of Winslade Park. Paragraph 128 of the NPPF requires applicants to describe the significance of any heritage assets affected, including the contribution made by setting, at a level of detail proportionate to the significance of the asset and no more than is sufficient to understand the impact of a proposal on the significance of the asset. We do not consider that the current level of information supplied complies with this requirement.

Recommendation

Please contact me if and when the above additional information I have requested is received. At present we are unable to support the proposals but would welcome the opportunity of advising further.

Further comments:

In our previous correspondence of 24 November 2016 we requested further information to allow for assessment of the proposed construction of workspace units on the site of the existing overflow car park at Winslade Park. This has now been supplied in the form of elevations and photomontages.

Part of the significance of the Grade II* Winslade Park is derived from its open parkland setting. The proposed workspace units are of a subtle design - clad in timber with green roofs - but despite their relatively recessive appearance the introduction of built form will nonetheless have an impact on the open character of the parkland - and thus setting - of the II* listed house.

Your authority will need to be convinced that the construction of workspace units at this prominent location is necessary, or whether there is another, less prominent, location on this large site that could accommodate the workspace units and preserve the open setting of the Grade II* listed building. If there is, it follows that the harm to the setting is not justified; and as NPPF paragraph 132 notes, any harm to a

designated heritage asset requires clear and convincing justification. Moreover, 132 also states that the more important the asset the greater the weight that should be given to its conservation, and in that context we respectfully remind you that Winslade Park is a Grade II* listed building, a heritage asset of the highest significance.

Recommendation

Historic England has concerns regarding the impact of these proposals on the historic environment.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Sport England

Thank you for consulting Sport England on the above hybrid application.

Sport England objects to the loss of sports facilities at the site without adequate replacement and to the new housing application without adequate sports provision.

Sports Facilities

Sport England visited the site in 2014 and noted a good quality swimming pool, gym /fitness, extensive playing fields for football and cricket and poor quality tennis courts. The proposal sees extensive development of the site including re-use of existing buildings. This application has a tightly drawn red line and omits any comment regarding the future of the significant playing field land at Winslade Park.

We have considered the application against the protection of sports facilities paragraph 74 of the NPPF which gives sports facilities greater protection and recognition by the Government through the NPPF:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

The planning system relates to land use not ownership and ownership is not a strong consideration, if any. Paragraph 74 of the NPPF seeks to protect open space, sports and recreational buildings and land including playing field land and does not differentiate by ownership.

Sport England therefore considers that the proposal conflicts with our national policy on the loss of sports facilities: Should redevelopment be unavoidable, an equivalent (or better) replacement facility should be provided in a suitable location.

We have asked the following National Governing Bodies for Sport (NGBs) to comment on this application and their responses are set out here.

The Lawn Tennis Association (LTA) have advised that the tennis courts at the site could be lost and whilst there has been limited use of the courts for a number of years the loss of courts is a concern for the LTA. There are a number of small clubs in the villages in the surrounding area but none that would suit use of those in the immediate vicinity of the development. The LTA has concerns around the loss without any offer of relocation or replacement and would like to see either new courts provided or a mitigation agreement towards new courts in the local area. The LTA would not support the loss of the tennis courts.

The England & Wales Cricket Board (ECB) have advised that the Cricket Ground will be retained and is not materially impacted by this application. What is not known is what the applicant is doing with the playing field area. Will the playing fields being converted to public open space? If so who will manage this and what impact this will have on Countess Wear Cricket Club. Will they get a lease to manage the site? Additionally there is no offer of any contribution to upgrade any of the existing sport facilities to meet the demands of this development. The cricket pavilion is not fit for purpose and needs rebuilding so it can service the sports on the site. The ECB remain concerned regarding the playing field land to ensure cricket, and specifically Countess Wear CC, can continue to utilise the site in the immediate and long term.

The Football Association (FA) have advised that there appears to be no impact on the existing playing field area for both football and cricket.

1. The application states on-site and off-site provisions for open space and outdoor sports pitch requirement will be guided by the Playing Pitch Strategy (PPS) - The East Devon PPS states:

a. Existing pitches at Winslade Park (Friends Life) should be retained and enhanced with the neighbouring Winslade Park (Clyst Valley FC) requiring new changing rooms. The FA Performance Quality Standard (PQS) should be met with any pitch enhancement works/improved maintenance which a qualified and RIPTA registered agronomist can advise on.

b. Explore possibility of remarking some of the football pitches to be more age appropriate.

c. Plans for Clyst St Mary Sports & Recreation Club to take on the ownership and management of the sports facilities at Winslade Park to create a sporting hub will be supported where they align with the priorities of the PPS.

d. Enhancements to the changing pavilion with appropriate car parking being available should be considered to ensure a community group can manage and maintain the site in a sustainable manner.

The FA support the protection of the playing field land and would wish to see any proposals to enhance the sporting provision on site that are required by the Local Planning Authority.

New Housing

The occupiers of new residential development (150 new homes) will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site.

All new dwellings proposed should provide for new or enhance existing sport and recreation facilities ON-SITE (where practical) to help create opportunities for physical activity whilst having a major positive impact on health and mental wellbeing.

Active Design

We note the Health Impact Assessment submitted. It does not address existing sport and recreation facilities nor the need for sport and recreation facilities to be enhanced or proposed to meet the needs of the new residents. The NPPF promotes and advocates planning for health:

What is a healthy community?

A healthy community is a good place to grow up and grow old in. It is one which supports healthy behaviours and supports reductions in health inequalities. It should enhance the physical and mental health of the community and, where appropriate, encourage:

Active healthy lifestyles that are made easy through the pattern of development, good urban design, good access to local services and facilities; green open space and safe places for active play and food growing, and is accessible by walking and cycling and public transport.

The creation of healthy living environments for people of all ages which supports social interaction. It meets the needs of children and young people to grow and develop, as well as being adaptable to the needs of an increasingly elderly population and those with dementia and other sensory or mobility impairments.

Sport England along with Public Health England have published the new Active Design Guidance, October 2015, www.sportengland.org/activedesign. Sport England believes that being active should be an intrinsic part of everyone's life pattern:

- o The guidance is aimed at planners, urban designers, developers and health professionals.
- o The guidance looks to support the creation of healthy communities through the land use planning system by encouraging people to be more physically active through their everyday lives.
- o The guidance builds on the original Active Designs objectives of Improving Accessibility, Enhancing Amenity and Increasing Awareness (the '3A's'), and sets out the Ten Principles of Active Design.
- o Then Ten Active Design Principles have been developed to inspire and inform the design and layout of cities, towns, villages, neighbourhoods, buildings, streets and open spaces, to promote sport and physical activity and active lifestyles

o The guide includes a series of case studies that set out practical real-life examples of the Active Design Principles in action. These case studies are set out to inspire and encourage those engaged in the planning, design and management of our environments to deliver more active and healthier environments.

o The Ten Active Design Principles are aimed at contributing towards the Governments desire for the planning system to promote healthy communities through good urban design.

Appendix 1 contains a checklist that can demonstrate that the proposal has been / will be designed in line with the Active Design principles.

Cycle and walking networks should be extended to linking the existing town with the new development, and access to the surrounding countryside.

In Summary

In light of the above, Sport England objects to the proposal because it is not considered to accord with Sport England's policy on protecting sports facilities and the NPPF (para 74). The mitigation package is assessed as being inadequate. We would gladly reconsider our position if additional sports facilities are provided (swimming pool, gym etc) and the concerns re: playing fields above are addressed by the application.

Further comments:

As you are aware, Winslade Manor has since the late 1970s been a community sports facility for sport whilst also serving employees. The indoor facility included swimming pool, badminton, squash courts, gym etc. The swimming pool was also accessed by the primary school in teaching children a life skill in learning to swim.

On the threat of closure, the operators of the sports facilities tried to buy or lease them but were told that they were not available despite interest in the community to continue to use them.

Whilst Sport England accepts that we not a statutory consultee on this application due to its nature and where they red line is drawn, it is naive to make a comment that Sport England - an expert advisor on planning policy for sport - does not have a valid view to make in the decision making process. It is important for the Local Planning Authority to consider all views including agencies and residents, and not just those made by the applicant.

Again, it is naïve to think that closing a facility does not mean it is no longer wanted nor needed by its users. This does not meet the exceptions as set out in paragraph 74 of the NPPF or Sport England policy.

What is being proposed in the current application to provide sport to meet the needs generated by the proposal? The retention of the swimming pool and indoor sports facilities should be reconsidered.

Sport England remains concerned over the future of the playing fields and will continue to seek their protection and encourage their use for community sport.

Landscape Officer

RECOMMENDATION

The submitted scheme is unacceptable in landscape terms as:

1. The submitted information is not fully coordinated and is missing key information, e.g.:
 - A landscape Visual Appraisal,
 - A Green Infrastructure Strategy/Framework, which should form part of the section 106 agreement and form a parameter for any reserved matters application,
 - A plan clearly indicating the relationship between existing planting and proposed development/developable area to determine the impact of the latter, and
 - Detailed landscape proposals to accompany the detailed architectural proposals
2. The proposed scheme does not properly address its historic landscape setting and constitutes a further degradation of that landscape.
3. The current illustrative layout shows play areas in unsuitable locations and does not comply with EDDC open space standards.
4. The drainage strategy does not follow current best practice and locates drainage ponds in flood zone 3.

Due to the aforementioned the scheme does not comply with the following EDDC policies:

- *EDDC's Strategy 46 - Landscape Conservation and Enhancement and AONBs*
- *EDDC's Strategy 43 - Open Space Standards*
- *EDDC's Policy D1 - Design and Local Distinctiveness*
- *EDDC's Policy D2 - Landscape Requirements*
- *EDDC's Policy D3 - Trees and Development Sites*
- *EDDC's Policy EN22 - Surface Run-Off Implications of New Development*
- *NPPG Natural Environment paragraph 028 & 032*

Further comments:

PREVIOUSLY RAISED COMMENTS STILL TO BE ADDRESSED

1. The current DAS and illustrative layout do not sufficiently consider the historic setting as provided by the existing historic landscape features. The current proposal constitutes a further degradation of the historic landscape due to the lack of recognition of the original design intentions of the historic landscape within the provided illustrative layout. Previously provided appendix A provides some additional information on the historic grounds, which together with the Heritage Asset Appraisal should inform the layout and character of the development. The scheme should form an opportunity to safeguard and re-purpose the grounds as a place where sustainable living and working and conservation go hand in hand.
2. A green infrastructure strategy should be submitted to form a parameter for any future reserved matters application. The requested Green Infrastructure Framework/Strategy should bring together the findings of the following studies and reports:

- Ground conditions report
- Arboricultural report
- Flood Risk Assessment
- Ecological assessment
- Landscape Visual Appraisal (has not been submitted)
- Description and plan of any on-site utilities
- Historic Environment Assessment/ Statement of significance
- Description of the proposed type of development (DAS)

And use this information to create an overarching Green Infrastructure Strategy defining the GI assets (e.g. natural and semi-natural features, green spaces, rivers and lakes) and their functions (e.g. SuDS, amenity, habitat, ecosystem services, education, etc...) and should define answers to the following questions:

- What type of spaces or features (i.e. GI asset) will be delivered?
- What will they look like (planting types, SuDS types, etc....)?

What GI functions will they deliver (amenity; recreation e.g. sport pitches; Play areas e.g. NEAPS and LEAPS; SuDS; etc...)?

- How will they respond to the local setting (key here are the historic landscape features and the listed buildings)? Could some of the historic landscape features be restored, e.g. the terrace walk (which is listed in its own right!)
- How will they deliver the GI vision and objectives (the applied design considerations)?
- How will they interlink/work together (how do the various GI functions work together)? GI promotes multi-functionality to ensure space is used as efficiently as possible
- How will they tie into the wider landscape context in functional terms (How do the proposed GI functions relate to the GI functions provide in neighbouring sites and beyond?)

The GIS should form an approved parameter plan for any future reserved matters application to be judged against and preferably be linked to/incorporated into the section 106 agreement.

3. No Detailed landscape proposals have been submitted to support the detailed architectural proposals for the Manor House, stable and Brook House conversion

RECOMMENDATION

The submitted scheme is unacceptable in landscape terms as:

1. The provided planning context is incorrect
2. The current proposals do not fully incorporate the ecologists proposed mitigation measures
3. The proposed scheme does not properly address its historic landscape setting and constitutes a further degradation of that landscape.
4. The current illustrative layout shows key routes and spaces including the play areas in unsuitable locations and does not comply with EDDC open space standards.
5. Extent of restoration proposals and management proposals needs to be clarified
6. Lack of approvable parameters and principles which would assures how the historic landscape to be treated.

7. How will the provision of SANGS be dealt with?
8. The current proposal suggests mounding within the nature reserve area to the east, however this area is located within flood zone 3 and therefore EA approval should be sought.
9. The current landscape proposals extent beyond the application red line boundary, how will these improvements be secured?
10. Currently the LPS includes some measures, which are not included on the plan, therefore the delivery of these items appear unlikely
11. The submitted information is still incomplete, the following is still missing e.g.:
 - A Green Infrastructure Strategy/Framework, which should form part of the section 106 agreement and form a parameter for any reserved matters application (some framework diagram examples are provided in Appendix B),
 - Detailed landscape proposals to accompany the detailed architectural proposals
 - Further detail on the site-wide parking strategy

Due to the aforementioned the scheme does not comply with the following EDDC policies:

- *EDDC's Strategy 46 - Landscape Conservation and Enhancement and AONBs*
- *EDDC's Strategy 43 - Open Space Standards*
- *EDDC's Policy D1 - Design and Local Distinctiveness*
- *EDDC's Policy D2 - Landscape Requirements*
- *EDDC's Policy D3 - Trees and Development Sites*
- *NPPG Natural Environment paragraph 028 & 032*

Conservation

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

Winslade Park - - II* Substantial mansion now used as offices. Built by Edward Cotsford, High Sheriff of Devon (d.1810), circa 1800, architect unknown. This plain house was embellished with architraves and pediments, and a N portico added at some point after 1862, when the original W portico was converted to receive an extension to the ballroom (lithograph of 1862 in DRO., 62/9/2 Box 3/21). Warm orange sandstone-based rendering; slate hipped roof. Rectangular plan, the rooms arranged around a central open hall rising through all 3 floors which are served by galleries leading off the stairs that occupy the centre portion of the east range. 3 storeys and basement. The building is now the centrepiece of the extensive London and Manchester Assurance Company HQ by Powell Moya and Partners which won the RIBA Architecture Award for the South West Region in 1979. Exterior: 2 large axial stacks to both west and east roofs; plain parapet replaces a balustrade (visible in a photograph of 1949); a balustrade at ground-floor level runs around all except the east side of the house, enclosing stone-faced basement area that allows natural light access to the basement; projections over basement area carried on rusticated stone arched bridges. Rusticated pilaster quoins to all angles. 4-pane horned sash windows throughout. North entrance front: symmetrical, 5 bays, central portico occupies one bay with coupled Doric columns set on panelled plinth; entablature with triglyphs and panelled parapet; pilasters flank double doors with margin windows and fanlight; ground-floor outer windows under pediments on console brackets, the architrave with central patera; inner windows similar but with a panel above the cornice rather than a

pediment. 1st floor windows with moulded surrounds and floating cornices; 2nd floor windows with plain surrounds. West front: symmetrical, 6 bays, the central 2 bays occupied by the original portico which was converted in the later C19 into a projecting ballroom (now a conference room), single storeyed; the pediment of the side windows, and the segmental pediment of the west door contained within the parapet; steps to door which is flanked by sash windows; the parapet itself surmounted by elaborate cast iron railings. Ground floor windows all under pediments, otherwise treated as N. South front: symmetrical 5 bays, windows treated as to west; central wide doorway with pilasters and segmental pediment; the surrounding balustrade returns to form stepped bridge to this entrance. Rear: asymmetrical, 6 bays; 1st storey windows with pediments; stairwell windows (4 tiers) break the line of the 3 storeys. Late 1970s bridge at first floor level links the house with the new office complex. Interior: central hall well: an impressive room lit by glazed dome; all doors panelled with moulded surrounds. Ground floor with round-headed arched entrances with panelled pilasters and capitals. 1st floor gallery supported by Ionic columns, dentilled cornice with Vitruvian scroll motif; upper gallery supported by fluted columns, the capitals with anthemion motifs, the cornice with Greek key frieze; top tier of square-section fluted columns. Cornice soffits all decorated; gallery balustrades with turned balusters. Coved ceiling below glazed dome with paterae and husked festoons. A surprising feature of this well-managed interior is that the east-side corner columns in fact stand a little to one side of the corner; there is a possibility that the basement is C16 (although nothing early is now visible) and that the odd arrangement described is a response to a particular technical difficulty presented by the basement construction. Openwell cantilever stair probably post 1862, with cast iron balusters which alternate, 3 with spiral twist centre to one tread, a single double-scroll to the next; scroll motif to each stair end. Stair landings lit by 2 windows, some round-headed, with fluted architrave; galleries entered through depressed arches. Coved ceiling with festoons, the central panel with ribbed and fluted oval centrepiece and attendant festoons. 2 other notable plaster ceilings: (1) south-west room of unusual design, central octagon with concave sides set in an imbricated panel with corner fans; 2 rectangular panels at each end of the ceiling contain a long central rod with undulate foliate band and bucranium. Modillion cornice. (2) north entrance hall with large panels of varied design each with heavy modillion cornices.

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

Hybrid application for 150 dwellings and 0.7ha of employment land (Use class B1) to include full permission for 67 dwellings (conversion of Winslade House and The Stables) and outline permission seeking means of access only for up to 83 dwellings, new workplace units of 1809sq.m along with associated infrastructure.

The proposals include the demolition of two modern office buildings, Brook House and Clyst House and the redevelopment of these sites with residential units, including residential units within the carpark that forms the immediate north-west setting of Winslade House.

In order to give informed consideration to these proposals; it is vital that the contribution the setting makes to the significance of the heritage assets within the

application site is properly assessed, so that the impact of the proposed development can be properly considered.

As suggested in February and October 2015, by Stephen Guy in relation to the associated harm, to the heritage asset and its setting, as a result of the impact of the location, form, mass and design of the proposed new development, within the setting of Winslade Manor and House, the following comments are made;

Removal of Neighbourhood 1 (14/2637/OUT - Dwg no ATP 102) is welcomed as it has alleviated the impact on the wider landscape and the experience of the approach to and views from Winslade Manor and House.

In addition, the removal of Brook House, as agreed would enhance the setting of the former walled garden and the adjacent Grade II church. In terms of conservation gain, this is welcomed as the wall garden as part of the setting makes a contribution to the illustrative historic and aesthetic values associated with the sites significance

Whilst the layout of the development within the walled garden is indicative only; the 'terraced' formation of the built form, addressing the curved road, which is the primary and only route to Neighbourhood 2 (walled garden and Clyst House) unfortunately introduces an element of urbanism, to the setting which is incongruous to the inherent character of the heritage asset.

As suggested by Stephen Guy ..." A precedent study of the redevelopment of historical walled gardens could be undertaken to at least give a steer and a form of some more successful ways in which these types of sites work best."

To reiterate previous observations; Clyst House is separated from the walled garden via a historic lane running across the bridge and accessing the extended parkland to the east. The existing building is a rather utilitarian structure, albeit it is particularly well screened from most aspects. In a similar way to Brook House it has little architectural merit and certainly not the value and quality of the Powell Moya buildings surrounding the principal listed building. Its removal would immediately improve the setting of Grindel House on Church Lane. This 19th century listed building was the former rectory and is now in private ownership. Great care should be taken when considering the layout of this part of the site in terms of its impact on the setting of Grindel House, and to a lesser extent the church which would be viewed in the context of the site when travelling along Church Lane. Again, I appreciate that the layout is purely indicative and indicates sizeable units in generous plots. However, the layout is distinctly suburban which is contrary to the inherent setting of a Manor House. Again, some imagination is needed to conceive a form of development that would complement the significance of heritage assets and the historic parkland

Turning to the Neighbourhood 1 (development on car park north of Winslade Manor) as already identified this is an outline application and the layout of the proposed development, within the immediate setting of Winslade Manor is indicative only; however as already discussed, the 'terraced' formation of the built form, addressing the primary route through the neighbourhood, which in turn unfortunately introduces an element of urbanism, to the setting which is incongruous to the inherent character of the heritage asset and associated parkland.

In summary, whilst the neighbourhood layouts are indicative only, development of the walled garden and the carpark as indicated does raise concerns. However as previously suggested by Stephen Guy, this may be a subject for potential future discussions for a reserved matters application.

There is presently an additional smaller car park, accessed off the primary route / approach approx mid way, on the approach to the Winslade Manor and House. This is a non-prominent feature in views from the assets, by virtue of a recently added screen bank along the boundary of the car park.

However, three commercial units are proposed on the site, the mass, scale, design and use of materials of which, may have a rather significant impact on the setting of the grade II* building.

As previously discussed "The significance of the landscape, has been discussed, with Stephen Guy in the supporting documents with the application, and the landscape by virtue of its layout indicative of this period and the later extensions contribute to the significance of the heritage assets".

These planned landscapes were planned for the purpose of revealing the principal house in a certain manner. On occasions the drive would weave through areas of trees only to reveal the house at the last minute. Others provide a sweeping vista of the house across open parkland. Although some of the land to the north was sold in the 1970s for residential development, much of the parkland has been retained in a careful way. Certainly views from the site entrance and also views back from the various principal rooms within Winslade House retain the sense of openness. I would argue that this contributes greatly to the significance of the heritage assets.

In this respect the Community/ Commercial/ Workshop units, on the side of the access drive have the potential to have an adverse impact on views from the heritage asset and the experience on the approach.

Furthermore, due to the nature of the access route; it provides glimpsed and full views to and from the heritage asset on the approach; as the only principle access route into parkland and the residential proposal. This has the potential to introduce a constant flow of traffic and headlights along the route, providing access to Neighbourhood 1 sited adjacent to Winslade Manor and Neighbourhood 2 sited beyond the heritage asset, although within the immediate setting of the church. Notwithstanding this, the introduction of street lighting also has the ability to undermine the experience of the wider open landscape from within Winslade Manor and House.

Furthermore, I would suggest the indicative urban / suburban grain of the proposed residential layout is contrary to the open landscaped setting of Winslade Manor and House.

In this respect comments provided by Stephen Guy on application 14/2637/OUT, should be read in conjunction with the more recent comments provided through 16/2460/MOUT.

In summary, removal of Neighbourhood 1 has alleviated the impact on the wider landscape of the heritage asset, which is welcomed. However concerns remain, regarding the potential impact of the location of the commercial units on the setting of the heritage asset, In addition to their being only one primary access route to the heritage assets and proposed residential development. The culmination of which, has the ability to undermine the experience of the wider open landscape from within Winslade Manor and House, is appreciated.

In this respect I am unable to support the outline application.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

Other Representations

The planning application has generated 131 representations with the listed building application generating 94 representations. These objections can be summarised as follows:

- There should be no vehicular access from Church Lane due to increased noise and disturbance, loss of privacy and increased traffic;
- The proposals do not address the previous reasons for refusal;
- Approval will lead to further proposals on the site;
- The employment units are out of place and will harm the setting of the listed building;
- Site is within the flood zone whether housing should not be allowed;
- Overdevelopment of the site;
- Harmful to the setting of the listed building;
- Disproportionate increase in the number of people compared to the existing size of the village placing too many demands on existing limited services;
- Demolition of Clyst House and Brook House needless and short-sighted;
- Loss of employment floorspace not justified;
- Loss of sports facilities with no replacement;
- Development is too far from the village facilities resulting in an increased use of the car;
- Detrimental impact on ecology and the adjoining woodland;
- Impact on the Pebblebed Heaths and Exe Estuary;
- Loss of trees;
- Increased risk of flooding;
- Site does not meet criteria for being included within the BUAB so is unsustainable and should not be developed;
- Unsustainable location with limited bus services;
- Increased traffic in the village/area;
- Large residential estate will not preserve the listed building;
- Inadequate on-site parking;
- Proposals are unviable so should not go ahead;
- Nothing to protect the sports pitch in front from future development;
- Already 93 homes under construction in the village;
- Should be retained for much needed employment uses;
- No links to the existing community;

- Out of date transport Assessment – area is already congested;
- Breaking of the link between the site and the sport facilities with uncertainty over the pitches;
- It is unsustainable to demolish buildings;
- The access is dangerous and busy;
- No advantage to the community from the development but they are paying for it via lost facilities. Community will be disadvantaged through loss of employment and recreation facilities and no obligations to mitigate the impact from the development;
- Limited amenities in the village and such a large increase in housing will harm social cohesion;
- Lost sports pitches;
- Full applications required;
- More detail on the outline application required.

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 4 (Balanced Communities)

(Strategy 5 (Environment))

Strategy 7 (Development in the Countryside)

Strategy 26B (Re-development of Redundant Offices Complex at Winslade Park and Land Adjoining Clyst St Mary)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

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

EN5 (Wildlife Habitats and Features)

EN8 (Significance of Heritage Assets and their setting)

EN9 (Development Affecting a Designated Heritage Asset)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

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

E5 (Small Scale Economic Development in Rural Areas)

RC1 (Retention of Land for Sport and Recreation)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Strategy 50 (Infrastructure Delivery)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Other Plans

Bishops Clyst Neighbourhood Plan

Site Location and Description

The site is located to the south of the village of Clyst St Mary, and in recent times has acted as a headquarters for London & Manchester, and subsequently Friends Life, and other office uses. It is commonly known as Winslade Park and comprises a number of relatively modern office buildings (Winslade House, Brook House and Clyst House) a Grade II* listed building (Winslade Park), and associated parkland setting. The principal access to the site is directly from the A376 Exeter to Exmouth Road, with accesses from Church Road into car parking.

Although in the ownership of the applicant, the recreation pitches to the front of the site, and land within the floodplain to the east and south of the site, do not form part of the applications.

The site is outside of the Built-up Area Boundary for Clyst St. Mary but is designed for mixed-use development of around 150 dwellings and 0.7ha of employment land under Strategy 26B of the adopted Local Plan and is shown on the associated Proposals Map.

Proposed Development

The planning application represents a hybrid proposal being part full permission and part outline.

The outline application relates to the construction of 83 new dwellings and 3no. 2 storey office units with all matters reserved for subsequent approval apart from the means of access. The remaining part of the application seeks full planning permission for the conversion of the stables into 6no. residential units, conversion of Winslade House to 61 units and provision of parking.

Alongside this application, listed building consent has been applied for to seek consent for the conversion of the stables building to 6 dwellings and Winslade House to 61 dwellings.

Planning History

The site has an extensive planning history.

The most relevant of which are the following 7 applications that were submitted for redevelopment of the site back in 2014:

14/2637/OUT - Demolition of Brook House and Clyst House and outline application (seeking to discharge means of access only) for up to 217 new dwellings, 1805 sq metres of B1(A) and D1 commercial floorspace, together with replacement sports facilities comprising two football pitches, a 5-a-side football pitch, a cricket pitch and sports pavilion, and associated development including parking and access.

This application was refused in April 2016 for the following reasons:

1. The proposed development, which is not wholly within the allocation of Winslade Park within the adopted East Devon Local Plan, would fail to preserve and protect the countryside and would not be consistent with the aims of the local plan in protecting the existing landscape character of the area. In addition the adverse impacts of this development in terms of its increase in the number of dwellings leading to concerns regarding social cohesion, significantly and demonstrably outweigh the benefits of providing further residential accommodation when assessed against the policies within the Framework. As such the proposals are contrary to Strategy 1 (Spatial Strategy for Development in East Devon), Strategy 2 (Scale and Distribution of Residential Development), Strategy 7 (Development in the Countryside), Strategy 26B (Redevelopment of Redundant Offices Complex at Winslade Park and Land Adjoining Clyst St Mary) , D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) and RC1 (Retention of Land for Sport and Recreation) of the Adopted East Devon Local Plan 2013-2031 and the National Planning Policy Framework.
2. The proposal will result in the unjustified loss of existing recreational facilities contrary to Policy RC1 (Retention of Land for Sport and Recreation) of the Adopted East Devon Local Plan 2013-2031.

3. The application fails to provide any mitigation against likely effects by residents on the Pebblebed Heaths and Exe Estuary contrary to Policies EN4 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites) and Policy EN5 (Wildlife Habitats and Features) and Strategies 5 (Environment), 10 (Green Infrastructure in East Devon's West End) and 47 (Nature Conservation and Geology) of the adopted East Devon Local Plan and the National Planning Policy Framework.
4. The proposal does not include details of a mechanism to secure appropriate levels of affordable housing, open space, play and sports facilities and appropriate contributions towards education. As such the proposals are contrary to Strategies 4 (Balanced Communities), 34 (District Wide Affordable Housing Provision Targets) 43 (Open Space Standards) and 50 (Infrastructure Delivery) of the adopted Local Plan and the National Planning Policy Framework.
5. Insufficient information has been provided to the satisfaction of the local planning authority and the Environment Agency, that the development will not increase the risk of flooding to existing and proposed homes. The proposal is therefore contrary to Policy EN21 of the East Devon Local Plan 2013-2031 and the National Planning Policy Framework.
6. The site is within the setting of a heritage asset, in this case the Grade II* listed Winslade House. It is considered that the proposed scheme would have a significant impact on the wider landscape setting and the approach to Winslade House. The proposal would therefore lead to substantial harm to the significance of a designated heritage asset and this harm is not outweighed by the public benefits of the proposal contrary to Policy EN9 of the East Devon Local Plan 2013-2031 and the policies within the National Planning Policy Framework.

14/2640/MFUL - Conversion of the building from current B1(a) office use to 61 (C3) residential units and provision of basement car park. Refused 20th May 2016 for the following reasons:

1. On the basis of the information submitted there is not enough certainty regarding the suitability or delivery of the proposed SANGs provision or that the proposed SANG's would mitigate all of the impacts of the development on European Protected sites in the absence of any proposed off-site mitigation measures. As such the proposals are contrary to Policies EN4 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites) and Policy EN5 (Wildlife Habitats and Features) and Strategies 5 (Environment), 10 (Green Infrastructure in East Devon's West End) and 47 (Nature Conservation and Geology) of the adopted East Devon Local Plan and the National Planning Policy Framework.
2. The proposal does not include details of a mechanism to secure appropriate levels of affordable housing, open space, play and sports facilities and appropriate contributions towards education. As such the proposals are

contrary to Strategies 4 (Balanced Communities), 34 (District Wide Affordable Housing Provision Targets) 43 (Open Space Standards) and 50 (Infrastructure Delivery) of the adopted Local Plan and the National Planning Policy Framework.

3. Adequate provision has not been made on the site for the parking of vehicles in a satisfactory manner to the standard required by the Local Planning Authority. Insufficient details have been received which demonstrate that the development will not lead to conflict with parking outside of the application site or within the setting of the listed building. The proposal is therefore contrary to Policies TC9 (Parking Provision in New Development) and EN9 (Development Affecting a Designated Heritage Asset) of the adopted East Devon Local Plan 2013-2031.

14/2642/FUL - Demolition of modern extensions and conversion of the former Stable Block from D2 Leisure Use to 6 residential units. Refused 20th May 2016 for the following reasons:

1. The proposal will result in the loss of existing recreational facilities and insufficient evidence has been provided to demonstrate that the facilities are no longer needed or viable with no alternative provision provided. The proposal is therefore contrary to Policy RC1 (Retention of Land for Sport and Recreation) and RC6 (Local Community Facilities) of the Adopted East Devon Local Plan 2013-2031.
2. On the basis of the information submitted there is not enough certainty regarding the suitability or delivery of the proposed SANGs provision or that the proposed SANG's would mitigate all of the impacts of the development on European Protected sites in the absence of any proposed off-site mitigation measures. As such the proposals are contrary to Policies EN4 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites) and Policy EN5 (Wildlife Habitats and Features) and Strategies 5 (Environment), 10 (Green Infrastructure in East Devon's West End) and 47 (Nature Conservation and Geology) of the adopted East Devon Local Plan and the National Planning Policy Framework.
3. The proposal does not include details of a mechanism to secure appropriate levels of affordable housing, open space, play and sports facilities and appropriate contributions towards education. As such the proposals are contrary to Strategies 4 (Balanced Communities), 34 (District Wide Affordable Housing Provision Targets) 43 (Open Space Standards) and 50 (Infrastructure Delivery) of the adopted Local Plan and the National Planning Policy Framework.

14/2644/MFUL - Change of use from Agricultural Land to Community Park including the provision of footpaths, new landscaping and changes to levels. Refused 20th May 2016 for the following reasons:

1. On the basis of the information submitted there is not enough information regarding the management or delivery of the proposed Community Park,

parking and access arrangements and how accessible the park will throughout the year to justify development in this countryside location or be able to be secured as SANGS to understand the impact from the other related developments. As such the proposals are contrary to Policy EN5 (Wildlife Habitats and Features) and Strategies 5 (Environment), 7 (Development in the Countryside) 10 (Green Infrastructure in East Devon's West End) and 47 (Nature Conservation and Geology) of the adopted East Devon Local Plan and the National Planning Policy Framework.

14/2644/MFUL - Conversion of Winslade House from B1(a) office to 61 (C3) residential units and provision of basement car park. Approved 20th May 2016.

14/2643/LBC - Demolition of modern extensions and conversion of the former Stable Block from D2 Leisure Use to 6 residential units. Approved 20th May 2016.

14/2638/LBC - Renovation works to secure the continued use of the building for B1(a) purposes. Removal of the modern bridge link between the Manor House and Winslade House. Withdrawn 14.10.15.

ANALYSIS

Assessment

The main considerations in the determination of this application relate to

- The principle of the proposed development
- Appropriate Assessment
- Affordable housing/viability
- Impact on the setting of the listed building
- Conversion of the building to flats
- Impact on highway safety
- Flooding/surface water drainage
- Landscaping
- Trees
- Clyst Valley Trail
- Other issues
- Planning balance

Principle of the proposed development

The site lies outside of the defined settlement of Clyst St Mary as proposed by the Villages Plan DPD which is due for examination imminently. However, this site forms an allocation in the EDDC Local Plan under Strategy 26B and as identified on the associated Proposals Map. The Strategy states:

Land is allocated on the southern side of Clyst St Mary village, as shown on the Proposals Map for the conversion and redevelopment of redundant office buildings for residential uses with capacity to accommodate around 150 dwellings and to include 0.7 hectares of land (or retained office space equivalent in existing buildings) to provide B1 office employment uses.

The application, although submitted in hybrid form, is in conformity with this strategy in terms of the conversion of existing buildings to 67 dwellings, the erection of 83 dwellings (totalling 150 dwellings) and the provision of 0.7 hectares of employment space.

The 'made' Bishops Clyst Neighbourhood Plan mentions, and accepts, the allocation of the site for future mixed use development.

Objections have been received on the basis that a decision should not be made on the application prior to the Villages DPD being examined shortly. This is on the basis that the application site may not be included within the village and would therefore be deemed unsustainable. However, the site is allocated for development through Strategy 26B of the adopted Local Plan and this allocation will remain regardless of the outcome of the Villages DPD. As such there is no planning justification for delaying a decision on these applications pending the outcome of the villages DPD.

It is also recognised that a large number of objections to the application raise concerns regarding the site being divorced from the village and its limited facilities, the impact that the proposal would have on those limited services and facilities, that there are limited bus services, and impact upon social cohesion through the introduction of a further 150 units into a village that is already having 93 dwellings constructed and is small in size. Whilst these concerns are appreciated and understood, the principle of development of the site for around 150 dwellings is established through the Local Plan and as such these matters cannot be revisited as part of a planning application. In effect, the allocation of the site within the Local Plan for around 150 dwellings accepts that the site is sustainably located and represents sustainable development in principle.

Therefore the proposal is considered to be acceptable in principle and consideration of the application needs to move on to other matters and material considerations.

Appropriate Assessment

Natural England has advised that an Appropriate Assessment must be carried out as the site lies within close proximity of the Exe Estuary and Pebblebed Heaths, this assessment must consider whether the proposal will adequately mitigate any likely significant effects of the aforementioned areas. This report represents the Appropriate Assessment.

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

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

- o Dawlish Warren

- o South West Exeter
- o Cranbrook
- o Exmouth

The delivery of the mitigation strategy is overseen by the South East Devon Habitat Regulations Partnership which includes representatives from East Devon, Exeter and Teignbridge Councils. Significant progress is being made with delivery of the first two of these spaces with monies having been identified for purchase of these sites and in the case of the Dawlish Warren SANGS work is understood to be underway for its delivery. Negotiations are on-going with the Cranbrook consortium regarding the third SANGS area but it is envisaged that the necessary SANGS area will be delivered as part of the expansion areas. This just leaves the Exmouth SANGS, however Natural England are content that the required mitigation is being delivered across the wider area through the partnership and acknowledge that the Exmouth SANGS can come forward later in the plan period. It is considered to be the least significant of the 4 in mitigation terms because of the relatively modest levels of housing development proposed in the Local Plan for Exmouth compared to the other areas where SANGS are required. This is not however to diminish its importance in terms of delivery of the overall strategy.

Given that SANGS is being provided within the area to mitigate development, and given that the development will contribute financially to the provision of these area through CIL payments, it is considered that the proposal adequately mitigates any impacts upon the Pebblebed Heaths and Exe Estuary and will not result in any likely significant effects.

Affordable housing/viability

The site is not recognised as one of those which would benefit from a reduced level of affordable housing, therefore the Local Plan envisages that the site should provide 50% affordable housing. The applicant's agents have provided a viability assessment indicating an issue with achieving the 50% target.

This is a hybrid application where full detailed permission is sought for the re-development of the listed building and only outline consent is sought for the remainder of the site. Despite the majority of the site still being at the outline stage, the applicant has submitted an open book viability appraisal arguing that the scheme can provide no affordable housing for reasons of viability. Assessing this viability of the whole scheme therefore presents particular problems. Detailed costs information has been provided, but this relates only to conversion of the listed building. Such information cannot yet be prepared of the remainder of the site as although the outline seeks to establish basic parameters in relation to the quantum of development, including the number of residential units and square meterage (sqm) of new workplace units, other information, for example the mix, size, and layout of the housing units, would be needed.

CIL is a potentially significant cost to the scheme, and is calculated on a sqm basis. 83 one bedroom flats would have a significantly different costs and values than 83 four bedroom detached houses. The applicant has therefore sought to rely on an indicative masterplan to inform the calculations of their viability appraisal.

A number of outstanding questions remain in relation to some of the assumptions, assertions and values used in the report. For example, in relation to land value the report indicates full residential land value has been applied to a mixed use site. The treatment of the scheme in terms of CIL and Vacant Building Credit are still not fully resolved.

Whilst it is acknowledged the viability information in the report indicates that there are likely to be significant viability issues with this site and there are clear indications that the delivery of 50% affordable housing is unlikely to be viable, or deliverable, as yet the viability evidence does not robustly demonstrate that no affordable housing at all can be provided.

The Councils adopted Planning Obligations Supplementary Planning Document (SPD) states the following in relation to circumstances such as these:

CIL regulations requires calculation of CIL liability to be based on actual net floor area. This poses a difficulty for any outline application where the actual net floor area is either not provided, or provided in relation to an indicative plan only. As it is the actual (and not an indicative) figure that would be needed to undertake the calculations in relation to CIL, exact costs for calculating CIL, and indeed for developing the scheme remain unknown at outline stage. In these cases the amount of net floor area for the development will not be pinned down until the reserved matters application. This gives rise to issues in relation to proving viability when relying on an indicative scheme at outline stage. This highlights a clear tension around accepting reduced contributions due to viability on outline applications.

It is considered appropriate in this instance that viability should be fully examined at the reserved matters stage, once the full details of the development of the whole of the site are known. The applicant's agent has confirmed that they would be content with this approach.

A legal agreement will need to be formulated to secure that such viability testing is undertaken at the reserved matters stage taking into account the floor areas of the proposed dwellings and sales values and the values from the full application (conversion works). As the application proposes full planning permission for 67 units within the main buildings and stables, consent would be granted for this phase of development without any affordable housing. Given that these works relate to the listed buildings and to the provision of apartments, this is considered to be reasonable. The legal agreement would however need to ensure that the viability of this phase of the development is factored into the viability submitted at reserved matter stage. In effect, it will be the development of the outline phase that will deliver any affordable housing, taking into account viability from the full application.

The legal agreement would detail that the benchmark level for the viability would be the 50% affordable housing policy compliant level and that at reserved matters stage a viability assessment relating to the whole site would be submitted to indicate whether policy compliance could be achieved and if not at what level of affordable housing the scheme becomes viable. In the event that the scheme is not policy compliant an overage clause would be required.

Layout and impact on the setting of the listed building

The site forms part of the extensive grounds of Winslade Park which is a grade II* listed substantial mansion with its most recent use as offices. The proposals include the demolition of two modern office buildings, Brook House and Clyst House and the redevelopment of these sites with residential units, including residential units within the car park that forms the immediate north-west setting of Winslade House.

In order to give informed consideration to these proposals, it is vital that the contribution the setting makes to the significance of the heritage assets within the application site is properly assessed, so that the impact of the proposed development can be properly considered.

Whilst the layout of the development within the walled garden is indicative only; the 'terraced' formation of the built form, addressing the curved road, which is the primary and only route to Neighbourhood 2 (walled garden and Clyst House) unfortunately introduces an element of urbanism, to the setting which is incongruous to the inherent character of the heritage asset.

Clyst House is separated from the walled garden via a historic lane running across the bridge and accessing the extended parkland to the east. The existing building is a rather utilitarian structure, albeit it is particularly well screened from most aspects. In a similar way to Brook House it has little architectural merit and certainly not the value and quality of the Powell Moya buildings surrounding the principal listed building. Its removal would immediately improve the setting of Grindel House on Church Lane. This 19th century listed building was the former rectory and is now in private ownership. Great care should be taken when considering the layout of this part of the site in terms of its impact on the setting of Grindel House, and to a lesser extent the church which would be viewed in the context of the site when travelling along Church Lane. The layout is purely indicative and indicates sizeable units in generous plots. However, the layout is distinctly suburban which is contrary to the inherent setting of a Manor House. Again, some imagination is needed to conceive a form of development that would complement the significance of heritage assets and the historic parkland but there is no reason to believe that this cannot be achieved for this part of the site.

Turning to the Neighbourhood 1 (development on car park north of Winslade Manor) as already identified this is an outline application and the layout of the proposed development, within the immediate setting of Winslade Manor is indicative only; however as already discussed, the 'terraced' formation of the built form, addressing the primary route through the neighbourhood, which in turn unfortunately introduces an element of urbanism, to the setting which is incongruous to the inherent character of the heritage asset and associated parkland.

In summary, whilst the neighbourhood layouts are indicative only, development of the walled garden and the carpark as indicated does raise serious concerns. However, this would be a subject for potential future discussions for a reserved matters application and the applicant is aware that the indicative layout would be unacceptable and is only useful in demonstrating that 150 residential units can be achieved on the

site, albeit that a number of units may need to be provided as flats to ensure a suitable layout that respects its setting adjoining heritage assets. With a different arrangement and swapping of density levels such that Neighbourhood 2 is at a greater density and of a less suburban design and with Neighbourhood 1 at a lower density and of a different design, it is considered that overall 150 dwellings can be provided on the site in a suitable layout. In addition, this was the conclusion following the Local Plan adoption process where the site was allocated for around 150 dwellings and as such the Council have, with the Inspectors support, assessed that around 150 dwellings can be provided on the site without causing substantial harm to the setting of the listed building. Finally on this point, it is pertinent to note that Historic England have not raised concerns regarding the potential to accommodate 150 dwellings on the site.

There is presently an additional smaller car park, accessed off the primary route / approach approximately mid-way, on the approach to the Winslade Manor and House. This is a non-prominent feature in views from the assets, by virtue of a recently added screen bank along the boundary of the car park.

However, three commercial units are proposed on that site, the mass, scale, design and use of materials of which, may have a rather significant impact on the setting of the grade II* building. Concerns raised regarding the location of the workshop units, have been addressed through submission of amended plans through the design and use of materials; namely green roof with a low profile monopitch (addressing fields) and timber cladding (emulating tree belt). This approach has allowed for the units to merge into the landscape, with the assistance of a bund to the front.

Whilst it does not totally overcome the harm associated with new units within the open landscape, the design and use of materials as proposed has addressed some of the concerns raised.

Historic England offer the following advice:

Your authority will need to be convinced that the construction of workspace units at this prominent location is necessary, or whether there is another, less prominent, location on this large site that could accommodate the workspace units and preserve the open setting of the Grade II listed building. If there is, it follows that the harm to the setting is not justified; and as NPPF paragraph 132 notes, any harm to a designated heritage asset requires clear and convincing justification. Moreover, 132 also states that the more important the asset the greater the weight that should be given to its conservation, and in that context we respectfully remind you that Winslade Park is a Grade II* listed building, a heritage asset of the highest significance.*

Notwithstanding Historic England's concerns regarding justification for the need and location of the workshop units, which will be visited later in the report, the culmination of design and use of materials, is considered positive when balanced against the concerns raised regarding the views of the wider landscape from the heritage asset.

There would clearly be an impact on the setting of the listed building but this is considered to cause less than substantial harm. The new residential development of 150 dwellings would also result in less than substantial harm and it must be remembered that this needs to be given special regard.

This harm is however considered to be outweighed by the public benefits that the redevelopment of the site would bring in terms of a long term viable use for the listed buildings, the new employment floorspace and development of the 150 residential units that would aid housing supply.

In addition, the final design and appearance of the buildings can be considered in detail at the Reserved Matters stage to ensure that the harm is minimised as much as possible.

As presented, in indicative form, there are concerns regarding the density of the proposed development across the site. The plans submitted indicate a high density to the north of the listed buildings where they would be more apparent and a much lower density to the east of the listed buildings in an area that would not impact on their setting. Any reserved matters submission would need to address the area immediately to the east of the listed buildings and average out the density more evenly across the site as a whole.

In order to achieve this, given the concerns regarding the indicative layout, and the importance of the landscaped setting to the listed buildings, it is considered that the Reserved Matters application should be preceded by an agreed design code and GI Strategy. This can be conditioned.

Conversion of buildings to flats

With regards to the internal layout of the existing office building this has clearly undergone some significant changes. Office accommodation is, by its nature usually relatively functional and is often adapted to its user. The principal entrance foyer is probably the only significant public space within the building, and this is to be retained as part of the conversion. External works would be considered to offer a degree of enhancement to the office building itself and the setting of Winslade House. Principally, this would include the removal of the prefabricated office immediately to the north, and more significantly the removal of the two-storey link into the listed building. With regard to the internal changes to the Powell and Moya office building the Conservation officer would not wish to make any detailed observations other than that a strategy would need to be agreed for more domestic interventions that may appear externally on the building; including flues, vents, satellite dishes and the like. These would in any case require separate listed building consent.

The conservation officer has the following detailed comments to make:

- 1. The modern partitions, floors, ceilings and wall coverings may well conceal historic fabric. Until further exploratory work is carried out the extent of this is uncertain. I am therefore happy, in the event of an approval that a pre-commencement condition is attached requiring a further survey to be carried out and a schedule of internal works to be submitted for approval.*
- 2. The re-grading of the ground on the site of the existing leisure building seems an appropriate means to remove the severe retaining walls. It is noted that there are to be no individual gardens or subdivisions of the external areas. On this basis my*

previous concern relating to the landscaping has been allayed although the overall landscaping of the site would need to be subject to conditions.

3. There is still no indication to which windows are to be replaced. There is no reason why a condition survey cannot be carried out and a window schedule submitted with the application. Overhauling and repairing the existing sash windows would be generally acceptable. However, the fitting of double glazed sealed units in the existing windows as proposed is not acceptable. Those windows that require replacement need to be identified on the elevations and full details of the replacement joinery submitted. The proposed modern off-the-peg units are not likely to be acceptable as their construction and addition of trickle vents are not authentic. With regards to the proposed alterations to the openings in the flat-arched ground floor openings in the stable yard these should reflect the character of the former use of the building, not over-domesticated with parallel sash windows. No cogent case has been offered for these, and they appear quite out of place and incongruous. A design and construction that demonstrates a reflection on the original nature of these openings would be more suitable.

4. The design of the replacement and new doors are accepted although I would advocate that these are painted and not stained or oiled oak as this would be inconsistent with the character of the stable building.

5. The positions and nature of flues and vents have now been suitably considered. I would advocate that this strategy is acceptable.

6. I am satisfied with the broad schedule of internal works to the building. This demonstrates the retention of more significant historic fabric and the use of appropriate materials and finishes. There will be a requirement for some conditions in the event of an approval, but I am broadly content with this approach.

Listed building consent has previously been granted under applications 14/2641/LBC and 14/2643/LBC for the quantum of development now proposed under application 16/2461/LBC for an almost identical scheme.

Accordingly, and subject to similar conditions, it is considered that the proposed conversion works would be acceptable in relation to Policy EN9 (Development Affecting a Designated Heritage Asset) of the EDDC Local Plan and advice contained in the NPPF and would not cause any harm to the listed building.

Employment units

The new-build employment units form part of the outline planning application, indicatively they are identified to be located adjacent to the entrance drive, part of this site is within floodzone 2 and a smaller part is in floodzone 3. Whilst it is not best practice to site new buildings in the floodzone, the allocation of the site is constrained by the floodzone(s) and if all buildings were sited outside the floodzone(s) then it is considered that the quantum of development in the allocation could not reasonably be delivered and therefore could affect the viability of the scheme.

The employment use would be a less vulnerable use than the residential use and therefore it is less likely to be used/occupied in the event of a flood. Furthermore, siting the employment uses closest to the entrance of the site would mean that the commercial traffic would not need to drive through residential areas and it is for this reason that the site is best suited for the employment units. It is also relevant to note

that the allocation for the site was based upon the inclusion of this area of land within the floodzone being the likely location for the employment use.

Concern has been expressed from a number of parties regarding the need for the employment units, however, Strategy 26B was examined by the Inspector at the time of the Local Plan Examination and found to be sound, the mixed use approach supports the Council's 1 house: 1 job preferred ratio and embodies the historic use of the site for employment purposes.

Accordingly, it is considered that the proposed location of the employment units (based on the illustrative layout) would be acceptable and is the most appropriate location.

Impact on highway safety

There is an existing traffic-lighted access from the main A376 Exmouth Road which formerly served the office buildings on site and is considered sufficient to serve the 150 dwellings proposed. Devon County Highway Engineer and Highways England raise no objections subject to additional details regarding the layout of the proposed internal routeways – these can be included within the Design Code with detail agreed at the Reserved Matters stage. Internally within the site there are a number of roadways and separate car park, some of which would be retained for parking and others lost to enable room for the new dwellings.

In terms of parking it is accepted that the provision would be lower than the local plan expectation for the conversion providing 95 spaces (using existing undercroft parking and courtyard parking spaces) for the 67 units. The outline application for the new dwellings propose a range of different parking scenarios based on house size, however, it must be in accordance with Policy TC9 of the Local Plan and provide 1 space per 1 bedroom house and 2 spaces for 2 bed houses and larger, this can be secured at that time and will need to take into account the under-provision in relation to the conversion works.

Objectors have raised concerns about parking for the church and this can again be considered at Reserved Matters Stage.

The proposal is considered, subject to appropriate conditions, to accord with policies TC7 and TC9 of the East Devon Local Plan.

Flooding/surface water drainage

The access road leading into the site, the area where the offices are proposed and areas of land around the Grindle Brook running through the site fall within floodzones 2 and 3 on the Environment Agency's mapping system, as such a flood risk assessment (FRA) has been prepared as part of this application. The original FRA submitted with the application was considered deficient in a number of areas, however, a revised FRA has now been submitted where upon review the Environment Agency have removed their objections to the scheme subject to conditions. Previous dwellings located within the flood zone have also been removed and the provision of office accommodation (subject to a suitable design and levels) is acceptable within the flood zone.

Similarly the level of detail submitted regarding surface water drainage (even though some of the development represents an outline application) was considered deficient and Devon County Flood Risk Department raised objections to the proposal. However, on submission of amended details, this objection has now been removed subject to conditions.

Detailed design of drainage relating to the new dwellings would be a matter for consideration at the reserved matters stage whilst the conversion of the building is within areas already hardsurfaced and drained.

The proposal is therefore considered acceptable in relation to Policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-Off Implications of New Development) and advice contained in the NPPF.

Landscaping

The overall landscape strategy for the site is key to how the proposed development assimilates with the historic setting of the church, the manor, the house and stables. The information supplied at this stage for the wider landscaping fails to satisfy the requirements of Policy D2 of the Local Plan.

It is unclear what has driven the current proposed layout including the location of certain development types. The current landscape proposals appear as an afterthought rather than an integral part of the site design. The hierarchy of spaces is unclear and often considered wrongly located:

- Neighbourhood Equipped Area for Play (NEAP) and Locally Equipped Area for Play (LEAP) are located to the backs of residential development
- Further the NEAP is located within Floodzone 3 (EA to advise)
- The locations of the orchards within neighbourhood area 1 and to the west of Winslade House is at odds with the historic landscape context and is difficult to access or lacks natural surveillance.

Whilst the information submitted with the application in terms of its layout and detail is not considered acceptable in terms of the areas covered by the outline application, it is considered that appropriate details can be secured through the reserved matters submission and conditioned on any outline permission with a GI strategy supporting any reserved matters application and linked to the design code. The areas covered by the full permission would need to be subject to a condition to gain greater detail of exactly what landscaping is proposed and the timing of planting.

Therefore, subject to submission of further details it is considered that the proposed landscaping could be acceptable in relation to Policy D2 of the EDDC Local Plan.

Trees

The submitted Advanced Arboriculture Arboricultural Survey (AS) in accordance with BS5837:2012, accurately records the location, physical parameters and tree classifications for the trees growing on and adjacent to the site.

The purpose of this survey is to inform the design and layout of the development, in order that the retention of trees is optimised and such retained trees are sustainably integrated within the hard and soft landscape

Whilst this is an outline application and design and layout is part of the reserved matters, the indicative site plan (ATP _101 rev F) of the proposed development demonstrates that the important trees are to be retained in a sustainable manner.

The exact locations of physical features such as attenuation ponds, the LAP, LEAP and NEAP will be determined at the reserved matters stage though it is important that the trees are protected at an early stage and therefore protection measures of mature trees in necessary at the outline stage.

The proposal is considered to accord with Policy D3 of the EDDC Local Plan.

Clyst Valley Trail

The Council's Green Infrastructure Officer and Devon County Highway Department have requested that the Clyst Valley trail is extended across the site and that the applicant should provide £250,000 to assist in surfacing the trail. There is no policy in the EDDC Local Plan (other than Strategy 10 which relates to the 'West End' only) that secures the Clyst Valley Trail or states that applicants must sign up to having the trail across their land let alone have to surface it. There is an existing public right of way that starts from within the site adjacent to the listed church which would remain unaffected by this proposal. This right of way would give residents of the site access to the countryside which would be fully in accordance with Strategy 5 of the EDDC Local Plan.

Therefore, whilst it is recognised that the Clyst Valley Trail would be a good asset to the site, there is no policy support for seeking it on this site. The right of way would be protected and may be enhanced through the reserved matters submission. The applicant will also be encouraged to allow access through the site to link the site to the Valley Trail.

As this facility is outside of the site and not required to mitigate the impact from the development, funding for the route would need to come from elsewhere, with funding through the Community Infrastructure Levy one possibility.

Other matters

Sports provision

Sport England has raised concerns regarding the loss of the private gym and swimming pool which are contained within one of the buildings on site. Paragraph 74 of the NPPF gives weight to retention of existing open space, sports and recreational buildings and land including playing fields, however, in this instance the swimming pool and gym were in use by (and subsidised by) the company that operated the offices and not run solely for the public.

Whilst the previous applications in 2014 were refused partly due to the loss of these facilities, there are a number of factors which have changed since this time and need to be considered before the same conclusion is reached.

The facilities have been closed in excess of three years and in that time the groups interested in running the facilities will have made other arrangements/found other premises from which to locate themselves. Furthermore, there is now no policy support within the East Devon Local Plan for the retention of sports facilities other than for sports pitches, indeed Strategy 26B (the allocation for the site) does not require the retention of the swimming pool or gym facilities. Given that the policy position has been weakened, given the time that has passed, and given that Sport England latest comments recognise that they are not a Statutory Consultee on this application, it is considered that the benefits of providing a long term viable use for the listed building and development of the site in accordance with Strategy 26B would outweigh the limited harm of the loss of these facilities.

Residential amenity

There are a number of existing dwellings surrounding the site which have the potential to be impacted upon as a result of this application, however, as the proposal is in outline with all matters but access to be considered at the reserved matters stage there are no details provided of the layout or design of the new dwellings. The buildings to be converted lie sufficiently far enough away from existing dwellings not to detrimentally impact on amenity.

Therefore, it will be a matter for the reserved matters application to consider the appropriateness of design and layout on the amenity of adjacent properties.

Layout/Design/scale of new build housing

The illustrative plans submitted with the outline element of the proposal indicate a densely populated area of housing to the north of the listed mansion house and a more sparsely populated density of housing to the east of the listed mansion house. The level of detail is very limited, however, at reserved matters stage it would need to be demonstrated that the layout would not adversely impact on the setting of the listed building(s) or character and appearance of the area. Overall, it is considered that 83 dwellings could reasonably be accommodated but for the reasons given probably not as indicated on the illustrative layout plan with the density averaged out across the site in a more consistent manner.

Furthermore, whilst not a matter that can be dealt with at the outline stage as scale and appearance are matters reserved for consideration at the reserved matters stage, it is worth noting that the Bishops Clyst Neighbourhood plan through Policy BiC05 requires an assessment of context and character which would be particularly relevant on this site given the historic characteristic of the surroundings. The height of the buildings and size of dwellings are also matters that are covered by policies in the neighbourhood plan and therefore would be of relevance at the reserved matters stage.

This adds weight to the need for design codes and a GI strategy to be agreed prior to the submission of the reserved matters application(s).

Planning obligations

Alongside the need to ensure that viability information is submitted and agreed with the submission of Reserved Matters details (with relevant clauses to secure affordable housing), there is the need to include the following within a legal agreement:

- an overage clause should a reduced level of affordable housing be agreed through viability,
- a management company to ensure the on-going management of the landscape, provision of play/sports provision,
- a phasing plan to ensure that the employment units are provided at an appropriate stage of the wider development.

Planning balance

The impact upon the grade II* listed building and grounds has been found to be less than substantial, however, the benefits of the redevelopment, the 150 dwellings, employment units and securing the future of the site and listed buildings, are considered to represent public benefits that enable the proposal to be supported.

Whilst the indicative layout is unacceptable, it is considered that a suitable layout could be achieved at reserved matters stage subject to conditions. All other matters such as parking, access, drainage, and flooding are considered to be acceptable subject to appropriate conditions.

Although viability information submitted by the applicant indicates that 50% affordable housing is unlikely to be achievable on the site, it has not adequately been demonstrated to officers that no affordable housing should be provided. As such it is recommended that the viability of the proposed development be re-assessed at the reserved matters stage once the sizes of the dwellings are known and in relation to build costs and sale costs at that point in time.

In light of the above, both applications are recommended for approval.

RECOMMENDATION 1

Application 16/2460/MOUT – Outline application

APPROVE subject to a legal agreement to secure the following matters:

- securing a viability review at the reserved matters stage from a policy compliant 50% affordable housing benchmark;
- an overage clause should viability prove that a lower level of affordable housing would be provided (than the 50% policy compliant level)
- a comprehensive phasing plan;
- provision of play/sports provision including NEAP and LEAP
- a management company to ensure on-going maintenance of the site

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 external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline with one or more matters reserved.)
3. The 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. No development shall take place until a detailed phasing plan including all necessary works to implement the development has been submitted to and agreed in writing with the Local Planning Authority (hereinafter referred to as Local Planning Authority). The development shall not be carried out other than in strict accordance with the Phasing Plan as may be agreed unless otherwise agreed in writing with the Local Planning Authority.
(Reason - to ensure the development proceeds in a properly planned way from an early stage and to limit any unacceptable impact on the locality in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan)
5. No development shall take place until a revised Construction and Environment Management Plan (CEMP) (to include schemes for the suppression of dust and air quality measuring and mitigation has been submitted to and agreed in writing with the Local Planning Authority. The development shall not proceed otherwise than in strict accordance with the CEMP as may be agreed unless otherwise agreed in writing with the Local Planning Authority.
(Reason - To ameliorate and mitigate, at an early stage, against the impact of the development on the local community in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan)
6. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.
(Reason - To ameliorate and mitigate against the impact of the development on the local community in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan)
7. Notwithstanding the details provided, prior to the commencement of any part of the development hereby permitted a detailed Design Code for the whole of the residential and commercial elements of the development shall be submitted to

and agreed in writing with the Local Planning Authority. The Design Code shall include details and principles of site layout, highway design (including footways and shared surfaces), soft and hard landscaping, materials to be used on all buildings and for ground surfacing, building heights, spans and proportions, boundary features, window and door details, details of flues, meter boxes, eaves and roof ridges and treatment of verges and open areas to the front, rear and side of all buildings, car parking courts and areas, and details and design parameters of public open space areas including play equipment where necessary. Each phase of the development shall thereafter be carried out in accordance with the approved details.

(Reason - to ensure that the development is planned as a whole in a cohesive manner, to avoid piecemeal development displaying differing design ethics, and to ensure that the resulting development is of high quality as required by Local Plan policies and in line with government guidance in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

8. The development shall not proceed other than in strict accordance with the Flood Risk Assessment prepared by Hydrock (ref. R/C14491/002.08, dated March 2017).

(Reason -To ensure the development complies with the guidance as set out in the National Planning Policy Framework).

9. As part of the reserved matters application submission a landscaping and green infrastructure strategy for the whole of the site, that takes account of the historic nature of the site, shall be submitted for consideration and approval. The development shall thereafter be carried out in accordance with such agreed details.

(Reason: To ensure that the whole site is planned in a holistic manner and respects the historic and natural environment around the Grade II* Listed Building in accordance with Policies D2 (Landscape Requirements) and EN9 (Development Affecting a Designated Heritage Asset) of the East Devon Local Plan).

10. The landscaping scheme approved at the reserved matters stage 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)

11. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall

also be made for supervision of tree protection by a suitably qualified and experienced arborocultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall be strictly observed:

(a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - To ensure retention and protection of trees on the site 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), D2 (Landscape Requirements) and D3 (Trees on Development Sites) of the East Devon Local Plan.)

12. Prior to the commencement of any works on site (including demolition and site clearance or tree works), details of the design of building foundations, access roads and car park surface construction (temporary and permanent) the layout (with positions, dimensions and levels) of service trenches, ditches, drains and other excavations on site (insofar as they may affect trees on or adjacent to the site) , shall be submitted to and approved in writing by the Planning Authority.

(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)

13. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed and timetabled specification for all necessary arboricultural work to retained trees shall be submitted to and approved in writing by the Local Planning Authority. The specification will accord with the principles given in BS 3998:.. All tree felling and pruning works shall be carried out in full accordance with the approved specification and the principles of British Standard 3998:2010 - Recommendations for Tree Works and in accordance with the agreed timetable of operations or such other works at such other times as may be agreed in writing by the Local Planning Authority

(Reason: To ensure the continued well being of the trees in the interests of the amenity of the area locality in accordance with Policy D3 (Trees and Development Sites) of the East Devon Local Plan)

14. Each new dwelling or flat with one bedroom shall be provided with at least one parking space (excluding garages), each new dwelling or flat with two or more bedrooms shall be provided with at least two parking spaces (excluding garages).

(Reason: To ensure there is sufficient parking provision in accordance with Policy TC9 (Parking provision in New Development))

15. The employment units B1 Offices only no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
(Reason - To protect adjoining occupiers from noise, disturbance in accordance with the requirements of Policy EN14 (Control of Pollution) of the East Devon Local Plan.)
16. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment (Ref: R/C14491/002.08, Rev. 8, dated 02/05/2017)
(Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems in accordance with Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan).
17. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.
(Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area in accordance with Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan).
18. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.
(Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development in accordance with Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan).
19. Notwithstanding the details provided, as part of the reserved matters submission details of the access visibility splays, and of the layout, construction and surfacing of the proposed access, internal driveways parking areas and provision for

turning vehicles within the site shall be submitted to and approved in writing by the Local Planning Authority.

(Reason: To ensure that the road works are planned and approved in good time in the interests of highway safety in accordance with the requirements of Policy TC7 - Adequacy of Road Network and Site Access of the Adopted New East Devon Local Plan 2016.)

20. Development shall be carried out in accordance with the recommendations and mitigation measures as set out in Section 8 of the Ecological Appraisal and Protected Species Report number: 1012/2 dated August 2016.

(Reason: To ensure that the protected species identified are protected during and after development takes place in accordance with Policy EN5 (Wildlife Habitats and Features).

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:

ATP_100-1	Location Plan	16.05.17
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Application 16/2460/MOUT for the full application

APPROVE subject to a legal agreement securing a viability review prior to the commencement of any works and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The development shall not proceed other than in strict accordance with the Flood Risk Assessment prepared by Hydrock (ref. R/C14491/002.08, dated March 2017).
(Reason -To ensure the development complies with the guidance as set out in the National Planning Policy Framework).
4. No development shall take place until a revised Construction and Environment Management Plan (CEMP) (to include schemes for the

suppression of dust and air quality measuring and mitigation has been submitted to and agreed in writing with the Local Planning Authority. The development shall not proceed otherwise than in strict accordance with the CEMP as may be agreed unless otherwise agreed in writing with the Local Planning Authority.

(Reason - To ameliorate and mitigate, at an early stage, against the impact of the development on the local community in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan)

5. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.

(Reason - To ameliorate and mitigate against the impact of the development on the local community in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan)

6. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment (Ref: R/C14491/002.08, Rev. 8, dated 02/05/2017)

(Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems in accordance with Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan).

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

(Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area in accordance with Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan)

8. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

(Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the

lifetime of the development in accordance with Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan)

9. Notwithstanding the details provided, prior to commencement of development details of the access visibility splays, and of the layout, construction and surfacing of the proposed access, internal driveways, parking areas and provision for turning vehicles within the site shall be submitted to and approved in writing by the Local Planning Authority.

(Reason: To ensure that the road works are planned and approved in good time in the interests of highway safety in accordance with the requirements of Policy TC7 – Adequacy of Road Network and Site Access of the Adopted New East Devon Local Plan 2016.)

10. Development shall be carried out in accordance with the recommendations and mitigation measures as set out in Section 8 of the Ecological Appraisal and Protected Species Report number: 1012/2 dated August 2016.

(Reason: To ensure that the protected species identified are protected during and after development takes place in accordance with Policy EN5 (Wildlife Habitats and Features).

11. Notwithstanding the details provided, 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 New East Devon Local Plan 2016.)

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:

ATP_101 REV F Proposed Site Plan 16.05.17

ATP_101 REV D	Proposed Site Plan	19.10.16
ATP_AGE_001	Combined Plans	19.10.16
ATP_AGE_002	Proposed Elevation	19.10.16
ATP_AGE_003	Sections	19.10.16
ATP_AGE_004	Proposed Elevation	19.10.16
ATP_AGP_000	Other Plans	19.10.16
ATP_AGP_000A	Other Plans	19.10.16
ATP_AGP_001	Proposed Floor Plans	19.10.16
ATP_AGP_002	Proposed Floor Plans	19.10.16
ATP_AGP_003	Proposed Floor Plans	19.10.16
ATP_AGP_004	Proposed Floor Plans	19.10.16
ATP_AGP_005	Proposed Combined Plans	19.10.16

RECOMMENDATION 2:

Application 16/246/LBC for the listed building consent:

APPROVE subject to the following conditions:

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.
(Reason - To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
2. No works shall commence until the following details and specification have been submitted to and approved in writing by the Local Planning Authority.
 - Details of any new or replacement walls and boundary treatments
 - Roofing materials including details of replacement tiles.
 - New rainwater goods including profiles, materials and finishes.

- Details of any new or revised internal or external door openings
- Details of the condition of any windows to be replaced; any replacements to sash and casements. Plans showing sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.
- External vents, flues and meter boxes.
- Eaves and verge details including construction and finishes.
- Lead work, including profiles and details of any ornamentation.
- Roof ventilation systems.
- New windows including sections, mouldings, profiles and paint colour. Sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.

The works as agreed shall be carried out in accordance with the approved details

(Reason - In the interests of the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

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:

ATP_AGP_004 REV B	Proposed Floor Plans	10.11.16
ATP_101 REV D	Proposed Site Plan	27.10.16
ATP_AGE_005	Proposed Elevation	27.10.16
ATP_AGE_003	Sections	27.10.16
ATP_AGE_004 REV A	Proposed Elevation	27.10.16
ATP_AGP_000	Layout	27.10.16

ATP_AGP_000A	Layout	27.10.16
ATP_AGP_001 REV A	Proposed Floor Plans	27.10.16
ATP_AGP_002 REV A	Proposed Floor Plans	27.10.16
ATP_AGP_003	Proposed Floor Plans	27.10.16
ATP_AGP_004	Proposed Floor Plans	19.10.16
ATP_AGP_005	Proposed Combined Plans	27.10.16

List of Background Papers

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

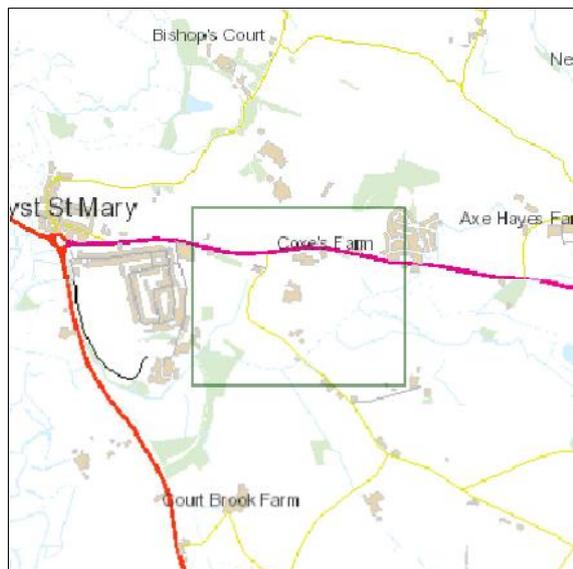
Ward Clyst Valley

Reference 17/0650/VAR

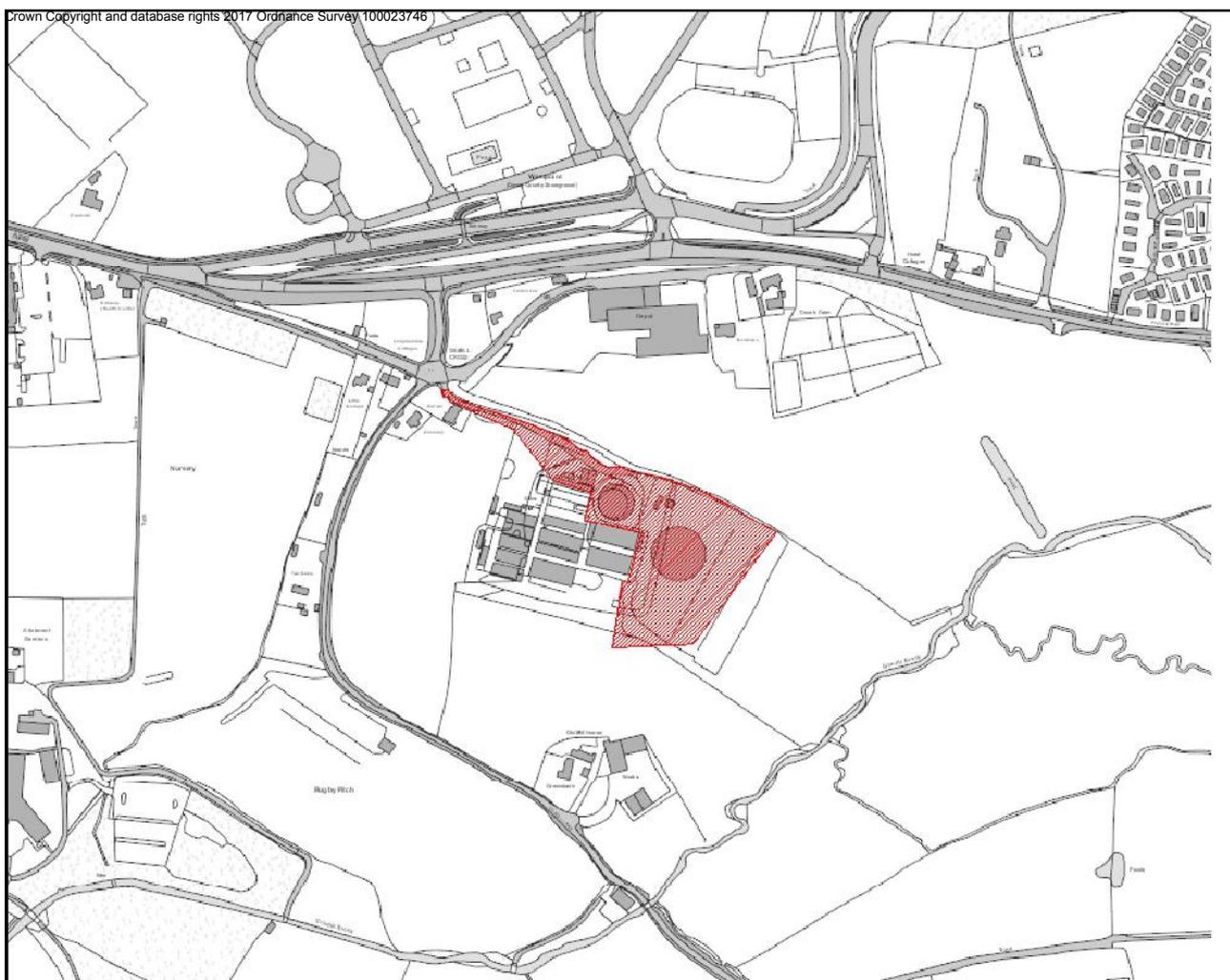
Applicant Gorst Energy Ltd (Mr Manley)

Location Enfield Oil Mill Lane Clyst St Mary Exeter EX5 1AF

Proposal Variation of condition 7 (ii) of planning permission 15/1473/VAR to allow alternative site for feedstock source and variation of condition 7 (iii) to alternative destinations for digestate, and variation of condition 2 (plans condition) to replace approved transport statement



RECOMMENDATION: Approval with conditions



		Committee Date: 31st October 2017
Clyst Valley (CLYST ST MARY)	17/0650/VAR	Target Date: 12.07.2017
Applicant:	Gorst Energy Ltd (Mr Manley)	
Location:	Enfield Oil Mill Lane	
Proposal:	Variation of condition 7 (ii) of planning permission 15/1473/VAR to allow alternative site for feedstock source and variation of condition 7 (iii) to alternative destinations for digestate, and variation of condition 2 (plans condition) to replace approved transport statement	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before Members as officer recommendation differs from the views of the Parish Council and Ward Member.

Under Section 73 of the Town and Country Planning Act, this application seeks planning permission to vary conditions 2 (approved plans/reports condition) and 7 (transport restrictions) of application 15/1473/VAR for an Anaerobic Digester plant at Enfield Farm.

Condition 2 would vary the approved reports accompanying the application whilst the variation of condition 7 would be to introduce additional farms from which crops could be sourced and on which digestate could be spread.

The site would continue to operate under the current maximum annual tonnage of 26,537 tonnes, 19,626 tonnes of which is imported into the site via the public highway. The site currently imports from 8 locations, this is proposed to be increased to 24 locations. It would also provide greater flexibility in accessing feedstock from the wider highway network, which in turn could decrease the overall number of movements associated with feedstock imported to the site.

The current crop movement plan indicates that vehicles already travel to the majority of the locations to be included in the list of farms, this is because the new farms are on existing routes or are owned by the same parties as the approved farms and have no restrictions on crop movement between their farms. The application also requests that 2 HGV movements to/from the site per day be allowed to improve efficiency and to help reduce overall transport movements.

Highways England and Devon County Highways do not raise any objections to the proposed development on the grounds of highway safety or movements and in the absence of an objection from Environmental Health, there are no grounds on which the application to amend the number of local farms serving and receiving produce from the facility could be refused.

It is however considered necessary and reasonable to add additional wording to the amended condition to ensure that silage from the adjoining pig farm is regularly received by the plant (to minimise odour, and as envisaged as part of the original planning permission).

Finally, it is not considered that the proposal for 2 HGV movements to the site serving other farms outside of the locality can be supported as this would allow the proposal to serve a wider area than the local farms and the application was originally supported on the basis of it being a sustainable form of development as it was serving a local need.

CONSULTATIONS

Local Consultations

Parish/Town Council

Objection - further comments to be submitted in next couple of days.

Further to the objection already stated by BCPC we would like to comment as follows: Our concerns about this site and the nuisance it is causing to this community are not diminishing in any way.

As well as the assurances of a clean and smell-free operation, the initial development of the anaerobic digester was agreed on the basis that it would be 'fed' with locally sourced waste material - in particular, pig slurry coming from the very site it abuts. This is now NOT being used and has to be unsustainably transported from the site.

Conversely, the new application reflects the intention of the owners to acquire material for the biodigester from distant sources, all transported by road. The routes for this include a number of congested roads, particularly the A30/M5 junction.

PC does not support this application and will be unable to support any further development of this site until the basic conditions are met.

Clyst Valley - Cllr M Howe

Following an initial review of the above application I recommend the following:

Support the application	No
Object to the application	Yes

In the event my recommendation and that of the Planning Officer differs, I wish the application to be referred to Development Control Committee

Relevant planning observations on the planning application to support my recommendation above:

I totally disagree with this application they applied for the farms already conditioned, so see no justification for this amendment, I note that we have no scale or distance rings around the map proposed showing the distance to the new locations to be added, and as this is supposed to be a local anaerobic digester, see no reason for new farms breaking this accepted condition, If they applied to swap farms then I would consider this more acceptable provided they are within a current distance from the site. This site still causes smells on very frequent occasions causing considerable distress to the local community, and I don't see how this application will help that.

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

Technical Consultations

County Highway Authority

Observations:

The application is seeking to vary condition 7 (ii) & (iii) to allow alternative sites for feedstock source and alternative destinations for digestate and to vary condition 2 to replace the approved transport statement. There is no change to the overall permitted tonnage levels.

The CHA has read the supporting Transport Statement (SLR Consulting) and is satisfied that the proposed variations are unlikely to have severe residual impact on the local highway network as defined in the NPPF.

We are satisfied that monitoring of traffic movements attracted to and from the site, as conditioned, can continue be achieved through the requirements of the existing sections iv) and v) of condition 7, which is not subject of the variations proposed. The CHA believes that the Transport Statement is robust and should therefore be replaced in condition 2.

CHA has no objection to the proposed variations.

Recommendation:

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

Environmental Health

I have considered the application and would make the following observations which are relevant to the potential impact of this proposal on the amenity of the residents of East Devon district likely to be affected by it. These include residents in the proximity of the new farms proposed to be producing crop feedstock and receiving digestate, as well as residents who live close to the Enfield AD plant who are already affected by activities associated with it.

The AD plant was in a construction phase for more than 18 months, operating in an uncompleted state for around 12 months. During that time feedstock was imported and digestate exported. At times this impacted on the amenity of local residents, particularly during the harvest period (September to October) and at times when digestate was being tankered away for spreading or off-site storage. These impacts were mainly associated with large vehicles using narrow lanes, often at speed, causing noise and odour impacts on local residents along the routes used and arousing fears for safety. Residents of rural East Devon are familiar with the normal farming routines throughout the year but the concentration of activity to and from one site at certain times of the year resulted in unprecedented levels of heavy vehicle activity near homes.

The 2014 application for the AD plant stated that the site at Enfield Farm was "selected owing to its close proximity to the area where the pig slurry is produced and its closeness to land onto which the digestate would be spread" (para 12, Design and Access Volume 1 10th June 2014). Paragraph 16 stated that this was an "On-farm anaerobic digestion plant" to service the needs of the adjacent pig farm. The same owner would grow the feedstock crops required to mix with the slurry to maximise gas output. It was on this basis that the acceptability of this development in this location was considered. During the planning of this plant the need for the farm to rotate crops and be able to receive the liquid and solid digestates would have been calculated and considered sustainable. No changes in throughput of feedstock or output of digestate are proposed and therefore I see no reason that the original vision of the plant as described in 2014 should be changed.

No sustainability appraisal has been submitted with this application and I am concerned that residents living near to the additional farms to be used for the production of crop feedstock and the receipt of liquid digestate by tanker will be impacted upon by increased large vehicle movements in the lanes serving these farms.

Highways England

The application is seeking to vary sections ii) and iii) of condition 7 of permission reference 15/1473/VAR to increase the number of potential sources for feedstock and destinations for digestate from a wider local area. It is also seeking permission for up to 2 x 2 way HGV movements per day from a wider area served by the strategic road network. The application is supported by a transport statement prepared by SLR Consulting. There is no proposed change to the overall permitted tonnage levels.

Highways England is satisfied that the impact of the proposed changes in vehicle movements resulting from the proposed variation is unlikely to be severe as defined by the NPPF.

However, we agree that the development can only be considered to be sustainable if feedstock sources and digestate deliveries continue to be focused on the local area. Although we have no objection to providing the applicant with the option to source up to 2 HGV loads per day from further afield in order to accommodate potential fluctuations in local supply, we would wish this to be monitored. We are satisfied that

this monitoring should be achieved through the requirements of sections iv) and v) of condition 7 which are not subject to proposed variation.

Recommendation

Highways England has no objection to the proposed condition variations.

Environment Agency

No objections to the proposal as submitted

Other Representations

44 letters have been received, including 43 letters of objecting raising the following as reasons for objecting:

- Unsustainable
- The roads around some of the additional farms listed are very narrow
- Offensive odours
- Significant increase in traffic movements
- Mud on the highway
- Was originally meant to be a local enterprise
- Impact on the character of the area
- Applicants have not adhered to original planning permission
- Operators are not capable of running the plant without impacting on residents
- Beeping noise from vehicles
- Pig slurry and silage smells
- Risk to public health
- No regard for planning system/ process
- Cumulative impact on the character of the area has not been properly considered
- Inadequate on-site storage for digestate

PLANNING HISTORY

Reference	Description	Decision	Date
15/1473/VAR	Variation of condition 2 (plans condition) of planning permission 14/0858/MFUL to alter infrastructure and layout of an Anaerobic Digester Plant	Approval with conditions	23.08.2016
14/0858/MFUL	Construction of agricultural anaerobic digester plant for production of renewable energy	Approval with conditions	24.07.2014

15/1512/FUL	Extension to anaerobic digester plant to provide new site entrance, weighbridge, gas upgrade plant, propane tanks, digestate storage lagoon and underground leachate tank, turning circles, surge wall, drainage channels and chambers with associated landscaping and earth bunds	Refusal – Allowed at appeal	05.08.2016
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POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN16 (Contaminated Land)

EN22 (Surface Run-Off Implications of New Development)

E4 (Rural Diversification)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Site Location and Description

The application relates to the Anaerobic Digester Plant located at Enfield Farm off the A3052. The site gained consent in 2014 and has subsequently been extended and amended.

Proposed development

Under Section 73 of the Town and Country Planning Act 1990, planning permission is sought to vary condition 2 (Plans conditions to replace the highway report) and condition 7 (transport movements) of planning permission 15/1473/VAR to allow for an increased number of farms (an additional 16) to provide crops to the site and to receive digestate from the digester..

The increased number of farms supplying the plant and receiving the end product means that (taken from the agent's statement):

- more farms can benefit from the supply of crops to the plant at Enfield and from the use of digestate as an organic fertilizer;
- there is contingency in the event of crop failure;
- there is greater flexibility for crop rotation for the farms supplying the plant - supporting good agricultural practice;
- more farms in east and Mid Devon can benefit from farm diversification;
- the purchasing of feedstock is more competitive, supporting the sustainability of the AD business; and
- there is a reduction in farms' reliance on costly artificial fertilizers - resulting in a reduction of CO2 emissions and a more sustainable farm business.

The proposal also seeks consent to allow up to 2 (two-way) movements per day for HGV's delivering feedstocks from anywhere.

ANALYSIS

Assessment

The main considerations in the determination of this application are the:

- Principle of the proposed development
- The reasons for the original condition

Principle

The principle of the use of the site as an anaerobic digester plant has previously been accepted and the AD plant has been constructed on site, the variation of conditions relating to an established use fall to be determined on the basis of the reasons for the condition and the policies used for the reasons given.

The reasons for the original condition

The original condition 7 reads as follows:

i) The feedstock and feedstock delivery for the anaerobic digester shall be as set out in the supporting information submitted with the application and shall comprise slurry, farmyard manure, maize silage and wheat in the proportions listed within Volume 1 of the report prepared by E4environment dated 10th June 2014 approved under 14/0858/MFUL. For the avoidance of doubt the proportions per annum are:

- o Pig slurry- 6000 tonnes
- o Farmyard manure- 1000 tonnes
- o Maize silage- 16,537 tonnes
- o Wheat- 3000 tonnes

The principal uses of the site shall thereafter be restricted to:

- o *The anaerobic digestion process and the associated receipt, handling and storage of agricultural wastes and crop products;*
- o *Generation of electricity and heat and other ancillary operations associated with the above activities.*

ii) The feedstock for the anaerobic digester shall be sourced from the sites named in Table 5.2 of the Transport Statement prepared by Hydrock dated May 2014 named as: Shepherds 41.8 ha, Enfield 21.7 ha, Burrowton 28.03 ha, Crealy Barton 68.09 ha, Burrowton 1 15.14 ha, Lions 72.75 ha, Hayes 82.43 ha, Collyhead 63.82 ha and as shown on the plan/aerial photos drawing no's 13546/T03A, 13546/T04B, 13546/T05A, 13546/T06A, 13546/T07A and 13546/T08A as set out within Appendix F of the Transport Statement dated May 2014.

iii) The ultimate destination for the digestate from the anaerobic digester shall be to the sites named in Table 5.3 of the Transport Statement prepared by Hydrock dated May 2014 named as Shepherds 41.8 ha, Enfield 21.7 ha, Burrowton 28.03 ha, Crealy Barton 68.09 ha, Burrowton 1 15.14 ha, Lions 72.75 ha and as shown on the plan/ aerial photos drawing no's 13546/T04B, 13546/T05A, 13546/T07A, 13546/T08A as set out within Appendix F of the Transport Statement dated May 2014.

iv) A log book shall be maintained and completed detailing where and when the feedstock(s) for the AD plant have come from and where, when and mode of transport of the digestate leaving the site. The log book shall record the name of the farm, plot, supplier, number and gross and net weight of vehicles along with the date and time of feedstock delivery/ digestate distribution.

v) No other sites are to be utilised for either feedstock source or digestate destination. Such log book records shall be submitted to the Local Planning Authority quarterly or within any other frequency as requested by the Local Planning Authority.

vi) Records of feedstock input into the digester by weight from the hopper shall be kept and submitted to the Local Planning Authority in writing quarterly or within any other frequency as requested by the Local Planning Authority.

The reasons given were:

(Reason - To define the type, sources and delivery of materials permitted to be managed and handled at the site; to ensure that storage of feedstocks for the anaerobic digester are controlled and can be adequately accommodated within the overall site layout; and as the application is only considered to be acceptable and sustainable in this location on the basis that the destination for digestate being

processed is sourced locally, in the interests of general and visual amenity in accordance with Policies EN14 (Control of Pollution), TC7 (Adequacy of Road Network and Site Access) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework.)

The application confirms that the site would continue to operate under the current maximum annual tonnage of 26,537 tonnes, approximately 20,000 tonnes of which is imported into the site via the public highway with the other 6,000 tonnes from the adjoining Enfield Farm. The site currently imports from 8 locations, this is proposed to be increased to 24 locations.

The application goes on to state that the traffic movements relate to 4 trips per day or 8 two-way movements for the delivery of material to site. This equates to 2,432 two-way vehicles movements a year. In addition to these vehicles coming to site, 1,180 loads depart equating to 2,360 two-way vehicles movement or 8 two-way movements per day. This gives a total of 16 two-way movements per day over a 300 day working year.

The crops delivered to site are processed in the AD Plant with digestate produced in fibre and liquid form. Enfield Farm uses 720 tonnes of spreadable digestate with the remaining 7,497 tonnes exported to permitted farms and 7,847 tonnes of fibre digest exported.

The proposed amendment to the application would extend the number of farms that import crops, and receive digestate, from 8 farms managed by Mr Down to include a further 16 farms (Peamore, Upton Pine, Poltimore, Wood Farm, Sidbury, East Hill Strips, Exton, Higher Bagmores, Yellowford, Matford, Ide, Combe, Gulliford, Venmoor, Houndbeare and Atlantis).

The transport statement accompanying the application argues that overall there will be no greater increase in traffic on the wider network as the proposal will simply divert existing traffic movements to and from these farms to other locations. In addition, it argues that as there will be no increase in the tonnage of materials received at the AD Plant, there will be no increase in traffic accessing the plant. In fact, the submission argues that by allowing access to the site for a maximum of 2 HGV's per day, this will reduce the overall number of vehicle movements as HGV's can carry more product than the smaller tractor and trailers that access the site.

In terms of the change of vehicle movements on the wider network, the changes shown in the Transport Statement show a decrease in overall vehicle movements on a number of roads (the A376 Exmouth Road and A3052 east of the site) but an increase of 4 two-way movements each operational day at the Clyst St. Mary roundabout. This level of change is insignificant on a road with a daily flow of 13,500 vehicles and this is reflected in the lack of objection to the application from County Highways and Highways England.

In terms of the more local impact on the access road serving the site, the applicant has advised that this should not increase from the 16 two-way movements per day, and could in fact decrease if they are allowed to access the site with a maximum of 2

HGV's per day on the basis that an HGV can carry more produce and therefore reduce the overall number of trips.

On this basis, given that the consent allows the site to process approximately 20,000 tonnes per year and consent for the site was granted originally on the basis of the presence of a fall back consent for an industrial estate on the site that would have generated a similar (if not greater) number of vehicles movements, it is considered that a refusal of planning permission on the grounds of changes to traffic movements could not be sustained.

However, the proposal also seeks consent to allow for 2 HGV's to access the site per day delivering from other farms outside of the local area. Given that the application states that each HGV could deliver 25 tonnes, this equates to 50 tonnes per day, or 15,000 tonnes per year based on a 300 day working year. As this could result in 75% of the produce delivered to site coming from outside the local area, and as the application was originally supported on the basis that it was sustainable as it was serving a local need, this element of the application is considered to be unacceptable and cannot be supported.

Consideration has been given to putting a limit on the number of daily vehicle movements in the interests of the amenity of nearby residents but this is difficult to justify given the lack of a current restriction. Whilst it could be argued to be logical to restrict the number of movements to the average of 16 two-way movements in the applicant's submission, it is considered that this would be overly prescriptive and unreasonable if challenged at appeal. This is on the basis that the applicant cannot evenly control the growth and supply of crops through-out the year, on the basis that an increase in vehicles one day would necessitate a decrease on other days, and this year the spread of vehicles throughout the year has been fairly evenly spread. It is also relevant to this that the application has been submitted on the basis that allowing a greater number of sites to produce feedstock and receive digestate allows for a much better spread of produce throughout the year.

Alongside the need to consider the impact from the proposal from vehicle flows, is a need to consider any impact upon the amenity of nearby residents.

It is recognised that the site has operated in the past in a way that has caused noise and odour concerns for local residents. Whilst it appears that odour matters are more under control over recent months, it has also become evident that the site does not always take pig slurry from Enfield Farm as originally envisaged. It should be remembered that the application was originally supported on the basis that it would aid the operation of Enfield Farm by using its 6,000 tonnes of pig slurry and turning it into digestate.

However, for various reasons not fully understood, it appears that the site has not always been taking the pig slurry from Enfield Farm. As Enfield Farm does not have a silage clamp, this has resulted in the storage of pig slurry on site, or the spreading of the slurry on the farm with associated odour issues for local residents.

To prevent this from happening, to ensure that the proposal is operated as originally envisaged and as applied for under the original application and this latest amendment,

it is considered that the condition proposed to be varied should also be amended to ensure that the 6,000 tonnes of pig slurry per year from Enfield Farm (or whatever amount it produces per year less than this) is received and processed through the digester.

This is considered to be reasonable given the local concerns regarding the operation of the facility and on the basis that the reasons for the original condition relate to Policy EN14 (Control of Pollution) and D1 (Design and Local Distinctiveness) of the EDDC Local Plan, and need to protect the amenity of the area.

Conclusion

Whilst the proposal has caused considerable concerns and disturbance to local residents since its original operation, given that there is no highway or environmental health objection to the expansion of the number of local farms that can supply and receive produce from the site, it is difficult to be able to put together a case to justify refusal of planning permission that would be successful on appeal. This is particularly the case given that there are some small benefits to the proposal from allowing an increase in local farms, such as a contingency in the event of crop failure, allowing more local farms to benefit from the digestate and more local farms potentially enabling a better spread of vehicle movements throughout the year.

However, the part of the application that proposes that 2 HGV's per day be allowed to serve the site with crops from outside of the local area is not supported. As this could result in 75% of the crops coming from outside of the area, this is not considered to be sustainable and goes contrary to the original reason for approving the AD Plant which was to serve the local area and as it was considered to represent sustainable development on the basis of it meeting a local need and providing a local service. This part of the proposal cannot therefore be supported.

Finally, it is recommended that the opportunity is taken as part of this application, in accordance with the application documents, to ensure that the 6,000 tonnes of pig slurry from Enfield Farm is processed through the facility each year to ensure that the amenity of local residents is protected given that there have been periods where the pig slurry has not been taken and this has led to odour issues in the locality. It is also considered to be reasonable on the basis that the originally application was supported on the basis that it was serving this local need and supply.

Although officers are not supporting the whole of the proposal from the applicant, as the application is for a variation of condition, we should not be recommending refusal of the whole proposal if elements of it are acceptable as this would be considered to be unreasonable on appeal. As such, officers are recommending that the application be approved and condition 7 varied to allow an increase in the number of local farms and to ensure the 6,000 tonnes of pig slurry from Enfield Farm is taken each year, but that the condition is not varied to allow the 2 HGV deliveries per day from other farms outside of the local area.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on the 30th April 2015.
(Reason - To comply with Section 63 of the Act.)
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. In relation to materials, the development hereby permitted shall be carried out in accordance with the schedule of materials as discharged under condition 3 of planning permission 14/0858/MFUL. Details of the colours and finishes of the external surfaces of all additional buildings, fixed plant and machinery shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the date of this permission.
(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. There shall be no external lighting associated with the development hereby permitted unless in accordance with details that have previously been submitted to and approved in writing by the local planning authority.
(Reason - To safeguard the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031).
5. The development hereby permitted shall be carried out in full accordance with the Odour Management Plan (Version 3) dated October 2015 and shall be complied with in perpetuity.
(Reason - To comply with the requirements of Policy EN14 (Control of Pollution) to protect the amenity of local residents in terms of the control and management of odour, noise, traffic management and construction management and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework.)
6. The storage of feedstock materials at the site in connection with the anaerobic digestion process hereby approved shall not take place other than in the silage clamp which is shown on the approved plans.
(Reason - To ensure that storage of feedstocks for the anaerobic digester can be adequately accommodated within the overall site layout and in the interests of general and visual amenity in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework.)

7. i) The feedstock and feedstock delivery for the anaerobic digester shall be as set out in the supporting information submitted with the application and shall comprise slurry, farmyard manure, maize silage and wheat in the proportions listed within Volume 1 of the report prepared by E4environment dated 10th June 2014 approved under 14/0858/MFUL. For the avoidance of doubt the proportions per annum are:

- o Pig slurry - minimum of 6000 tonnes (or all of their slurry if less than 6,000 tonnes) per year from Enfield Farm
- o Farmyard manure- 1000 tonnes
- o Maize silage- 16,537 tonnes
- o Wheat- 3000 tonnes

The principal uses of the site shall thereafter be restricted to:

- o The anaerobic digestion process and the associated receipt, handling and storage of agricultural wastes and crop products;
- o Generation of electricity and heat and other ancillary operations associated with the above activities.

ii) The feedstock for the anaerobic digester shall sourced from the sites named in Table 5.2 of the Transport Statement prepared by Hydrock dated May 2014 named as: Shepherds 41.8 ha, Enfield 21.7 ha, Burrowton 28.03 ha, Crealy Barton 68.09 ha, Burrowton 1 15.14 ha, Lions 72.75 ha, Hayes 82.43 ha, Collyhead 63.82 ha and as shown on the plan/aerial photos drawing no's 13546/T03A, 13546/T04B, 13546/T05A, 13546/T06A, 13546/T07A and 13546/T08A as set out within Appendix F of the Transport Statement dated May 2014 and on pages 8 and 9 of the SLR Transport Statement March 2017 named as: Upton Pine, Poltimore, Wood Farm, Sidbury, East Hill Strips, Exton, Peamore Farm, Higher Bagmores, Yellowford, Matford, Ide, Combe, Gulliford, venmoor, Houndbeare and Atlantis.

- iii) The ultimate destination for the digestate from the anaerobic digester shall be to the sites named in Table 5.3 of the Transport Statement prepared by Hydrock dated May 2014 named as Shepherds 41.8 ha, Enfield 21.7 ha, Burrowton 28.03 ha, Crealy Barton 68.09 ha, Burrowton 1 15.14 ha, Lions 72.75 ha and as shown on the plan/ aerial photos drawing no's 13546/T04B, 13546/T05A, 13546/T07A, 13546/T08A as set out within Appendix F of the Transport Statement dated May 2014 and on pages 8 and 9 of the SLR Transport Statement March 2017 named as: Upton Pine, Poltimore, Wood Farm, Sidbury, East Hill Strips, Exton, Peamore Farm, Higher Bagmores, Yellowford, Matford, Ide, Combe, Gulliford, venmoor, Houndbeare and Atlantis.

iv) A log book shall be maintained and completed detailing where and when the feedstock(s) for the AD plant have come from and where, when and mode of transport of the digestate leaving the site. The log book shall record the name of the farm, plot, supplier, number and gross and net weight of vehicles along with the date and time of feedstock delivery/ digestate distribution.

v) No other sites are to be utilised for either feedstock source or digestate destination. Such log book records shall be submitted to the Local Planning Authority quarterly or within any other frequency as requested by the Local Planning Authority.

vi) Records of feedstock input into the digester by weight from the hopper shall be kept and submitted to the Local Planning Authority in writing quarterly or within any other frequency as requested by the Local Planning Authority.

(Reason - To define the type, sources and delivery of materials permitted to be managed and handled at the site; to ensure that storage of feedstocks for the anaerobic digester are controlled and can be adequately accommodated within the overall site layout; and as the application is only considered to be acceptable and sustainable in this location on the basis that the destination for digestate being processed is sourced locally, in the interests of general and visual amenity in accordance with Policies EN14 (Control of Pollution), TC7 (Adequacy of Road Network and Site Access) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework.)

8. The landscaping of the site shall be carried out in accordance with the details shown on drawing no WIN01_EN2_PSnew_015 figures 5 and 5b. The landscaping shall be carried out within the first planting season from the date of this decision unless otherwise agreed in writing by the Local Planning Authority. The landscaping shall thereafter be managed and maintained in accordance with the approved landscape management plan (v6- June 2016) for the lifetime of the development. 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)
9. Notwithstanding the requirements of condition 5, the following noise attenuation measures shall be applied during operation of the site:
- i. All vehicles and mechanical plant employed at the Site shall be fitted with effective exhaust silencers which shall be maintained in good efficient working order.
 - ii. Machines in intermittent use shall be shut down or throttled down in the intervening periods when not in use or throttled down to a minimum.
 - iv. All ancillary plant such as generators, compressors and pumps shall be positioned so as to cause minimum noise disturbance;
- b. All fixed and mobile plant based at and operating within the Site shall be fitted with attenuated reversing alarms. Details of the types of reversing alarm proposed to be fitted to vehicles / plant under the terms of this condition shall be submitted for the approval in writing of the Local Planning Authority prior to the Commissioning Date.

(Reason - To minimise the possibility of adverse noise impact from site operations at the closest receptor locations in accordance with Policies D1 (Design and Distinctiveness) EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

10. Notwithstanding the submitted details, any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed, retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide when considered in combination with other equipment on the site. Details of any mitigation scheme shall be submitted to and approved by the Local Planning Authority within 2 months of the installation of any such plant and the development shall thereafter be carried out in accordance with the mitigation measures which shall be retained in perpetuity.
(Reason: To protect the amenity of local residents from noise in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings, demountable structures, fixed plant, or structures of the nature of buildings or fixed plant, and no fence or soil mound, in addition to those shown on the approved plans, shall be erected at the site unless approval in writing for their details and specification has first been obtained from the Local Planning Authority.
(Reason - To maintain control over the appearance of the site and ensure that the development is in accordance with the permitted details in accordance with Policy D1 (Design and local Distinctiveness) of the East Devon local Plan 2013-2031)

12. Deliveries to and from the site shall only take place within the hours of 8am - 6pm on Mondays to Saturdays.
(Reason - To ensure there is no unacceptable impact from traffic noise on the local community outside of standard working hours, in accordance with Policies D1 (Design and Distinctiveness) EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031)

13. 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 and dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance

(Reason - To protect the amenity of local residents from smoke, noise and dust in accordance with Policies D1 (Design and Distinctiveness) EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031)

14. Within two months of the date of this planning permission, details of a scheme for the management of the site's surface water shall be submitted to and approved in writing by the Local Planning Authority. The details shall include as a minimum:

Details of the final drainage scheme, including pathways and flow routes for excess surface water during extreme weather;

A construction quality control procedure;

A plan for the future maintenance of the system and of any overland flow routes.

The surface water drainage system shall be completed in accordance with the approved details and timetable and it shall be retained and operated as such thereafter.

(Reason - To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development in accordance with Policies D1 (Design and Distinctiveness), EN14 (Control of Pollution) and EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031)

15. The separation and drying of the digestate produced by the anaerobic digestion process shall be carried out within 6 months of the date of this permission and the plant shall thereafter carry out this process in perpetuity.

(Reason: To protect the amenity of local residents in terms of the control and management of odour in accordance with policy D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

16. On the cessation of the use of the Anaerobic Digester plant hereby approved, the site shall be cleared of all buildings and structures, hardstandings and any wastes within a period of six months from the date of cessation. The site shall subsequently be restored in accordance with a scheme, the details of which shall be submitted and approved in writing by the LPA no later than three months following the cessation of power production.

(Reason - To ensure the achievement of satisfactory site restoration in the interests of the landscape character of the area in accordance with Strategy 7 (Development in the Countryside), Strategy 39 (Renewable and Low Carbon Energy Projects) and 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:

002	Other Plans	11.04.17
003	Other Plans	11.04.17
004	Other Plans	11.04.17
005	Other Plans	11.04.17
SLR	Transport Statement (pages 8 and 9)	16.03.17
WIN01_EN2_SL S73_001	Location Plan	23.05.16
WIN01_EN2_SP S73_006	Proposed Site Plan	23.05.16
WIN01_EN2_EL S73_W_005	Proposed Elevation	23.05.16
WIN01_EN2_EL S73_N_005	Proposed Elevation	23.05.16
WIN01_EN2_EL S73_E_005	Proposed Elevation	23.05.16
WIN01_EN2_EL S73_S_005	Proposed Elevation	23.05.16
WIN01_EN2_SP A_001	Other Plans	15.09.15
WIN01_EN2_PS NEW_015 FIGURE 5	Landscaping	06.07.16
WIN01_EN2_PS NEW_015 FIGURE 5B	Landscaping	06.07.16
MANAGEMENT PLAN VERSION 6	Landscaping	06.07.16

List of Background Papers

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

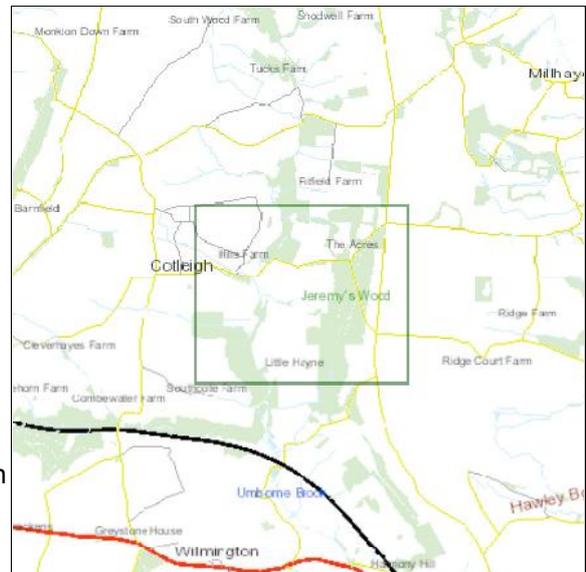
Ward Otterhead

Reference 17/1711/FUL

Applicant Mr & Mrs K & M Gigg

Location Broadview Court Place Farm Wilmington
Honiton EX14 9LA

Proposal Demolition of existing dwelling and construction
of replacement dwelling



RECOMMENDATION: Approval with conditions



		Committee Date: 31st October 2017
Otterhead (STOCKLAND)	17/1711/FUL	Target Date: 13.09.2017
Applicant:	Mr & Mrs K & M Gigg	
Location:	Broadview Court Place Farm	
Proposal:	Demolition of existing dwelling and construction of replacement dwelling	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The proposal involves the demolition of an existing bungalow and its replacement with a larger replacement dwelling. The question has been raised as to whether the existing bungalow is subject of an agricultural tie and whilst it has the appearance of many dwellings which are so tied there is no evidence of one in this instance.

The replacement dwelling proposed has a significantly larger footprint to the existing dwelling and would also include an additional level of accommodation, resulting in an increased height. As a result of this increase in scale/height, concerns have been raised over the prominence of the building and its impact on the designated landscape (Blackdown Hills AONB). It is accepted that the building has the potential to be slightly more prominent in localised views but such public views are limited and the increase in prominence is considered to be offset by the introduction of a more traditional design utilising materials appropriate to the character and appearance of the area.

In other respects the application is considered to be acceptable and complies with the relevant policies of the Local Plan and national planning guidance and is therefore recommended for approval subject to conditions.

CONSULTATIONS

Local Consultations

Otterhead - Cllr D Key

I have visited this area and site and strongly object to the application as it would be very prominent in this exposed area and therefore would be visible from a very wide area also I am not sure if the Bungalow has an AOC on it. If my decision is different from the officer I would like the application to go to DMC.

Further comments:

I have now been able to see the outline and size of the development.

I am very concerned at the extreme footprint and height of the proposed.

I do not see that this is a replacement as to the size which is in a very prominent position much higher than the existing building. I am still unable To agree this application which should be smaller and so would like it refused.

Should my decision differ from the officer I would like it to go to DMC.
I am still not satisfied with the size of this replacement.

Parish/Town Council

The Parish Council objects to this planning application on the following grounds –

- 1.The proposed development is some 30 per cent larger than the existing footprint and the size and height of it conflict with the NPPF 'Sustainable Development' definitions within an AONB under para 115 and 116; Strategy 3 of the EDDC Local Plan 'Conserving and Enhancing the Environment' - which includes ensuring development is undertaken in a way that minimises harm and enhances biodiversity and the quality and character of the landscape.
2. This is in an AONB and the proposed development will dominate the hillside overlooking the Umborne valley, are unacceptable to the environment and the location and intrusive to the neighbouring property.
3. The council is also concerned about the size of the garages which will be almost larger than the existing bungalow.
4. Whilst the PC recognizes a need to replace the existing bungalow, consistency within the National, Local and AONB Policy, that any development should be sensitive to the location and should be built sustainably, remains paramount.
5. The latest documents, photographs of the site, only support the PC's views.

Technical Consultations

None received.

Other Representations

1 no. representation has been received from the occupier of the property to the west. This raises no in principle objections to the replacement of the existing building but raises concerns in relation to the potential imposing impact of the proposal on them due to its increase scale and height and amount of glazing viewing towards them.

PLANNING HISTORY

There is no record of planning history for this site.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

H6 (Replacement of Existing Dwellings in the Countryside)

TC2 (Accessibility of New Development)

EN5 (Wildlife Habitats and Features)

Government Planning Documents

National Planning Practice Guidance

NPPF (National Planning Policy Framework 2012)

Site Location and Description

Broadview is a detached bungalow occupying an elevated position on a west facing hillside to the southeast of Cotleigh. The surrounding area is open countryside forming part of the designated Blackdown Hills Area of Outstanding Natural Beauty.

The existing property is sited broadly in the centre of the plot which slopes up from the access track to the west. This private access track, which links to the local road approximately 350 metres to the north of the site, also serves the neighbouring property to the west, Court Place Farm and another property further to the south known as Little Hayne.

Proposed Development

The application proposes the demolition of the existing bungalow and the construction of a replacement dwelling to the immediate rear of this. It is proposed to cut into the natural slope of the land to the rear of the existing building such that the floor level for the proposed dwelling would be the same as the existing. The replacement dwelling would be finished in natural stone with brick detailing and some limited use of timber cladding. The roof covering is shown as slate.

In addition to the proposed dwelling it is proposed to construct a separate detached garage/car port building inside the access gate to the property and at lower level to and at right angles with the main dwelling.

ANALYSIS

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

- The principle of development
- Impact on the character and appearance of the area

Principle of development

The site lies in open countryside where Strategy 7 of the Local Plan only permits development where it is in accordance with a specific Local (or Neighbourhood) Plan policy that explicitly permits such development. In this case policy H6 of the Local plan permits replacement dwellings in the open countryside subject to a number of criteria being satisfied.

As there is an existing, habitable dwelling at the site criterion 1 of policy H6 would be met by the proposal. The question has been raised as to whether the building is the subject of an agricultural tie and whilst it has the outward appearance of many such dwellings the Council has no record of the dwelling being subject to any such tie.

The proposed new dwelling would have a footprint which is adjacent to that of the existing dwelling and as such it is considered that criterion 2 of Policy H6 would also be met.

Criterion 5 of Policy H6 requires that the dwelling to be replaced not be of architectural importance or important in terms of contribution to landscape character or quality or local distinctiveness. In this case it is not considered that the existing dwelling, a fairly nondescript bungalow, has any importance in terms of architecture nor does it contribute to landscape character such that the principle of replacing it would be unacceptable. Given the support for the replacement of a dwelling found within policy H6, the erection of a replacement dwelling is considered to be acceptable in principle subject to satisfying the remaining criteria of policy H6, relating to impact on the character and appearance of the landscape and other material planning considerations.

Impact on the AONB landscape

The site is sensitive as it is set within the Blackdown Hills Area of Outstanding Natural Beauty. Criterion 4, of policy H6, requires that a replacement dwelling does not detract from the appearance and character of the landscape and that the natural beauty of the AONB is not harmed. Strategy 46 and policy D1 have similar aims with regard to protecting the AONB and respecting the characteristics and special qualities of the area. Policy D1 has a number of requirements in relation to design including that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

The proposed design, by virtue of being two stories in height and with an enlarged footprint would be taller and more bulky than the existing dwelling and as such would be more prominent from immediate vantage points.

However although the proposed dwelling would be more prominent in localised views this does not mean it would necessarily detract from the appearance and character of the landscape or harm the natural beauty of the landscape.

The ward member and parish council have raised objections to the proposal based on its prominent siting and increase in height/scale over the existing dwelling, which the parish council consider would dominate the hillside overlooking the Umborne valley. In response to concerns raised the applicant has submitted additional photographs of the site taking from public vantage points in the surrounding area, whilst this is not a Landscape and Visual Impact Assessment and lacks any objective analysis of the likely impact of the development it is useful in indicating locations from where the development might be visible. This photographic set shows that the site is visible from certain locations but these are as glimpsed views as opposed to dominating/wide vistas and see the application in conjunction with the existing development at Court Place Farm. The increase in scale and height of the dwelling would make it slightly more prominent in views from existing vantage points but it does not necessarily follow that this would detract from the character and appearance of the landscape, or harm the natural beauty of the landscape. The existing dwelling is a non-descript bungalow showing little sign of local distinctiveness other than the use of render to the elevations and which in itself increases the prominence of the building.

The proposed dwelling whilst undoubtedly larger is of a more traditional appearance with a steeper pitched roof, vertically emphasised fenestration and the use of traditional materials in the form of predominantly natural stone to the elevations under a slate roof. The utility element at the northern end of the building reflects the way in which traditional building might have been extended with the use of a subordinate material, in this case timber cladding, and the use of brick detailing to quoins and window surrounds reflects design characteristics found elsewhere within the Blackdown Hills AONB.

Although the building has rather squat proportions this has clearly been proposed to minimise any increase in overall height and the design is generally considered to respond positively to many of the principles set out in the 'Blackdown Hills Area of Outstanding Natural Beauty - Design guide for houses', which was produced to help promote good design. Whilst the concerns of the ward member and parish council are noted they are not shared in this instance and it is considered that the proposal would conserve the landscape character of the area and not detract from its appearance. Due weight is also given to the fact that there is a dwelling in situ and an established residential curtilage. Taking this residential element into account the proposed dwelling would not represent harm to the qualities of the AONB.

The separate garage/car port building is in itself, as the parish council has pointed out, a large building, however this is set at a lower level closer to the access road and more closely related to the existing complex of farm buildings serving Court Place Farm. It

is also of a simple form reflecting that of a traditional farm building and would be finished in appropriate local materials, this element is also considered acceptable.

Residential amenity

It is not considered that the proposed dwelling would have a harmful impact on neighbouring residential amenity due to the distances to the nearest dwelling, Court Place Farm is over 45 metres from the proposed front elevation of the building and the existing dwelling is closer and already has large windows serving principle accommodation viewing in the same direction.

Impact on wildlife

Generally for replacement dwellings it is expected that a wildlife survey be submitted to assess the potential for the existing building to harbour protected species. In this instance no such assessment has been submitted but the design/age of the existing building, including its closed eaves and gables reduce the likelihood for protected species, notably bats to be present. It is however suggested that in the event of an approval an informative be added advising the applicants/developers of their responsibilities under the Wildlife and Countryside Act 1981 and need to proceed with a precautionary approach to demolition.

Conclusion

The principle of a replacement dwelling is supported by Policy H6 of the Local Plan.

Whilst the concerns of the ward member and parish council are appreciated, and a larger dwelling is proposed in a slightly raised position, it is not considered that this results in harm to the AONB due to its design being an improvement over the existing dwelling and due to the limited views of the site.

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, beyond foundation level, shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local

Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. Prior to the initial occupation of the dwelling hereby approved, or within 3 months of its substantial completion, whichever is the sooner the existing dwelling shall be demolished, all materials relating to its demolition removed from the site and the site levelled, regraded and landscaped in accordance with details that shall have previously been submitted to and agreed in writing by the Local Planning Authority.
- (Reasons - To ensure only one dwelling is present on the site, where dwellings in this remote rural location are strictly controlled in the interests of sustainability and in the interests of the character and appearance of the area in accordance with Strategy 7 (Development in the Countryside), policies D1 (Design and Local Distinctiveness) and H6 (Replacement of the Existing Dwellings in the Countryside) of the East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

INFORMATIVE

The applicant/developer is reminded of their responsibilities under the Wildlife and Countryside Act 1981 and in particular the need to adopt a precautionary approach to the demolition of the existing buildings on site. Should, during the course of demolition, any evidence be found of the use of the buildings by protected species works should cease and the advice of a qualified ecological consultant be sought as to how to proceed.

Plans relating to this application:

	Location Plan	17.07.17
TW17/08/02	Proposed Elevation	17.07.17
TW17/08/01	Proposed Floor Plans	17.07.17
TW17/08 : COMBINED PLAN	Additional Information	08.08.17

List of Background Papers

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

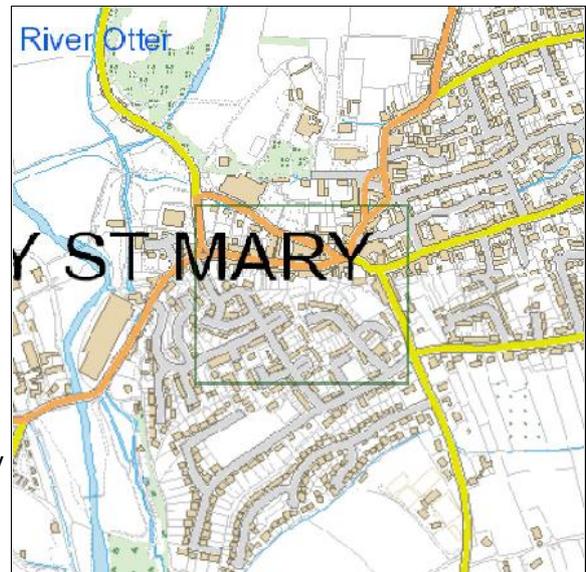
Ward Ottery St Mary Town

Reference 16/1987/MFUL

Applicant Feniton Park Ltd

Location The Old Manse 9 Mill Street Ottery St Mary
EX11 1AA

Proposal Change of use on the ground floor of The Old Manse from A2 (Financial & Professional Services) to A1 (Shops)/A2 (Financial & Professional Services)/A3 (Restaurants & Cafes)/A4 (Drinking Establishments); conversion of the upper floors to form 1 no. maisonette; construction of an additional storey on the Annex and conversion to form 2 no. flats; and construction of 7 no. townhouses.



RECOMMENDATION: Approval with conditions



		Committee Date: 31st October 2017
Ottery St Mary Town (OTTERY ST MARY)	16/1987/MFUL	Target Date: 06.03.2017
Applicant:	Feniton Park Ltd	
Location:	The Old Manse 9 Mill Street	
Proposal:	Change of use on the ground floor of The Old Manse from A2 (Financial & Professional Services) to A1 (Shops)/A2 (Financial & Professional Services)/A3 (Restaurants & Cafes)/A4 (Drinking Establishments); conversion of the upper floors to form 1 no. maisonette; construction of an additional storey on the Annex and conversion to form 2 no. flats; and construction of 7 no. townhouses.	

RECOMMENDATION: Approval with conditions subject to a legal agreement securing a contribution of £82,990 towards affordable housing and the provision of on-site amenity open space of at least 77.7 square metres

EXECUTIVE SUMMARY

This application is before the Committee because it is a major application and the officer recommendation differs from the views of the Town Council.

Planning permission is sought for a development of 10 dwellings and a commercial use following refusal and dismissal at appeal of a scheme for 11 dwellings and a commercial use in 2014. This proposal has reduced the number of town houses from 8 to 7, altered the window arrangements to address the Inspector's concerns about overlooking and provided an extra parking space and turning bay.

The site was regarded by the appeal Inspector as a highly sustainable location for high density housing development and in principle that remains the case following the adoption of the Local Plan in 2016. The areas where the Inspector agreed with the refusal of planning permission in 2014 were the lack of privacy for neighbours and the lack of privacy between dwellings in the development. Those concerns have been addressed in this application largely by restricting the outlook from certain rooms by reducing their size and obscuring some of them. While such restrictions should not be routinely used where good design could otherwise avoid a problem, in this case the restrictions would not result in a poor level of amenity for the people occupying the affected rooms. By these means, it

is considered that the Inspector's concerns regarding privacy have been addressed.

A consequence of the window reductions is that the design of the front elevations is now somewhat unsatisfactory owing to the resulting poor proportions. A further concern with this application is the lack of parking when considered against local and national policies, some of which are new since the last application was considered. The provision of four spaces on site would be insufficient to meet a need for around 13 spaces if the submitted analysis is correct or 20 spaces if the Local Plan policy guide is followed. However, there are mitigating factors for the design and parking concerns which reduce their significance. These include the limited views of the development from Mill Street and the availability of parking elsewhere.

In the balance of considerations, the benefits of providing housing in an accessible location, the creation of construction jobs and the restoration and reuse of a prominent building in the conservation area outweigh the design deficiencies and the limited availability of on-site parking. The proposal is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Ottery St Mary Town - Cllr P Faithfull

I am contacting you to advise that I feel I should declare a personal interest. Although this development is not near my property I have had substantial issues with Feniton Park regarding the old Convent grounds which does abut my property. I will therefore not be commenting on this development.

Ottery St Mary Town - Cllr R Giles

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

This application is the latest in what has been an exceedingly contentious and controversial series of planning applications for land to the south of Mill Street/to the north of Franklea Close/to the east of Winters Lane. The site rises steeply above Mill Street, and is therefore very prominent in the centre of Ottery.

This land has been a green oasis in the heart of Ottery. Part of the site is in Ottery's Conservation Area.

Very regrettably the developer felled important mature trees on the site, and within the Conservation Area, without informing EDDC of, or seeking approval for, the intended work. The trees were felled ahead of submitting a planning application. Presumably this was done as it was considered that the trees would have been an obstacle to obtaining planning consent. The work was carried out over a week-end, presumably because it was considered that this would be at a time when EDDC would not be able to halt the work. Subsequently a TPO was applied to trees remaining.

Quite understandably the EDDC tree Officers have concerns about this application.

There is at least one badger sett on the site. For many years residents of Winters Lane and Franklea Close have received nocturnal visits from badgers resident on the site. This still continues. This development would unquestionably have a detrimental effect on the badger environment.

The most recent planning application was refused by EDDC, and refused by the Planning Inspector. This application seeks to overcome aspects of the Inspector's refusal decision. If this attempt to meet the Inspector's objections were to be approved, the poor and unacceptable design proposed would be extremely detrimental to the historic setting of this part of Mill Street and the centre of Ottery. It would be contrary to the Ottery St Mary Conservation Area Appraisal.

The vast majority of houses in Mill Street do not have any sort of car parking facility. There is an extreme shortage of parking available, which creates a major problem. Many residents have to juggle their cars between the restricted waiting time in Mill Street and the two hour availability in the Sainsburys car park.

Of course it is not for this application to address this existing problem. However, the proposed car parking provision in this application is thoroughly inadequate, and would certainly make the existing bad situation worse.

The Kings School has been at capacity for several years. It faces particular problems in accommodating the additional students generated by the recent approval of 500 additional dwellings (a 25% population growth for Ottery) - which is far in excess of the number of dwellings specified in the East Devon Local Plan.

Approving this planning application, subject to a financial contribution, just will not work. Kings is already a long way short of the space requirements for a secondary school with something like 1,200 students. The school - understandably and rightly - has clearly stated that it is not possible to put additional buildings on its already very cramped and overcrowded site. A major expansion incorporating an additional site is the only way to accommodate additional students at Kings. This application, and the recommended financial contribution, would not make such a major development more likely - but would worsen the existing situation.

This application would be very detrimental to Ottery in very many respects. I strongly urge that it be refused.

Parish/Town Council

Town Council Comments:

The Committee was unanimous in not supporting the application for the following reasons:

- Inadequate provision of car parking
- Inadequate access, made worse with the inclusion of the pedestrian access between Franklea Close and Mill Street
- Over-development, housing needs in the town have already been addressed
- Inadequate arrangements for the disposal of surface water

- Visual impact/poor design
- Detrimental impact on neighbouring properties
- Removal of trees without permission in a conservation area
- A badger set is present on site

Technical Consultations

Historic England

Thank you for your letter of 8 December 2016 notifying Historic England of the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

Conservation

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

In context of the Conservation Area; the Old Manse is located in the commercial core of town, fronting; Mill Street.

The contribution the buildings makes to the conservation area is found in its north-south alignment, which introduces the exposed brick gable end, garden wall and green forecourt, into the retail core of Mill Street. In contrast to the inherent character, that is found in the rhythm and harmony produced by C19th shopfronts fronting the street.

Views of the rear across the forecourt are of a utilitarian formed building, the presence of which, adds little interest to the appearance of the retail core, or the historic interpretation of the built form, as part of Ottery St Mary's historic and architectural character and appearance.

In summary orientation and immediate setting of The Old Manse's historic and aesthetic character, makes a positive contribution to the character of the conservation area.

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

In considering the proposed works against the identified character and appearance of Ottery St Mary conservation area, these would result in little or no harm.

PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

EDDC Trees

Having looked at the scanned pack of information I can see reference to trees on site, however no Tree Survey, Tree Protection Plan or Arboricultural Method Statement.

Even without the above information I have concerns about the development for the following reasons: -

1 - on the Proposed Site Plan drawing A.21 units U8 and U9 are shown right up to the indicated Root Protection zone, this does not allow for the construction of the units ie scaffolding and access nor does it allow for the tree to grow and the livability of the units, as it would put extra pressure on the pruning of the tree once the units are occupied

2- It is uncertain from the information supplied however there appears to be a ground level change within the RPA

3 - a method statement is required for the removal of the boundary fence and the erection of the new fence in relationship to all retained trees

4 - the landscaping detail is very weak and needs to be more detailed

Housing Strategy Officer Melissa Wall

Housing haven't been consulted on the above application but I believe a commuted sum towards affordable housing should be payable as it falls within the 6-10 units threshold in a 'rural' area.

The commuted sum is £82,990. There may be a case for vacant building credit to apply which would result in a lower amount but I would need all the floor areas to work it out and a clear steer that it applies here. Rachel is taking a paper to SPC about VBC as there have been questions raised about when it should apply.

Devon County Council Education Dept

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

The proposed increase of 8 family-type dwellings, will generate an additional 2 primary pupils and 1.2 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 provision of both primary and secondary school infrastructure with regard to these proposed dwellings. Our Primary contribution request is £27,304 (based on the current DfE extension rate of £13,652 for Devon).

In respect of secondary provision, The King's School, Ottery St Mary is forecast to be at capacity but has indicated it is not willing to expand without significant investment addressing constraints on their existing site. Should capital resources to expand the school be secured, DCC would request £26,305 (based on the current DfE extension rate of £21,921 for Devon) towards education infrastructure at the school however if this is not achievable, a contribution towards the mitigation of potentially having to transport children who were unable to get to the local school from Ottery St Mary to the nearest Secondary School in Honiton totalling £5,244 would 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 this contribution would be provided for through CIL.

DCC Flood Risk SuDS Consultation

03/01/2017 Recommendation:

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

Observations:

Although we have no in-principle objection to the use of below ground attenuation features (together with permeable surfacing) given the site's topographic constraints, the applicant will be required to demonstrate that the strategy has an agreed discharge point. Therefore confirmation is required from SWW that the receiving surface water sewer has adequate capacity to accept flows from the development site.

It is noted that the proposed orifice control device within the attenuation tank is circa 30mm, as such this will be susceptible to blockage and therefore either a vortex type device should be considered to increase the opening or the maintenance regime of the control structure should be increased above the proposed annual inspection proposed.

10/10/2017 Recommendation:

At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

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

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

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

Observations:

Further to the confirmation from SWW (dated 09/03/2017) for a connection of surface water from this development, we have no further objection.

South West Water

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

Asset Protection

Please find enclosed a plan showing the approximate location of a public sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal.

Foul Sewerage Services

South West Water advises a Planning Condition to emphasise that: Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.

Surface Water Services

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

1. Discharge into the ground (infiltration); or where not reasonably practicable, Provide written evidence as to why Infiltration devices, including Soakaways, Swales, Infiltration Basins and Filter Drains do not meet the design standards as specified in either H3 Building Regulation standards for areas less than 100m². Soakaways serving larger areas must meet the design standard specified in BS EN 752-4 (para 3.36) or BRE Digest 365 Soakaway Design.
2. Discharge to a surface waterbody; or where not reasonably practicable, Provide written evidence for refusal of discharge consent from owner of water body (Environment Agency, Local Authority, Riparian Owner etc)

3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable, Provide written evidence for refusal of discharge to drainage system (Highway Authority, Environment Agency, Local Authority, Private ownership)

4. Discharge to a combined sewer.(Subject to Sewerage Undertaker carrying out capacity evaluation)
South West Water will carry out a hydraulic capacity review of the combined sewerage network before permission will be granted to discharge to the combined sewer.

County Highway Authority
Highways Standing Advice

Other Representations

8 Objections have been received raising the following concerns:

- There is no need for more housing in Ottery St Mary as many houses have recently been built or are under construction
- These scheme has not addressed the objections to the last scheme
- Lack of adequate parking provision
- Impact on parking in surrounding streets
- Noise from use of the access
- Lack of a safe access for pedestrians and vehicles
- Lack of access for construction vehicle and trade/service vehicles
- The design is unsuitable for a conservation area
- The housing is substandard
- Loss of privacy

PLANNING HISTORY

Reference	Description	Decision	Date
13/1200/MFUL	Change of use from A2 (Financial & Professional Services) to A1 (Shops), A2 (Financial & Professional Services) A3 (Restaurants & Cafes), and A4 (Drinking Establishment) and conversion of part to form 1 no. maisonette, 2 no. flats (C3 Dwelling Houses) and 8 no. townhouses	Withdrawn	19.08.2013

14/0662/MFUL	Change of use on the ground floor of The Old Manse from A2 (Financial & Professional Services) to A1 (Shops)/A2 (Financial & Professional Services)/A3 (Restaurants & Cafes)/A4 (Drinking Establishments); conversion of the upper floors to form 1 no. maisonette; construction of an additional storey on the Annex and conversion to form 2 no. flats; and construction of 8 no. townhouses.	Refusal and dismissed on appeal due to inadequate layout between proposed dwellings and neighbouring property	05.06.2014
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POLICIES

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

Strategy 24 (Development at Ottery St Mary)

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

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)

EN5 (Wildlife Habitats and Features)

EN10 (Conservation Areas)

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

EN22 (Surface Run-Off Implications of New Development)

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

E9 (Town Centre Vitality and Shopping Areas)

E10 (Primary Shopping Frontages)

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 Old Manse is a prominent C19 house in the town centre which, until recently, was used as a solicitor's office. Its front elevation is perpendicular to the road and fronts onto a small garden. Linked to the original building there is a modern 'annexe' which frames the southern edge of the front garden. The larger rear garden behind these buildings rises to a parking area which is accessed via a narrow driveway from Franklea Close. A number of trees within the site have been felled but those remaining on the western edge of the site are now protected by a Tree Preservation Order. The lower half of the site is in the town centre conservation area.

There are a number of dwellings surrounding the site, including some in Franklea Close and Winters Lane at the rear. On each side the site adjoins the gardens of properties on Mill Street. Parts of the site also back onto the rear of premises in Mill Street which are in commercial use with flats above.

Proposal

Planning permission is sought to convert the original C19 building to a mixed use, retaining a commercial premises on the ground floor and converting the upper floors to a maisonette; to convert and extend the 'annexe' to form two flats by adding an additional storey; and to build 7 town houses in the rear garden.

This proposal is an amendment to the scheme which was submitted in 2014 and later refused and dismissed at appeal. The main differences are the reduction in the number of town houses from 8 to 7, some reconfiguration to address the Inspector's concerns about overlooking and the provision of an extra parking space and turning bay.

ANALYSIS

The main issues in the determination of this application are: whether the site is appropriately located for residential development; whether the reduction in employment floorspace would harm employment opportunities or town centre viability or vitality; whether the development is compatible with the character and appearance of the area, with particular regard to the conservation area; whether the protected trees on the edge of the site would be harmed by the development; whether the access and parking arrangements are appropriate; whether the development would harm the living

conditions of the occupiers of surrounding properties and provide acceptable living conditions for the occupiers of the proposed dwellings; whether the development would cause direct or indirect harm to wildlife; and whether drainage proposals for the site are acceptable.

Location

The site is located in the town centre with good access to a wide range of shops and other facilities, all within walking distance. There are some employment sites in the town which are accessible on foot or by bicycle and the site is also conveniently located for access to local bus services. Although it is unlikely that occupiers of the dwellings could meet all their social, recreational and employment needs within the town, and the bus service is limited, in the context of the local area, the site is in a reasonably sustainable location and would make the most of the available opportunities to walk, cycle or use public transport. In this regard the appeal Inspector noted that the benefits of the development include *'the contribution to housing supply on a previously-developed site near the town centre, which in my view is a highly sustainable location for a high density housing development'*.

Employment

The proposal would result in the loss of some employment floorspace in a town centre shopping area and primary shopping frontage location but would retain a ground floor commercial use which would maintain some vitality in this part of the town and create job opportunities. Given that there are some empty shop units nearby it is considered that the proposal would not harm employment opportunities or the viability of the town centre. This part of the proposal was found to be acceptable by the Inspector in 2014 and this is still considered to be the case.

Character and Appearance

The centre of Ottery St Mary is characterised by the tight-knit but informal arrangement of buildings in and around the narrow streets, combined with the often considerable variation in ground levels. From higher ground within the town this creates a varied and attractive roofscape which contributes to the historic character of the town centre. Open spaces also contribute to the character of the area and the most significant of those in the town centre is the churchyard. Areas of open space such as the former gardens of the Old Manse and the Marist Convent are less important as views of these sites are limited and they are not publicly accessible. In the context of the tight-knit urban environment there is potential for the site to accommodate development without causing significant harm to the character and appearance of the area.

The main issue, therefore, is whether the particular design and layout proposed in this application is appropriate. The steep roof pitches and two-storey appearance (concealing three storeys of accommodation by making use of the rising land) is considered to be compatible with the scale and appearance of surrounding buildings, although the new dwellings would be markedly different to the more compact proportions of properties on Mill Street.

The layout, however, is contrary to the established and more traditional layout of the town centre. Typically buildings within the town centre front directly onto the adjoining pavement and this is what gives the public realm its tight-knit character. Although there are exceptions, including Paxford House Square and the development at the Marist Convent, these are isolated developments which do not alter the overall character of the area. Like those exceptions, this proposal as a whole would not reinforce the character of the town centre. However, its impact would be localised to a small part of Mill Street and consequently the harm to the character and appearance of the conservation area would be less than substantial. In such circumstances the harm should be weighed against the public benefits of the provision of housing in a reasonably sustainable location and this is addressed in the conclusion.

It is also pertinent to note that the Planning Inspector in 2014 did not raise any concerns regarding the impact of that similar proposal on the character or appearance of the area or Conservation Area.

Trees

The previous application was refused on the grounds of impact upon surrounding trees but all of the concerns were dismissed by the Inspector in the subsequent appeal decision.

Where concerns were raised about the impact of the development on the protected trees, the Inspector concluded that the minor incursion into the root protection area would be sustainable in arboricultural terms and that there would be a net enhancement in the growing medium owing to the removal of the hard surfaced car park. He also concluded that the proximity of unit 8 to the protected trees would create a sylvan outlook rather than compromise the amenity for the occupants.

With regard to the new planting, where concerns were raised about the proximity of the trees to the new dwellings, the Inspector concluded that there would be no adverse impact on amenity. He did, however, identify a need to seek an alternative tree for the garden adjacent to unit 3 but this can be secured by imposing a landscaping condition.

Although the scheme has altered since the Inspector's decision, the issues he considered remain the same. While there is once again concern raised by the Council's Arboricultural Officer, in view of the Inspector's decision, it would be unreasonable to withhold permission on arboricultural grounds. Furthermore, some of the concerns can be addressed by seeking further details of tree protection and landscaping by condition.

Access and Parking

The majority of houses in the town centre do not have off-street parking and consequently there is significant demand for the limited number of on-street parking spaces available. This also places pressure on roads in surrounding residential areas.

Within the proposed development there would be four parking spaces, one of which would be for people with disabilities. The plans indicate that these spaces would not be allocated to any particular property but would be available to all the occupiers of

the development as 'servicing facilities' for loading and unloading. In practice this would be difficult to regulate and it is likely that they would be used on a first-come-first-served basis or be made available to the highest bidder.

Census data for the town centre (excluding surrounding rural areas) indicates that car ownership has increased from a level of 80% of households owning at least one car or van in 2001 to a level of 85% in 2011. Moreover, of those car owning households, almost half have two or more cars or vans. This would suggest that car ownership within the proposed development would be fairly high in spite of the town centre location. This can be attributed to the need to travel for work and the lack of a convenient public transport service, amongst other reasons.

The submitted parking analysis estimates that the development would generate a parking demand of 13 spaces, which is well in excess of the four spaces proposed on site.

If unable to park on site, car-owners would be forced to look elsewhere and it is likely that Franklea Close and Mill Street would take much of the traffic. The main alternative would be to buy a permit for the long stay car park at Land of Canaan where there is understood to be capacity for overnight parking.

Since the last application was considered, the Local Plan policy in relation to parking standards has changed from one which sets maximum standards to one which takes a more flexible approach having regard to local conditions.

Local Plan Policy TC9 states that '*as a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms*'. For this development that would mean providing 20 spaces, without making any additional allowance for commercial unit at the front of the site. Again, this predicted demand is well in excess of the four spaces proposed. However, the Local Plan policy goes on to say:

In town centres where there is access to public car parks and/or on-street parking lower levels of parking and in exceptional cases where there are also very good public transport links, car parking spaces may not be deemed necessary.

The more flexible approach of Policy TC9 reflects the advice at paragraph 39 of the NPPF (March 2012):

39. If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- *the accessibility of the development*
- *the type, mix and use of development*
- *the availability of and opportunities for public transport*
- *local car ownership levels*
- *an overall need to reduce the use of high-emission vehicles*

and the following advice from the Planning Practice Guidance (March 2014):

Maximum parking standards can lead to poor quality development and congested streets, local planning authorities should seek to ensure parking provision is appropriate to the needs of the development and not reduced below a level that could be considered reasonable.

At a more local level, Policies NP2 (Sensitive, High Quality Design) and NP3 (Infill, Backland and Residential Garden Development) of the emerging Ottery St Mary and West Hill Neighbourhood Plan state that proposals should provide adequate off-road parking spaces for the development. Policy NP3 also goes on to say that proposals will be resisted if they would reduce the level of off street parking for existing residential properties. However, although the Neighbourhood Plan has reached submission stage, it carries little weight at this point in time.

The Neighbourhood Plan policies reflect the concern which has been raised by local residents and the Town Council about the lack of on-site parking for the occupiers of the new dwellings and the pressure this would put on surrounding roads. However, the occupiers of the new dwellings could legitimately park on the public highway or in public car parks. While this may mean that there would be fewer on-street spaces in Franklea Close for the existing residents, this would not cause a significant degree of harm to the local residents who benefit from off-street parking or infringe their rights in any way.

Notwithstanding that, the proposal would provide significantly fewer spaces than the applicant's consultant and the Local Plan suggest is necessary, and at any one time 60% of the units would have no access to a parking space on site at all. Given that this is in a location where public transport links cannot be considered to be 'very good', there is some conflict with the Local Plan, even if any perceived conflict with the emerging Neighbourhood Plan attracts little weight at this stage. Although considered under a different policy, it is material to note that the Planning Inspector did not dismiss the appeal in 2014 on the grounds of inadequate car parking. This conflict is addressed in the conclusion.

In relation to the safety of the access for pedestrians and vehicles, the concerns of the Town Council are noted but the development would not result in any material increase in vehicle numbers using the existing access compared to the former use and adequate turning space would be available within the site. Furthermore, there is no intention establish a public right of way through the site.

Living Conditions

There are two main issues in relation to living conditions: whether the development would harm the living conditions of the occupiers of surrounding properties; and whether it would provide acceptable living conditions for the occupiers of the proposed dwellings.

At the upper end of the site two dwellings would be located to the north of the boundary with 25 Franklea Close, which is a detached two storey dwelling. This part of the scheme has been redesigned following the Inspector upholding concerns about loss of privacy to this dwelling. In his decision, the Inspector wrote:

'...at less than 5m from the garden boundary I am concerned that the existence of 6 large windows serving main habitable rooms would appear very intrusive to the occupiers of No 25 and would compromise the reasonable use of the rear garden of that property.'

To address this concern, the windows have been reduced in size and moved up and into the roof slope. While there would be a small vertical component to the window, this element would be obscure glazed and above 1.8 metres. The clear glazed component of the window would be a rooflight more than 2 metres above the floor. The only view out of the window would be of the sky. By these means and also by reducing the number of dwellings from 3 to 2, there would no longer be any direct views into the neighbour's garden and the perception of overlooking would be much reduced. It is now no longer considered that the development would compromise the neighbour's reasonable use of their rear garden.

At the lower end of the site there would be some views between the proposed dwellings and the existing flats above and behind the properties in Mill Street. However, windows in the flats generally look onto shared space behind the buildings and do not enjoy a high degree of privacy. In this context, the relationship with the proposed dwellings is considered acceptable.

Within the site, the dense layout would create a very intimate living environment which is not typical of Ottery St Mary or the area generally. Housing in such a dense form must be carefully designed to ensure that the occupiers of the dwellings enjoy satisfactory living conditions. This is emphasised in the core planning principles of the NPPF which state:

'planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'

Concerns were raised in the previous application about a lack of mutual privacy between certain dwellings and these concerns were largely upheld by the Inspector, who wrote:

'I do accept that in a tight urban environment it is inevitable that there would be a degree of overlooking. I have no issue with that as a concept... However, nothing before me leads me to find that the proposed front to rear relationship that is evident in the proposed scheme is characteristic of the existing environs of the town or the immediate vicinity of the appeal site.'

He concluded on this issue:

'I am concerned that the relationship between the proposed dwellings would be unacceptable because of a lack of mutual privacy.'

With very little adjustment to the scheme, however, it is considered that this concern has been overcome. The main issue was that there would be views from the kitchen windows of one row of dwelling into the rear gardens, bedrooms and living/dining rooms of the next row of houses lower down the site. This concern has been

addressed simply by raising the north facing kitchen windows to 1.8m above floor level. While it limits the outlook to the north, the open plan living space would still have an outlook to the south which would provide a good level of amenity. Furthermore, some units would also have east and west facing windows giving a further limited outlook.

Overall, these changes successfully address the overlooking concerns but they have had an unfortunate effect on the appearance of the dwellings. The use of high level glazing on the front elevations underlines the difficulty of building at high density on a very constrained site. Whereas the refused scheme had attractive, well-proportioned windows on the front and rear elevations, this scheme is compromised by the poor solid to void ratio of the front elevations in particular. This issue is addressed in the conclusion.

Wildlife

A wildlife survey of the site has been undertaken for this application which included a walkover survey and emergence survey. The site has been examined for a range of species, including bats, birds, reptiles and badgers. While the concerns of the Town Council and Ward Member regarding badgers are noted, the ecological appraisal states: *'The proposed new dwellings are not (currently) expected to have any impact on the badger sett located off the site to the east'*. Subject to a final check before the site is developed and subject to other mitigation measures, the development would have a negligible ecological impact.

Drainage

Foul sewage would be disposed of via the main sewer and this arrangement is acceptable.

Surface water would be collected in holding tanks, ultimately discharging to the surface water sewer in Mill Street. Other options for the disposal of surface water, such as infiltration, were considered but dismissed owing to the site conditions. In absence of any alternative, South West Water have agreed to disposal via the surface water sewer. The Lead Local Flood Authority have also considered the proposal subject to the submission of a detailed design of the proposed surface water drainage management system, have raised no objection.

Other Matters

Strategy 34 of the Local Plan requires a financial contribution towards the provision of affordable housing. Because the scale of development falls below the relevant threshold, there is no requirement to provide affordable housing on site. The contribution of £82,990 is based on the policy requirement for a 25% contribution and the developer has indicated a willingness to enter into a legal agreement for this amount.

Strategy 43 of the Local Plan requires development of 10-49 dwellings to provide amenity open space on site. In this case there is a requirement for 77.7 square metres of open space, which reflects the likely number of occupants. The proposal addresses

this requirement by allocation 135 square metres of land in the south west corner of the site adjacent to unit 9. While it is not centrally located within the site, it is considered suitable for use as amenity space by the occupants of the dwellings and would be subject to some natural surveillance from units 7, 8 and 9. The provision and maintenance of this space can be secured by a legal agreement.

The education authority is seeking a contribution towards education infrastructure but this is now covered by CIL.

Refuse and recycling provision has been made in a storage space at the lower end of the site which is accessible to refuse vehicles.

Local Plan Policy TC9 indicates that one bicycle parking space per dwelling should be provided. Although there is little detail about the amount and location of any bicycle parking spaces, there is considered to be sufficient space throughout the site to meet the policy target.

CONCLUSION

With some fairly minor adjustments, this proposal has addressed the concerns over the previous scheme which the Inspector shared with the Council. However, the adjustments to the design and the change in parking policy raise new conflicts which need to be weighed in the balance. The main conflicts are:

- The development would not reinforce the traditional layout of the town centre (this was a concern in the original scheme but was outweighed by other benefits and did not form reason for refusal).
- There would be a shortfall in the amount of parking proposed on site.
- The poor design of the front elevations as a result of the small size of the upper floor windows which results in a development that fails to respect local character and creates a 'weak' street presence.

The site straddles the conservation area and includes a prominent building at the front which would benefit from an active use. The development would also result in an improvement to the appearance of the modern 'annexe' which would enhance the conservation area. To some extent the town houses behind would be screened by the buildings at the front although there would be glimpsed views between buildings, as illustrated by some of the photomontages. Any weakness in the design of the front elevations would be seen in the context of the more traditional buildings in the foreground. Furthermore, the development would be self-contained and would not change the dominant character of the town centre.

The very low number of parking spaces on site is likely to increase pressure on the surrounding roads and this is of such concern to the Town Council and local residents that it is specifically addressed in the emerging Neighbourhood Plan. In the context of the amount of development that has taken place and is being developed in the town (much of which includes parking provision) the sensitivity to this issue is understood. Even so, the residents of this development would have access to on-street parking as well as a public car park about 300m away. This is likely to be adequate to meet the

needs of the development without having a severe impact on the availability of parking for existing residents.

These considerations also need to be viewed alongside the benefits of the scheme which include:

- The provision of housing close to local amenities
- The restoration and reuse of prominent buildings in the conservation area
- The creation of jobs during the construction process

While there are some deficiencies in this scheme, they do not outweigh the provision of housing in what the appeal Inspector regarded as a '*highly sustainable location for a high density housing development*'. When considered as a whole, the economic, environmental and social benefits of this scheme outweigh the harm caused by the poor elements of the design and the limited on-site parking provision.

Subject to various conditions, including a change to the proposed tree planting, and legal agreements to secure open space and an affordable housing contribution, the proposal is now acceptable.

RECOMMENDATION

APPROVE subject to a legal agreement securing a contribution of £82,990 towards affordable housing and the provision of on-site amenity open space of at least 77.7 square metres, and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved. (Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice. (Reason - For the avoidance of doubt.)
3. No development shall take place until 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 conservation area in accordance with Policies D1 (Design and Local Distinctiveness) and EN10 (Conservation Areas) of the East Devon Local Plan 2013-2031.)
4. 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.)

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

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

6. No development shall take place until a surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a surface water drainage management system to serve the development site for the full period of its construction. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that an appropriate method of surface water drainage is provided and to ensure that surface water runoff from the construction site is appropriately managed in the interests of flood prevention and in accordance with Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031.)

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Local Planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works;

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;

(k) details of wheel washing facilities and obligations;

(l) The proposed route of all construction traffic exceeding 7.5 tonnes;

(m) Details of the amount and location of construction worker parking; and

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

(Reason - In the interests of amenity and highway safety in accordance with policies D1 (Design and Local Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)

8. Development shall take place in accordance with the mitigation and ecological enhancement recommendations of the Ecological Appraisal prepared by Richard Green Ecology, dated August 2016.
(Reason - In the interests of the conservation of habitats and wildlife in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031.)

9. Notwithstanding the provisions of Schedule 2 Part 1 Classes A, B, C, D and E 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), the dwellings hereby permitted shall not be enlarged, extended or altered, no windows or other openings shall be inserted or enlarged in any wall or roof slope and no sheds, other ancillary buildings, swimming or other pools shall be provided within the curtilage of the dwellings without the prior express consent of the Local Planning Authority.
(Reason - To ensure that adequate amenity space is available for the occupiers of the dwellings and that adequate privacy is maintained between dwellings in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)

10. Before the relevant dwelling hereby permitted is occupied, the east facing kitchen window of unit 4,

the west facing kitchen window of unit 8,
the east facing kitchen window of unit 10 and
the vertical components of the south facing first floor bedroom windows of units
9 and 10
shall have been glazed with obscure glass and fixed shut and the obscure
glazing and fixing of these windows shall thereafter be retained at all times.
(Reason - To protect the privacy of adjoining occupiers in accordance with
Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan
2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

A.28	Proposed Elevation	05.12.16
A.29	Proposed Elevation	05.12.16
A.30	Proposed Floor Plans	05.12.16
A.31	Proposed Elevation	05.12.16
A.32	Proposed Elevation	05.12.16
A.33	Proposed Elevation	05.12.16
A.34	Proposed Floor Plans	05.12.16
A.35	Proposed Floor Plans	05.12.16
A.36	Proposed Elevation	05.12.16
A.37	Proposed Elevation	05.12.16
A.38	Proposed Elevation	05.12.16
SU.01	Location Plan	05.12.16
SU.02	Other Plans	05.12.16
SU.03	Existing Elevation	05.12.16
A.01	Proposed Floor Plans	05.12.16

A.02	Other Plans	05.12.16
A.03	Other Plans	05.12.16
A.07	Street Scene	05.12.16
A.08	Street Scene	05.12.16
A.09	Street Scene	05.12.16
A.10	Street Scene	05.12.16
A.13	Proposed Site Plan	05.12.16
A.14	Proposed Site Plan	05.12.16
A.15	Proposed Floor Plans	05.12.16
A.16	Proposed Floor Plans	05.12.16
A.17	Proposed Elevation	05.12.16
A.18	Proposed Elevation	05.12.16
A.19	Proposed Elevation	05.12.16
A.20	Proposed Elevation	05.12.16
A.22	Sections	05.12.16
A.23	Sections	05.12.16
A.24	Sections	05.12.16
A.25	Proposed Floor Plans	05.12.16
A.26	Proposed Floor Plans	05.12.16
A.27	Proposed Elevation	05.12.16
A.21	Proposed Site Plan	25.09.17

List of Background Papers

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

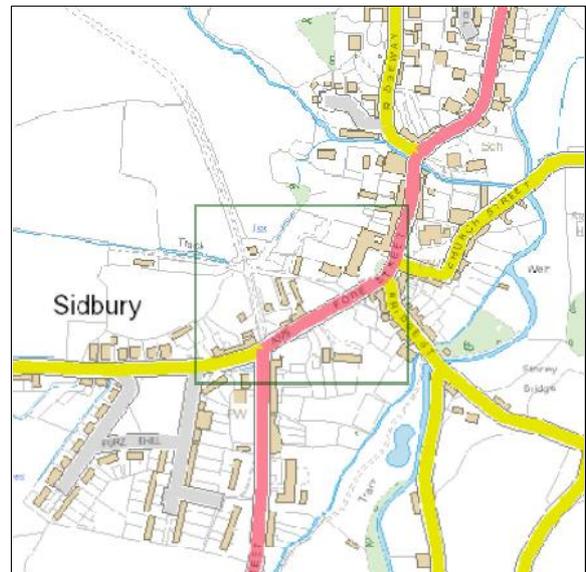
Ward Sidmouth Rural

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

Applicant Sulis Environmental Ltd

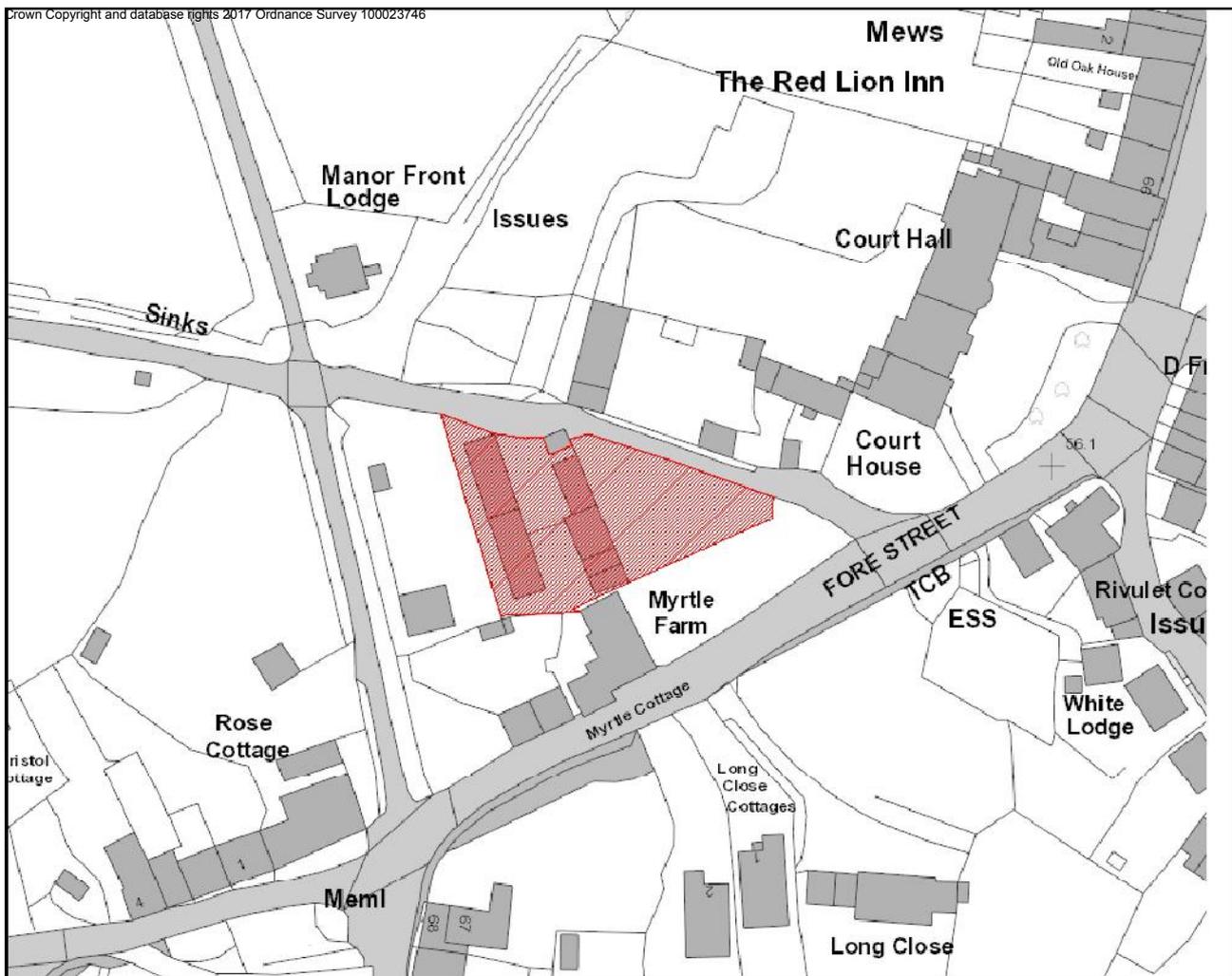
Location Myrtle Farm Fore Street Sidbury Sidmouth
EX10 0RS

Proposal Conversion of existing barns to 2 no. holiday lets and the conversion/alteration of existing long barn to 1 no. holiday let. Conversion of existing barns to facilitate use as 2 no. holiday lets and partial demolition, conversion and alteration of outbuilding to form further holiday let unit.



RECOMMENDATION: Refusal

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		Committee Date: 31st October 2017
Sidmouth Rural (SIDMOUTH)	17/0542/FUL	Target Date: 02.05.2017
Applicant:	Sulis Environmental Ltd	
Location:	Myrtle Farm Fore Street	
Proposal:	Conversion of existing barns to 2 no. holiday lets and the conversion / alteration of existing long barn to 1 no. holiday let	

RECOMMENDATION: Refusal

		Committee Date:
Sidmouth Rural (SIDMOUTH)	17/0638/LBC	Target Date: 02.05.2017
Applicant:	Sulis Environmental Ltd	
Location:	Myrtle Farm Fore Street	
Proposal:	Conversion of existing barns to 2 no. holiday lets and the conversion / alteration of existing long barn to 1 no. holiday let	

RECOMMENDATION: Refusal

UPDATE REPORT

These applications were originally present at the Development Management Committee meeting on 12th June 2017. At that time a decision was taken to defer determination of the applications to allow officers and the applicant to meet to discuss amendments to the scheme with the aim of negotiating changes to the applications to overcome the reasons for refusal.

Following the committee decision officers have met on site with the applicant and his agent with a view to overcoming concerns with the applications. Following this meeting sketch schemes were provided for discussion followed by submission of amended plans.

Unfortunately, whilst the amended plans have addressed some of the concerns in relation to the impact of the conversion on the buildings to the east side of the courtyard there have been no changes to the design of the building on the west side of the courtyard and which was one of the main causes of concern in relation to the original scheme.

As such the recommendation on the applications remains as before.

The following report is an updated version of the original report to committee with additional/amended comments provided in **bold** for ease of reference, the report and recommendation is otherwise unchanged.

EXECUTIVE SUMMARY

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

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

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

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

CONSULTATIONS

Local Consultations

Sidmouth Rural - Cllr D Barratt

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

I feel that, on balance, I should support this application. I note both the support of the Town Council and the concerns of the Conservation Officer. However because of the

benefits to the local rural economy that this development would bring I think that a final decision would be best made by the full DMC and I ask here that the application should go Committee.

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

Parish/Town Council

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

Other Representations

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

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

- The eastern elevation of the barns is an eyesore and the proposals would represent a continuation of the current owners improvements to the property.

Technical Consultations

Conservation

See listing description and information on file. This is a noteworthy farm group (Sidbury Character Appraisal p11) within the core of Sidbury Conservation Area. The two storey brick built barn with slate roof is a later addition, the original stone barn and outbuildings to the north being earlier. The outbuilding located to the north (west) of the main farmhouse is a long single storey timber framed shed with a brick base and horizontal timber boarding above at the southern end and a corrugated roof. The far end of the structure is completely brick. There have been buildings on the site closest to the farmhouse dating from at least 1889/90 and the northern section can be seen on the 1947 aerial, indicating that the outbuildings are curtilage listed. Photographs can be viewed on Emap.

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

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

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

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

P2/P8 First floor: see above;

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

North elevation: to remain the same;

South elevation: to remain the same;

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

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

The linear form of the outbuildings as part of the historic layout is an integral part of the setting of the listed farmhouse and its partial demolition will result in a change to the historic farm complex and the relationship of the adjacent buildings. In addition, both views into and out of the site will be compromised. From the track to the north of the site, the eye is currently drawn into the farm group towards the focal point of the rear of the farmhouse and adjacent cottages on Fore Street. Looking from the track to the north towards the farmhouse demonstrates the importance of the curtilage building, framing the group and the positive contribution both in its existing form, roofscape and the development of the farm group and the setting of the listed building.

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

Conclusion: Whilst the principle of the conversions is accepted, the detailed scheme has considerable impact on the overall character, appearance and setting of the listed farmhouse. The development appears to harm the character, appearance,

significance, setting and special historic interest of the heritage asset and adjacent heritage assets. The development also fails to preserve and enhance the character and appearance of the Conservation Area and its setting.

Additional Information received 2nd May 2017:

15/05/17 comments on additional information received:

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

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

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

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

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

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

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

application and that there is still scope for discussion, eg. removal of rear external staircase, rooflights etc.

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

Comments on amended plans (received following DMC meeting of 12.06.17)

Amended plans received 1st September 2017:

P7. Ground floor: since the submission of the amended draft plans submitted in July, it appears that the footprint of Building A has been returned to the original format, no longer reduced in width/depth and the open timber canopy over the parking area following the existing footprint of the building removed. This is an unfortunate change and is not supported. The external staircase to Building B, C D has been removed, and these improvements are welcomed, see below;

P8. First floor: Building A has not been amended and is proposed as the original submission. Building B, C, D is as the draft amendments;

Holiday lets P9:

West elevation: minor changes to fenestration/doors on elevation & rooflight position changed; the treatment of the openings is still not agreed (shutters rather than timber infill) and the fenestration does not follow any existing pattern at ground floor;

North elevation: the same, but staircase removed, see below;

South elevation: as north elevation, but fanlight added over door;

East elevation: the removal of the staircase is welcomed and overall the changes to the central unit have been minimised, including the rooflights. However, number of openings in the left hand unit remains the same. As previously suggested bathrooms do not necessarily require windows and this could omit 1no. window;

Holiday lets P10: This part of the application has no longer been amended. See original comments: The proposal truncates the long barn and creates a new two storey structure at right angles contrary to the form of the group and completely changing the overall appearance and setting of the farmhouse complex. This part of the application is not supported.

Sections P11: these clearly demonstrate Building A at odds with the farm group.

Conclusion: Whilst the principle of the conversions is accepted, the detailed scheme has considerable impact on the overall character, appearance and setting of the listed farmhouse. The amended plans have addressed the issues

relating to the removal of the external staircase, but there are still concerns relating to the domestication of the outbuildings, the two storey element of the scheme and the number of new openings. No amendments have now been made inline with the draft amendments submitted for Building A or the parking area.

The development still appears to harm the character, appearance, significance, setting and special historic interest of the heritage asset and adjacent heritage assets. The development also fails to preserve and enhance the character and appearance of the Conservation Area and its setting. The scheme in its amended form is therefore not supported.

Environmental Health

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

County Highway Authority
Highways Standing Advice

PLANNING HISTORY

Reference	Description	Decision	Date
17/0638/LBC	Conversion of existing barns to facilitate use as 2 no. holiday lets and partial demolition, conversion and alteration of outbuilding to form further holiday let unit	Refusal	
15/2596/OUT	Demolition of existing outbuilding and construction of holiday letting unit (outline application discharging details of access, layout and scale, and reserving details of appearance and landscaping)	Refusal	13.05.2016
04/P1776	Convert Two Barns Into Two Self Contained Holiday Lets	Approval with conditions	07.09.2004

04/P1775	Convert Workshop/stores Into Two Holiday Lets New Door To Rear Repair Roof Paint Exterior	Approval with conditions	07.09.2004
03/P3073	Conversion Of Barns To Form 4no Holiday Apartments & Car Parking/access To Farmhouse	Refusal	03.02.2004

POLICIES

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

D1 (Design and Local Distinctiveness)

Strategy 33 (Promotion of Tourism in East Devon)

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

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

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

EN22 (Surface Run-Off Implications of New Development)

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

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN8 (Significance of Heritage Assets and their setting)

Government Planning Documents
National Planning Practice Guidance

Government Planning Documents
NPPF (National Planning Policy Framework 2012)

SITE LOCATION AND DESCRIPTION

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

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

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

PROPOSED DEVELOPMENT

Planning permission and listed building consent are sought for:

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

ANALYSIS

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

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

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

Principle of Development

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

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

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

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

Policies EN9 and EN10 relate to Designated Heritage Assets and Conservation Areas respectively. Policy EN9 states permission will not be granted for developments

involving substantial harm or total loss of significance of a designated heritage asset unless it can be demonstrated to achieve substantial public benefits that outweigh the harm or loss, or all of the listed criteria are met (these are examined in further detail below). Policy EN10 states that within such designated areas, "or outside the area, but which would affect its setting or views in or out of the area," will only be permitted where it would preserve or enhance the appearance and character of the area.

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

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

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

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

National Planning Policy is contained in the National Planning Policy Framework (NPPF) as supported by National Planning Practice Guidance. Chapter 12 of the Framework deals with 'Conserving and enhancing the historic environment', at paragraph 132 it advises that, "As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification." Para. 133 goes further stating that, "Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss..." This is subject to further provisos relating to all alternative uses having been explored, including marketing and exploration of grant-funding options. Where it is considered that a proposal would result in 'less than substantial harm', to the significance of a designated heritage asset. Para. 134 states that, "...this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

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

by 'public benefits' para.020 confirms that these are not just a private benefit and should be of benefit to the public at large.

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

Design, Impact on Heritage Assets and the Conservation Area

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

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

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

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

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

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

The application proposes the following:

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

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

The amended plans have removed the previously proposed external staircase on the east elevation and reconfigured the layout to show principal living accommodation (lounge/kitchen/dining areas) at ground floor area and

bedroom/bathroom accommodation at first floor level. There has also been some changes to the external fenestration. These changes are welcomed.

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

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

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

This element has not altered, the applicant did provide some alternative sketch schemes for this building for comment and which sought to retain the linear nature of the building by providing for a covered parking area at the southern end. However, whilst considered to be an improvement on the submitted scheme, concerns remained with this and in the event the amended plans submitted revert to the original scheme for this building. The agent has suggested that the buildings on site have differing degrees of significance and merit and that the changes to building A are necessary to achieve viability for the project and that this building has 'little or no relationship with the listed dwelling' and lies outside the conservation area. It is acknowledged that views differ on the importance of this building (or any replacement to it) on the setting of the listed building and wider conservation area but this remains the main area of contention in relation to the scheme.

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

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

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

The submitted amended plans have removed the proposed external staircase on the east elevation of building C and the fenestration on this elevation to both buildings B and C has been simplified with a reduction in the size of openings, even if the overall number of openings remain the same. There remain some windows which are considered to be not strictly necessary (including those to ground and first floor shower rooms) but overall the fenestration has been simplified and represents an improvement on the original submission. A gazebo is proposed at ground floor level over the entrance to building C, this is somewhat domestic in nature, given the character of the building. On the west elevation there are some minor changes to the window design.

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

The amended plans indicate some further details of the subdivision of the area to the east of the building group and proposed as garden space. These appear to indicate the provision of fencing at right angles to the building and between units, designed to give a degree of privacy to each space. There remains a lack of detail as to the height and finish of these divisions and they would further add to the domestication of the buildings and their setting. If the application were otherwise considered to be acceptable these details could be conditioned.

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

Impact on Landscape Character and the AONB

Aside from the raising in height of part of building A the form of the buildings would remain unchanged and given the location of the buildings within the built form of the settlement it is not considered that the proposal would give rise to any wider landscape impacts nor would any significant impact on the AONB occur.

Impact on Highway Safety

The application would be likely to give rise to an increase in traffic associated with the site and through the junction(s) of the private road with the A375, the main road through the village. Devon County Council as the Highways Authority has suggested that Standing advice should be applied.

The private road that serves the site directly joins the A375 at its eastern end and at its western end joins a further private track which itself joins the A375 just to the south at its junction with Greenhead. There appears to be no restriction in terms of which access could be used but the submitted planning statement appears to refer to use of the western access and sets out how this access confirms with standing advice. Whilst it would not be possible to control which access is used by condition, the nature of the use would enable the applicants to guide visitors to use the more appropriate access and it is considered that the traffic associated with the proposal could be safely accommodated on the local highway network.

Impact on Ecology

The application is accompanied by a Bat and Nesting Bird Survey relating to the barns on the east side of the farmyard. This report refers to a previous survey undertaken on the outbuilding to the east and which accompanied the 2015 application for its demolition. The earlier survey found no use of that building by bats. The current report found some evidence of bat activity within the two storey barns and emergence surveys were therefore carried out. The conclusions of the report are that the upper floor of the barns are being used on an occasional/intermittent basis by a small number of long-eared bats. The report makes recommendations in relation to the timing of works and provision of permanent bat roosts and that subject to these the proposal would result in a net biodiversity gain and could be carried out without requirement for a licence from Natural England. The mitigation and timing of works outlined in the report could be controlled by means of a suitably worded condition.

Economic Benefits

The proposal would result in the creation of 3 **(or 4 depending on requirements – Buildings B and C could be utilised as one large or two smaller units)** no. holiday lets which would have the potential to bring forward both direct and indirect economic benefits. In terms of direct benefits the proposal would support construction jobs associated with the initial conversion of the buildings and potentially would also provide some ongoing permanent employment associated with their management and maintenance. In addition the proposal also has the potential to provide wider economic benefits resulting from increased tourist spend in the local economy. The submitted planning statement makes reference to national policy support in the NPPF for new

economic development and as stated above there is also positive support for sustainable tourism growth in the Local Plan.

The business plan submitted with the application explains the basis for the proposals are to create a small holiday let business to provide an income for the applicants in retirement. The report suggests that, "... failure to obtain permission in respect of the Timber/Brick Outbuilding (Building A) puts the project in jeopardy...", the reasoning given for this being: that the property would not be fully utilised; the enhancement of the site would only be partial and as such would affect the rental of the other barns, and; the proposal would not be cost effective without the conversion/alteration of this building. Included within the business plan are estimated costs for the conversion and set up of the holiday lets as well as the anticipated revenue from these once up and running. These figures are estimates only and it is unclear as to the extent of analysis in terms of conversion costs that have been undertaken. Nevertheless, the basic premise that they seek to indicate is not disputed, that being, that if it is cost effective to do so the scheme would create a greater return and higher potential profit from 3 rather than 2 holiday lets. However, what does not appear to have been considered, or at least has not been demonstrated through comparative costs/returns, is whether an alternative scheme involving the conversion of the timber outbuilding in its current form or through a different means might also be viable.

The applicant has again suggested that the conversion/extension of building A in the manner proposed would not be viable and that there is a minimum requirement to provide 2 no. family holiday lets with 2 no. double rooms and children's dormitory provision in each. However, it remains the case that no information has been provided to demonstrate that an alternative scheme involving the conversion of the timber outbuilding in its current form or through a different means might also be viable.

Para. 134 of the NPPF advises that where a development would lead to less than substantial harm to the significance of a designated heritage asset the harm should be weighed against the public benefits including securing its 'optimal viable use'. Para. 15 of the NPPG clarifies this term as follows:

"If there is only one viable use, that use is the optimum viable use. If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes."

And further that,

"The optimum viable use may not necessarily be the most profitable one."

In summary on this matter, it is recognised that the proposal would have both direct and indirect economic benefits and further that these benefits would extend beyond private benefits to the site owner. However, it is not considered that it has been demonstrated that such benefits would only arise through the current proposed scheme or that another scheme with less impact on the curtilage listed structures might not also be viable.

Other Issues

The introduction of first floor windows on the east elevation of buildings B and C have the potential to give rise to privacy/amenity issues for neighbouring properties, however in this circumstance the separation distance to and presence of existing hedge screening on the boundaries of neighbouring properties is considered sufficient to avoid any significant adverse effects.

The applicant has argued that there is a minimum number of cars that need to be accommodated within the yard area (to avoid off-site parking). It is accepted that on-site parking would be highly desirable but there are alternatives that might allow this to be provided and which would allow the linear form of the existing building A to be retained. For example, by replacing the southern end of the building with an open fronted building providing under cover parking but continuing the ridge and building lines of the existing building, this has been suggested but the applicant has chosen not to pursue this option.

Conclusion

Whilst the principle of conversion of the buildings to holiday lets is considered to be acceptable, the new build element to Building A, coupled with detailing to other barns are considered to harm the setting of the listed building and character and appearance of the area. It is however acknowledged that the proposed amendments to buildings B and C have reduced the harm in this regard.

Whilst the identified harm remains less than substantial, and there are some wider public benefits from increased holiday accommodation and tourism, these benefits are not considered to outweigh the harm and the special regard that must be given to preserving the setting of listed buildings and preserving the character and appearance of the Conservation Area, particularly in light of the continued lack of evidence to demonstrate that such benefits could not be provided through an alternative scheme.

As such both applications are recommended for refusal.

RECOMMENDATION 1

17/0542/FUL

REFUSE for the following reason:

1. The proposed method of conversion of the buildings through the extent of demolition, alteration and extension proposed to the curtilage listed buildings would fundamentally alter their character and form, their relationship with and setting of the main farmhouse and would fail to preserve or enhance the character and appearance of the conservation area and its setting. In the absence of sufficient evidence to demonstrate that the proposed scheme is the only viable means of securing the long term maintenance of the buildings it is considered that the identified harm would be unjustified and contrary to policies

D1 (Design and Local Distinctiveness), EN9 (Development Affecting a Designated Heritage Asset) and EN10 (Conservation Areas) of the Adopted New East Devon Local Plan 2013-2031 and national planning policy guidance in the National Planning Practice Guidance and the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

2JPW/EDDC/P6 A	Amended Plans	24.08.17
2JPW/EDDC/P7 A	Amended Plans	24.08.17
2JPW/EDDC/P8 A	Amended Plans	24.08.17
2JPW/EDDC/P9 A	Amended Plans	24.08.17
2JPW/EDDC/P10 A	Amended Plans	24.08.17
2JPW/EDDC/P11 A	Amended Plans	24.08.17
	Location Plan	06.03.17

RECOMMENDATION 2

17/0638/LBC

REFUSE for the following reason:

1. The proposed works to the curtilage listed buildings including the extent of demolition, alteration and extension proposed to them would fundamentally alter their character and form, and their relationship with the main farmhouse and would result in harm to the setting of this designated heritage asset. In the absence of sufficient evidence to demonstrate that the proposed scheme is the only viable means of securing the long term maintenance of the buildings it is considered that the identified harm would be unjustified and contrary to policy EN9 (Development Affecting a Designated Heritage Asset) of the East Devon

Local Plan 2013-2031 and national planning policy guidance in the National Planning Practice Guidance and the National Planning Policy Framework.

Informative:

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

Plans relating to this application:

	Location Plan	16.03.17
P6 A	Amended Plans	24.08.17
P7 A	Amended Plans	24.08.17
P8 A	Amended Plans	24.08.17
P9 A	Amended Plans	24.08.17
P10 A	Amended Plans	24.08.17
P11 A	Amended Plans	24.08.17

List of Background Papers

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

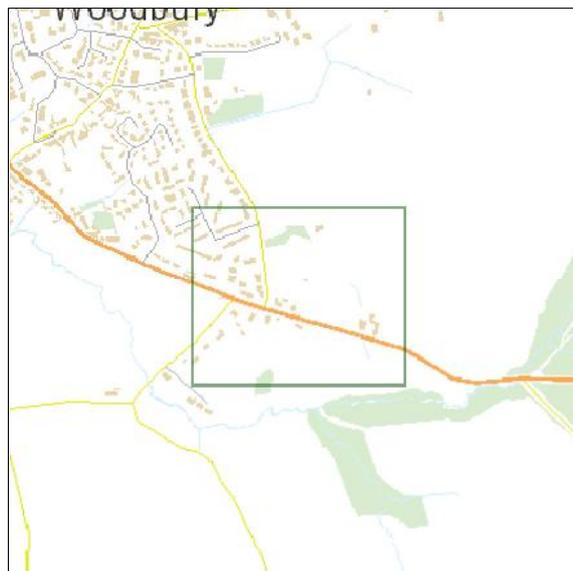
Ward Woodbury And Lymptstone

Reference 16/1249/OUT

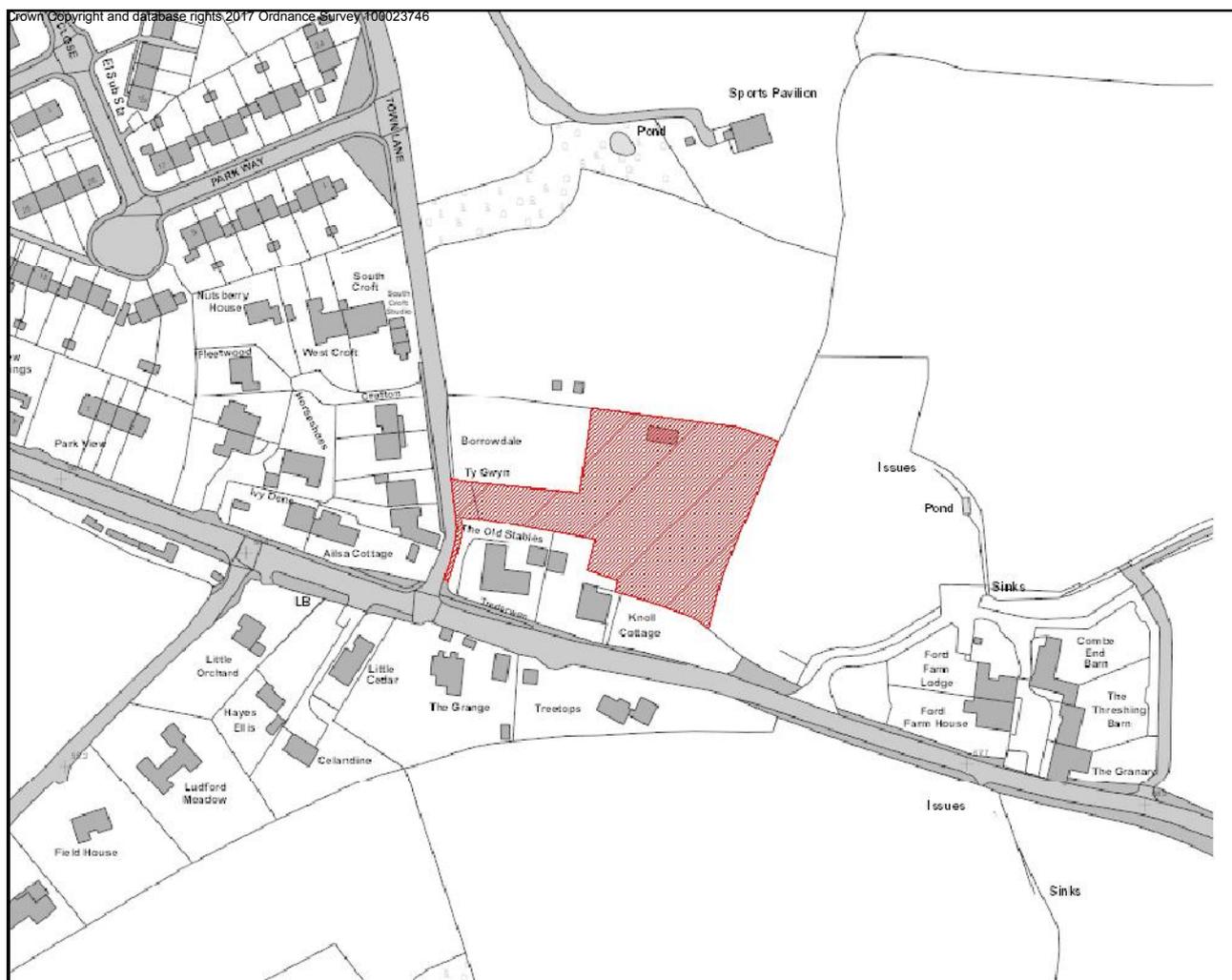
Applicant Mrs Evernnett, K D Homes

Location Land Adjacent To Trederwen Town Lane
Woodbury

Proposal Outline application with all matters reserved for
the construction of 5 no dwellings



RECOMMENDATION: Approval with conditions



		Committee Date: 31st October 17
Woodbury And Lympstone (WOODBURY)	16/1249/OUT	Target Date: 26.07.17
Applicant:	Mrs Evernnett, K D Homes	
Location:	Land Adjacent To Trederwen Town Lane	
Proposal:	Outline application with all matters reserved for the construction of 5 no dwellings	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The application site refers to land adjacent to a property known as “Trederwen”, which is located on the edge of the settlement of Woodbury. There have been two previous applications on this site. In 2011, planning approval was granted for an affordable housing exception proposal of 15 dwellings, 10 of which would be affordable. This consent has now lapsed. In 2014, when the Council could not demonstrate a 5-year supply of housing land, planning permission was granted for the construction of 11 dwellings, 50% of which were to be affordable. The proposal included the parcel of land to the west of the site and this consent can still be implemented and was not consented as an exception site.

It is now proposed, in outline with all matters reserved, the construction of 5 dwellings.

In terms of the principle of development, it is considered that to some extent this has already been agreed through the previous planning approvals. However, one issue that weighed heavily in favour of those previous proposals was the provision of affordable housing because the site was outside of the village development boundary with the 2011 application being approved as an affordable housing exception site.

On the 22nd February 2017 Full Council approved the publication of the East Devon Villages Plan. The decision included agreement to a recommendation that the BUAB’s in the DPD ‘...be used as primary policy for development management instead of the boundaries on the inset plans included in the previously adopted Local Plan.’

It is therefore considered the boundaries shown as the BUAB can be used for the purposes of decision making, albeit not having full weight due to objections to this site allocation and the DPD not being adopted. As the site has now been included with the BUAB for Woodbury within the Villages DPD, and given that there is a consent for residential development on part of the site, the proposal is considered to be acceptable in principle.

As only 5 dwellings are proposed this has removed the requirement for affordable housing.

It is accepted that the development could be argued to affect the character of the setting of Knoll Cottage (a Grade II Listed Building) owing to the number of dwellings proposed and the present open countryside character and appearance of the site immediately behind it. However, the setting of this property has arguably already been impacted to a degree by the development of Trederwen between it and Town Lane and residential properties on the opposite side of Broadway to the south and as such, as with the previous decisions, there is not considered to be any harm to the setting of the listed building.

The County Highway Authority consider the access and footway to be acceptable. In addition, the proposal would represent a less intensive use of the site and it is considered the application would be acceptable in this regard.

Given these considerations it is considered that the principle of development is acceptable and given the above, the application is recommended for approval.

CONSULTATIONS

Local Consultations

Woodbury and Lypstone – Cllr R Longhurst

28.09.16

Currently this application refers to land OUTSIDE the Woodbury BUAB. Previous applications have been made on an exception basis - this application is not made on this basis and must currently therefore be refused.

The evolving Neighbourhood Plan and Villages Plan will determine the eventual status of this land vis a vis the BUAB. Until these have been Made and certainly at least approved by EDDC this application must be refused or withdrawn.

Further comments:

Following the lead from the PC - I will continue to object to your recommendations (nothing personal of course). This piece of ground has a very long history and whilst I agree your stance a regards the village boundary the emerging Neighbourhood Plan puts this ground outside the development area.

Parish Council

24.08.16

Support in principle development on the site but the Parish Council would favour single storey buildings due to the rising ground and ask that existing agricultural hedgerows are preserved and maintained. Concerns were also raised regarding possible surface water run-off to nearby properties and the proposed access to the site is considered unsuitable

Further comments:

Not supported - the Council do not believe adequate adjustments have been made to provide safe access to the site

Technical Consultations

Natural England

EUROPEAN WILDLIFE SITES

The application site is in close proximity to three European Wildlife Sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their ecological interest. European wildlife sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the East Devon Pebblebed Heaths Special Area of Conservation (SAC), the East Devon Heaths Special Protection Area (SPA) and the Exe Estuary Special Protection Area (SPA) and Ramsar site¹, which are European wildlife sites. The sites are also notified at the national level as Sites of Special Scientific Interest (SSSIs).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

East Devon Pebblebed Heaths SAC and East Devon Heaths SPA Exe Estuary SPA and Ramsar Site

The application site is approximately 1.3km from the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA and 3.3km from the Exe Estuary Special Protection Area (SPA) and Ramsar Site. This is within the 10km zone within which impacts of residential development on the aforementioned sites could reasonably be expected to arise in the absence of appropriate mitigation.

In the case of the European sites referred to above, your authority cannot grant permission for this proposal in the absence of a Habitat Regulations Assessment

which concludes either i) no likely significant effect due to mitigation included by the applicant or, ii) no adverse effect on integrity following an Appropriate Assessment. Please note that Natural England is a statutory consultee at the Appropriate Assessment stage of the Habitats Regulations Assessment process.

We therefore recommend you secure confirmation of the following to assist you in reaching a positive conclusion to your Habitats Regulations Assessment:

1. Clarification from the applicant regarding any mitigation they propose to offer, whether contributions and/or provision of Suitable Alternative Natural Greenspace (SANGS) in line with the South East Devon European Sites Mitigation Strategy (SEDESMS) and the Joint Approach of your authority, Teignbridge and Exeter to implementing that strategy.
2. For any SANGS which is to be delivered as part of the mitigation package, whether by the applicant or your Authority, a site must be identified and confirmed as suitable and deliverable prior to granting of permission.
3. A condition must be included on the permission preventing occupancy of any dwellings until an appropriate quantum of SANGS has been provided (i.e. a Grampian Condition).

SITES OF SPECIAL SCIENTIFIC INTEREST (SSSIs)

Providing appropriate mitigation is secured to avoid impacts upon the European sites occurring there should be no additional impacts upon the SSSI interest features of the East Devon Pebblebed Heaths and the Exe Estuary.

PROTECTED LANDSCAPES

The proposed development site is approximately 450m from a nationally designated landscape, namely the East Devon Area of Outstanding Natural Beauty (AONB).

Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. We also advise that you consult the East Devon AONB Partnership. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision.

The policy and statutory framework to guide your decision and the role of local advice are explained in Appendix 1.

PROTECTED SPECIES

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

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

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

OTHER ADVICE

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

local sites (biodiversity and geodiversity)

local landscape character

local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at Wildlife and Countryside link.

SSSI Impact Risk Zones

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

APPENDIX 1: Protected Landscapes - Policy and Statutory Framework

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

Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

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

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

Conservation

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

SY 08 NW WOODBURY THE BROADWAY (north side), Woodbury 2/76 Knoll (formerly listed as Knowle Cottage) 11.11.52 - II Detached house. Early C19. Brick; 2 span gabled-end slate roofs. Double depth plan with principal room on either side of entrance hall and rooms at back which has separate parallel roof span. Front:

symmetrical 3-window range; rusticated quoins, the central window bay under a gable with fancy bargeboarding; round-headed, 2-light casement window to attic in gable wall. 1st floor windows with hornless sashes, 16-panes to outer windows, 12 to centre. 12-pane sash windows flank central door. Pretty verandah with tent-shaped roof, with peaked centre with ridge tiles, with fancy bargeboarding; verandah with decorative fascia supported on simple posts. Listing NGR: SY0136486735

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

The proposal is for the development of 5 dwellings with a mixture of both single and two storey dwellings each with a double garage on the elevated site adjacent to Town Lane and in close proximity to Knoll Cottage, a detached early C19 house, which has historically enjoyed a rural setting in an area of previously undeveloped land. The site would be to the east of Town Lane, the character of which is currently open countryside with little or no development, bounded by hedging, fencing and some mature trees.

A previous proposal 97/P0210 for housing on this site was refused and dismissed at Appeal. The main issues raised by the Inspector at that time were the character and appearance of the area in general and in particular the setting of the listed building, Knoll Cottage, and highway safety/traffic generation. It appears that with regards to these two issues nothing has changed since that time

However, permission has been granted under 11/2490/MFUL (15 dwellings) and 14/1380/MFUL (11 dwellings) to which objections were raised by the Conservation Team and others. I would therefore re-iterate the view that development on this site is unacceptable and the previous comments still stand. It is noted that the area of the site has been reduced and only includes the access and land to the east. It is not clear why the size of the site has been reduced or is now not included:

- o Historic England continues to publish guidance on setting and this makes it very clear that setting is wider than the curtilage of a particular listed building and will generally be more extensive.
- o It is understood that Knoll Cottage owned the land the subject of this application and the historic OS maps clearly show this area has always been open and rural in character. The proposed development is unacceptable and will compromise the open rural character of the land, would be prominent in the landscape and extend beyond the existing built up area.
- o Knoll Cottage is a detached house in close relationship to the open countryside. Additional dwellings in such close proximity to the dwelling would completely alter this relationship and it would no longer be isolated but one of many, its setting therefore being completely eroded.
- o With regards the development itself, other than a layout and some brief notes in the D & A, there are no details of the actual overall design, elevations etc. The dwellings are laid out at the end of an access road grouped around the end of the turning space with garaging and frontage parking, similar to the 2014 approval. These appear to be mainly large detached dwellings and not necessarily appropriate within the context of the site and adjacent listed building.
- o The development will have an impact on the setting, character and appearance of the listed building, which will be compromised by the development.

Conclusion: In the light of the above, the proposed residential development would be detrimental to the open character of the site, the special qualities and characteristics of the land to the east of Town Lane and erode the setting of the listed building, Knoll Cottage.

County Highway Authority

Observations:

The site is situated to the east of Town Road which is an unclassified county road which is narrow in places and does not for its majority, contain any connected footway provisions. This road is subject to a 30mph speed restriction and runs along the south eastern edge of the village connecting to the village centre and Woodbury C of E Primary School in Castle lane. My estimation of the traffic speeds along this road is in the order of 30mph for traffic going south.

A previous application 11/2490/MFUL contained a speed survey taken in January 2012, where 85th percentile speeds of 21mph in the northbound direction and 26mph in the southbound direction in Town Lane have been recorded. This evidence is sufficient to accord with the proposed visibility splays as shown on the attached Squirrel Design drawing , where the proposed visibility splay to the north of the proposed access onto Town Lane is 2.4 metres by 33 metres and the proposed visibility splay to the south of the proposed access onto Town Lane is 2.4 metres by 27 metres.

The provision of a connecting footway to the south joining with those on Broadway is acceptable and would hopefully promote the use of public transport, although the nearest bus stops are at the Arch which is approximately 700m from the site.

Recommendation:

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

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram 402.1.100B 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 27 metres in a Southern direction and 33 metres in the other direction.

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 20 metres back from its junction with the public highway

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

3. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area, parking space and garage/hard standing, access drive and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

REASON: To ensure that adequate facilities are available for the traffic attracted to the site

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

Devon County Council Education Dept

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

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

There is currently capacity at the nearest primary for the number of pupils likely to be generated by the proposed development. Devon County Council will however seek a contribution towards additional education infrastructure at the local secondary school that serves the address of the proposed development. The contribution sought is £13,680 (based on the current DfE extension rate of £18,241 per pupil for Devon) which will be used to provide education facilities for those living in the development.

DCC would also require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from Exmouth Community College. The costs required are as follows: -

1.00 primary pupil

£2.65 per day x 190 academic days x 5 years = £2,517

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

Other Representations

8 letters of representation have been received raising issues of:

- Objection to this application is that it falls outside of the current village 'building boundary'
- It is within the proposed district council boundary, fails on their primary criteria of being bounded by a major physical feature i.e. a road, river or existing dwelling. This plot is outside of the 'Town Lane' easterly boundary which runs all the way down to Orchard Close and is a pure greenfield site.
- Amount and speed of traffic in Town Lane and the access into Town Lane from The Broadway.
- Town Lane is already a 'rat run' for vehicles avoiding the centre of the village and does not have the capacity for additional traffic.
- Additional traffic will increase the risk of incidents involving pedestrians, pets and other vehicles:
- Town Lane is used by numerous children going to and from Woodbury Primary School and from bus stops to other local schools.
- Don't see how 5 new large houses meets the need of the village as opposed to the original application for 15 affordable houses.
- The affected land and fields further up Town Lane are notorious for flooding.
- Building on the land will both reduce its capacity to absorb rain and channel water into drains unable to cope with current run off.
- Will harm the setting of Knoll Cottage which is grade II listed.
- Will overlook Knoll Cottage and be set higher
- Affordable housing was the factor alone that meant that the village boundary issue, highway safety concerns and the impact on the setting of a listed building were discounted
- what is being done about flood risk
- How will development be managed

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

Strategy 7 (Development in the Countryside)

TC7 (Adequacy of Road Network and Site Access)

TC2 (Accessibility of New Development)

EN6 (Nationally and Locally Important Archaeological Sites)

EN22 (Surface Run-Off Implications of New Development)

Strategy 6 (Development within Built-up Area Boundaries)

D3 (Trees and Development Sites)

D2 (Landscape Requirements)

EN9 (Development Affecting a Designated Heritage Asset)

EN5 (Wildlife Habitats and Features)

EN22 (Surface Run-Off Implications of New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The application site comprises an open field extending to 0.57ha located on the eastern side of Town Lane, and to the north of two existing properties, a modern bungalow and Knoll Cottage, a Grade II listed building.

These properties are served by a shared driveway off Town Lane with the adjacent land to the north and east within the site elevated above the level of the drive.

The land, which rises gently from Town Lane to the east, is largely bound to the north and east, and in part to the south, by established hedges. Further open fields lie beyond the northern and eastern boundaries. The residential curtilages of Trederwen and Knoll Cottage and ancillary outbuildings back directly onto the remainder of the southern boundary and the existing driveway referred to above, the proposed access point onto Town Lane is approximately 70 metres to the north of its junction with Broadway.

There are no landscape or other designations or constraints that are material to consideration of the application proposal that apply to the site itself.

Proposal

The proposed development is in outline for the construction of 5 dwellings. All matters of access of layout, scale, appearance and landscaping are reserved. The indicative site plan shows the 5 dwellings in the form of a cul de sac. The Design and Access statement says that the properties would be a mixture of two and single storey. The access drive would serve as the access to the proposed properties.

ANALYSIS

Issues and assessment

The main issues to consider are in terms of the principle of the development having regard to the built up area boundary of the village; its location in terms of sustainably and access to village services and facilities; the impact that the development would have on the character and appearance of the area bearing in mind its edge of village

location and proximity to a listed building; the suitability of the access; trees and ecology issues, drainage issues, and any impact on neighbouring amenity.

History of the site

Planning permission was granted in 2013 (application 11/2490/MFUL) for 15 dwellings on the application site. Consent was granted as an exception site with 66% affordable housing (10 units). This consent has now lapsed.

A further application was submitted in 2014 (14/1380/MOUT) for 11 units including the land to the west of the current site. This application was granted at a time when the Council could not demonstrate a 5 year supply of housing land and as such consent was not granted as an exception site. Policies at the time did however require the provision of 50% affordable housing as the site was outside of the BUAB.

Since then, in 2016, the Local Plan was adopted and as part of this, the East Devon Villages Plan would form part of a series of documents that set out policies and proposals for land use planning in East Devon. Taken together these documents comprise the 'development plan', which guides where development will go and how planning applications will be determined. All of the documents in the development plan must be broadly in line with the Government's planning policies, which are set out in the National Planning Policy Framework.

Current application and Principle of Development

When the application was submitted on 11th August 2016 the site fell outside of the boundary of the village and the provision of 5 market dwellings was considered not to comply with planning policy.

On the 22nd February 2017 Full Council approved the publication of the East Devon Villages Plan for 6 weeks and that this be submitted for examination afterwards. The decision included agreement to a recommendation that from the date of the meeting the BUAB's in the DPD '...be used as primary policy for development management instead of the boundaries on the inset plans included in the previously adopted Local Plan.'

It is therefore considered the boundaries shown as the BUAB can be used for the purposes of decision making. Whilst the Plan has not been through its examination, is not adopted, and as there have been objections to the sites inclusion within the BUAB, the DPD cannot carry full weight. However, the boundaries are based upon work from Planning Policy identifying sites that are sustainably located following work to establish walking distances, relationships to services etc. As such, even though the Villages DPD cannot be given full weight, it is considered that the proposal is sustainably located.

It is also material to consideration of the current application that there is planning permission on the site for 11 dwellings that can be implemented.

On this matter, the Ward Member has stated that the site does not form part of the draft Woodbury Neighbourhood Plan and has excluded this site from the proposed

built up area boundary. It is considered on this point, the Neighbourhood Plan is at a very early stage. The plan has not passed any formal consultation stages and it is therefore considered that it can only be attributed little weight. The villages plan has progressed much further (it is due to be examined next month) and it is considered that this carries more weight, despite its objections. Arguably of more weight however, is the fact that there is planning permission on the site that can be implemented.

In addition, the site has long been considered to be a sustainable location for new development and the draft Woodbury Neighbourhood plan would need to have very good reason to depart from the Villages Plan which is at Inspection.

In summary, it is considered in policy terms that this site has been affected by shifts in planning policy, both at the local and government level. It is considered that the policy position for the proposal is that given the consent on the site for 11 dwellings, and the weight that can be attributed to the Villages DPD and the evidence behind it, development of the site can be considered to be acceptable in principle.

Even if a decision on this application were deferred pending the outcome of the Villages DPD (which is not recommended as planning applications should be determined in light of the current planning policy position), the site benefits from planning permission and as such this weighs in favour of the proposal regardless of the outcome of the Villages DPD Examination which is unlikely to be known until early next year.

Affordable Housing

In this location current Government policy means that no affordable housing contribution can be secured from developments of 5 units or less.

It is proposed to construct 5 dwellings on the site which originally had approval for 15 dwellings (the lapsed permission) and has consent for 11 dwellings and as such no affordable housing provision or contribution is due on this proposal.

The most recent planning permission which included the land to the west of the site for the construction of four dwellings, has been excluded from the current proposal and is in another person's ownership.

Given that the previous consents on the site have related to different areas of land, and previously more dwellings have been proposed on the current application site, officers have been concerned that the site has been artificially sub-divided to engineer a position whereby only 5 dwellings can be provided on the site therefore avoiding affordable housing.

On this subject, on 29th March a report went to Strategic Planning Committee which stated that "Where sites are subdivided so that developments fall below the thresholds at which contributions will be payable the Council will consider the site, and infrastructure/mitigation required, as a whole. This will prevent a situation arising where a series of applications on a given site or land area, each fall below policy thresholds but collectively exceed thresholds".

However legal advice has been taken, and given the different ownership issues of the wider site, it is considered that it would be very hard to substantiate that the site has been artificially subdivided, particularly as there is no longer any national minimum density standard.

Whilst there are concerns that the proposal would not give rise to affordable housing, given the policy position and the advice taken from the legal department regarding land ownerships, it is not considered that a sustainable planning objection could be raised to the subdivision of the site and lack of provision of affordable housing as part of this current application. Whilst it is recognised that this is disappointing in terms of the loss of the affordable housing, it is considered that the proposal is policy compliant.

Impact on character and appearance of the area

The application is submitted in outline, with only matters of access being considered, however an indicative layout has been submitted which demonstrates that 5 dwellings can be accommodated on the site.

In terms of wider impact of the proposed development upon the character and appearance of both the landscape and landscape setting of the settlement, there are very limited views of the site from outside of the village from any significant distance. Due to the fall in the land from east to west very little, if any, of the proposed development would be visible from the B3179 on approach from the east from the direction of Woodbury Common. As such it is not considered that the proposal would cause any material harm to the rural landscape character of the area or the wider setting of the village overall.

There would however be close range views available of the site from Town Lane itself, and concern has been raised that the proposal would introduce new development beyond the existing built form, and the road which forms a strongly defined edge to this part of the built-up area of the village and represents a clear boundary between the settlement and the adjacent open countryside. There is concern that development in this location would set a precedent for further development on the eastern side of Town Lane.

Whilst these quite legitimate issues are understood, the site is relatively well screened by the existing hedgerows and trees that form the east and northern boundary. Further the principle of development of this site in terms of its landscape impact has been established through the previous permissions granted on the site, where whilst there were other issues to be considered, no significant objection was raised on landscape or visual impact grounds. Concerns have been raised regarding potential boundary treatments and it is considered that this can be appropriately conditioned.

Impact on Setting of Knoll Cottage

The impact of development on the setting of Knoll Cottage which is a Grade II listed building was considered under the previous proposal, where it was found that the layout and design of properties would not have an unacceptable impact on its setting, particularly bearing in mind the presence of a modern bungalow to the west of the

protected property, and the garaging that has been erected to the rear of Knoll Cottage.

As with the previous applications, it is considered that there would be no harm to the heritage asset. Design, Appearance and Layout are reserved matters and as such it is considered that a sympathetic design could be reached at that stage that ensures protection of the heritage asset.

Highways

The site is situated to the east of Town Road which is an unclassified county road which is narrow in places and does not for its majority, contain any connected footway provisions. This road is subject to a 30mph speed restriction and runs along the south eastern edge of the village connecting to the village centre and Woodbury C of E Primary School in Castle lane. The highway Officers estimation of the traffic speeds along this road is in the order of 30mph for traffic going south.

A previous application 11/2490/MFUL contained a speed survey taken in January 2012, where 85th percentile speeds of 21mph in the northbound direction and 26mph in the southbound direction in Town Lane have been recorded. This evidence is sufficient to accord with the proposed visibility splays as shown on the attached Squirrel Design drawing, where the proposed visibility splay to the north of the proposed access onto Town Lane is 2.4 metres by 33 metres and the proposed visibility splay to the south of the proposed access onto Town Lane is 2.4 metres by 27 metres.

The provision of a connecting footway to the south joining with those on Broadway is acceptable and would hopefully promote the use of public transport, although the nearest bus stops are at the Arch which is approximately 700m from the site.

As noted previously the reduction in the number of dwellings would likely result in a less frequent use of the proposed access, and given that 11 and 15 dwellings have been found to be acceptable it is not considered that an objection could be raised to 5 dwellings on the site.

Trees

The application is accompanied by an arboricultural survey report that concludes that no trees of any significant amenity value would be lost as a result of the proposed development. It also proposes the retention of existing trees close to part of the southern boundary and to the east of Knoll Cottage. This together with additional planting to supplement the existing, and appropriate tree protection measures during the construction period is considered to be acceptable.

Ecology

The application is accompanied by an Ecological Appraisal prepared by Richard Green Ecology, as an update to previous assessments. These conclude that, subject to the implementation of recommended measures, including the installation of bird (including barn owl) and bat boxes on/in any new buildings on the site, and planting

native plants and trees on the site, including the filling of gaps in the northern and southern hedge boundaries with additional hedge planting using native species, and the methodology detailed in the Reptile Mitigation Strategy to protect any slow worms found on the site, the proposed development would have no significant adverse ecological impacts, and would provide ecological enhancement.

Drainage

Some concern has been raised that the proposed development of this site will increase surface water drainage problems. Whilst this is appreciated, detailed drainage proposals would be submitted as part of a reserved matters application. The application proposes that a soakaway will be employed, the details of which would form part of the reserved matters application. The Highway Authority will also require details of the access drainage proposed as a condition on any approval. Bearing this in mind, it is considered that there is no objection to the proposal in terms of surface water drainage.

Residential Amenity

Given the distances from the neighbouring properties, the layout of the proposal and the single storey nature of all but one of the proposed dwellings, it is not considered that the proposed development will have any significant impact on the amenities of neighbouring residents in term of loss of outlook, privacy or visual intrusion.

Any development of the site will result in an increase in the current levels of noise and activity using the access road and within the vicinity of the site, however the increase in the levels of activity arising from 5 dwellings (where there has been approval for 11), in terms of vehicular and pedestrian activity is not considered to be such that it would result in a material loss of amenity for the occupiers of Trederwen or Knoll Cottage, such that a refusal of permission would be reasonable or sustainable.

A detailed consideration of impact on privacy and neighbouring amenity will take places as part of any reserved matters application.

Contributions

The Community Infrastructure Levy Regulations 2010 (as amended) allow for a CIL charge to be levied on any type of development where a net increase in floor space exceeding 100m² is created. However, for residential development creating a new dwelling the charge can be levied on any net increase in floor space.

At the outline stage because the floor space has not yet been determined the CIL additional form cannot be completed - this requirement would be met at reserved matters stage.

CIL would also cover the education requirements of Devon County Council.

Further, Natural England have advised that an appropriate assessment may be required. In this instance, CIL is considered to cover the additional demands placed

on the pebble bed heaths and ex estuary protection zones and an appropriate assessment does not need to be undertaken.

Conclusion

The site has a complex planning history and is proposed to be included within the BUAB for Woodbury. Given this, and given that there is consent on the site for 11 dwellings that can still be implemented, it is considered that the principle of development is acceptable.

Officers have been concerned that a development of 5 units has been submitted to purposely avoid the provision of affordable housing but given current policy and land ownership matters, it is not considered that a strong case can be made to justify refusal of permission on this ground.

Given the previous consents on the site it is not considered that the proposal would impact upon the setting of the adjoining listed building and it is considered that a suitable access and layout can be achieved that will protect the amenity of adjoining residents and the visual amenity of the area.

The proposal is therefore considered to be acceptable with no harm identified.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).
2. Approval of the details of the layout, scale and appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline with one or more matters reserved.)
3. Prior to any work above damp course level 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 - The details are required at an early stage 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.)

4. Prior to any landscaping works 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 -The details are required 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 East Devon Local Plan.)

5. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram 402.1.100B 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 27 metres in a Southern direction and 33 metres in the other direction.

(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.

6. 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 20 metres back from its junction with the public highway.

(Reason: To prevent mud and other 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).

7. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area, parking space and garage/hard standing, access drive and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

(Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

8. Prior to installation 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 in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

9.
 - 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 adjoining occupiers from excessive noise and disturbance and in accordance with Policies D1 (Design and Local Distinctiveness) and EN14(Control of Pollution) of the East Devon Local Plan.)

10. No development shall take place until details of the method of attenuation of surface water from the site in the form of a suitable Sustainable Urban Drainage System have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any dwelling on the site is occupied.

(Reason - To ensure the details are considered at an early stage to avoid pollution of the environment and/or flooding in accordance with policy EN22(Surface Water Run Off Implications of New Development) and Policy EN14 (Control of Pollution) of the East Devon Local Plan.)

11. The development hereby permitted shall be carried out in accordance with the recommendations and tree protection measures contained within the Arboricultural Survey and report undertaken by Advanced Arboriculture and dated 23 May 2016.

(Reason - To ensure retention and protection of trees on the site 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), D2 (Landscape Requirements) and D3 (Trees on Development Sites) of the East Devon Local Plan.)

12. Prior to commencement of development details of final finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and

approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that adequate details of levels are available in the interest of the character and appearance of the development and the locality in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

13. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures contained within the Ecological Appraisal undertaken by Richard Green Ltd dated May 2014, and Reptile Mitigation Strategy dated June 2014 and survey update dated 1 June 2016. (Reason- In the interests of ecology in accordance with policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Ecological Assessment	03.06.16
	Arboriculturist Report	26.05.16
LP402_1B	Location Plan	22.09.17

List of Background Papers

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