

Agenda for Development Management Committee

Tuesday, 9 January 2018; 10:00am



[Members of the Committee](#)

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

[View directions](#)

Contact: [Amanda Coombes](#)

01395 517543, Issued 21 December 2017

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

[Speaking on planning applications](#)

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

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

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

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

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Tuesday 2 January up until 12 noon on Friday 5 January by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

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

- 1 Minutes of the Development Management Committee meeting held on 5 December 2017 (page 4 - 8)
- 2 Apologies
- 3 Declarations of interest - Guidance is available online to Councillors and co-opted members on making [declarations of interest](#).
- 4 [Matters of urgency](#)
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.
- 6 **Planning appeal statistics** (page 9 - 11)
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.

17/2336/MFUL (Major) (Page 12 - 36)

Clyst Valley

Cat and Fiddle Inn, Sidmouth Road, Clyst St Mary EX5 1DP

17/2732/FUL (Minor) (Page 37 - 41)

Otterhead

Beacon Cottage, Upottery, Honiton EX14 9QX

16/0517/COU (Major) (Page 42 - 56)

Ottery St Mary Rural / Whimble

Escot Park, Ottery St Mary EX11 1LU

17/2565/FUL (Minor) (Page 57 - 66)

Raleigh

Mobile Home, Meadow Rise, Woodbury Salterton EX5 1PJ

17/2557/TRE (Other) (Page 67 - 70)

Sidmouth Town

Flat 2, Grey Turret Manor Road, Sidmouth EX10 8RP

Please note:

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

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

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

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

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 5 December 2017

Attendance list at end of document

The meeting started at 10.30am and ended at 1.17pm.

***29 Minutes**

The minutes of the Development Management Committee meeting held on 31 October 2017 were confirmed and signed as a true record.

***30 Declarations of interest**

Cllr David Barratt; 17/1139/FUL; Personal interest; Sidmouth Town Councillor

Cllr Paul Carter; 16/1987/MFUL; Personal interest; Ottery St Mary Town Councillor

Cllr Paul Carter; 17/2222/VAR; Personal interest; Related to the owner of the application site (left the Chamber when the application was considered)

Cllr Alan Dent; 17/1812/VAR; Personal interest; Budleigh Salterton Town Councillor

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Cllr David Barratt advised that he been lobbied in respect of application 17/1139/FUL.

***31 Appeal statistics**

The Committee received and noted the report presented by the Development Manager setting out appeals recently lodged and outlining the 10 decisions notified - 3 decisions had been allowed, 6 had been dismissed and 1 was invalid.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 7 – 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

David Barratt

Susie Bond

Peter Burrows

Paul Carter

Matt Coppel

Alan Dent

Bruce de Saram

Ben Ingham

David Key

Helen Parr

Mark Williamson

Officers present for all or part of the meeting

Amanda Coombes, Democratic Services Officer

Jeremy Ebdon, Principal Planning Officer

Henry Gordon Lennox, Strategic Lead – Governance and Licensing

Chris Rose, Development Manager

Also present for all or part of the meeting

Councillors:

Roger Giles

Geoff Jung

Tom Wright

Apologies:

Committee Members

Councillors

Brain Bailey

Steve Gazzard

Chairman Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Tuesday 5 December 2017; Schedule number 7 – 2017/2018

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:
<http://eastdevon.gov.uk/media/2285709/051217-combined-dmc-agenda.pdf>

Ottery St Mary Town
(OTTERY ST MARY) 16/1987/MFUL

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.

RESOLVED: APPROVED with conditions as per recommendation subject to a legal agreement and two additional conditions to reflect those recommended by Devon County Council as Highways Authority in relation to the laying out and maintaining of the turning and parking areas, and provision of dropped kerb crossing.

Budleigh Salterton
(BUDLEIGH
SALTERTON) 17/1812/VAR

Applicant: Mr S & Mrs D Adams

Location: 1 Boucher Road (land adj), Budleigh Salterton

Proposal: Variation of condition 2 (plans condition) of planning permission 16/1555/FUL (Construction of dwelling including formation of new vehicular access and parking area) to allow changes to the design and construction of detached garage and workshop

RESOLVED: APPROVED with conditions as per recommendation.

Coly Valley
(COLYTON) 17/1081/MRES & 17/1300/V106

Applicant: Mr J Slade (RS Homes SW Ltd)

Location: Land North Of Yaffles, Coly Road

Proposals: Reserved matters in respect of access, appearance, landscaping, layout and scale for the construction of 16 no. dwellings and associated infrastructure resulting from outline permission under reference 13/1401/MOUT

Variation to Section 106 Agreement relating to planning permission 13/1401/MOUT

RESOLVED: 17/1081/MRES - APPROVED with conditions as per recommendation

17/1300/V106 – APPROVED as per recommendation

Sidmouth Rural
(SIDMOUTH) 17/1139/FUL

Applicant: Mr Ian Williams

Location: Bridgefield, Cotford Close, Sidbury

Proposal: Construction of two storey side extension and addition of pitched roof to existing flat roof at rear

RESOLVED: APPROVED with conditions as per recommendation.

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

Raleigh
(WOODBURY) 17/2222/VAR

Applicant: Mr Tim Smith

Location: Unit 46 Greendale Business Park

Proposal: Variation of condition 5 of application 17/0561/MFUL to amend the colour of the external cladding from Ocean Blue to Silver

RESOLVED: APPROVED with conditions as per recommendation.

Axminster Rural
(HAWKCHURCH)

17/2265/FUL

Applicant: Mr & Mrs A Gage

Location: 1 Red Pit, Hawkchurch

Proposal: Construction of single storey rear extension

RESOLVED: APPROVED with conditions as per recommendation.

Honiton St Pauls
(HONITON)

17/2045/FUL

Applicant: Ms Susan Howl

Location: 53 Church Hill, Honiton

Proposal: Creation of off road parking to front.

RESOLVED: APPROVED with conditions as per recommendation.

East Devon District Council

List of Planning Appeals Lodged

Ref: 17/0964/OUT **Date Received** 22.11.2017
Appellant: Mr Paul Whiston
Appeal Site: Land Adjacent 114 Sidford Road Sidmouth
Proposal: Proposed new dwelling (outline application with all matters reserved) and creation of new access.
Planning Inspectorate Ref: APP/U1105/W/17/3189864

Ref: 17/0542/FUL **Date Received** 03.12.2017
Appellant: Mr P Wallace
Appeal Site: 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.
Planning Inspectorate Ref: APP/U1105/W/17/3190716

Ref: 17/0638/LBC **Date Received** 03.12.2017
Appellant: Mr P Wallace
Appeal Site: Myrtle Farm Fore Street Sidbury Sidmouth EX10 0RS
Proposal: Conversion of existing barns to facilitate use as 2 no. holiday lets and partial demolition, conversion and alteration of outbuilding to form further holiday let unit
Planning Inspectorate Ref: APP/U1105/Y/17/3190718

Ref: 17/0614/VAR **Date Received** 07.12.2017
Appellant: Mr Paul Howes
Appeal Site: Winslade Lodge Redlands Service Station Exmouth Road Clyst St Mary Exeter
Proposal: Removal of condition 5 of application 03/P1273 to enable residential occupation of existing annexe
Planning Inspectorate Ref: APP/U1105/W/17/3191044

East Devon District Council

List of Planning Appeals Decided

Ref:	16/2525/FUL	Appeal Ref:	17/00013/NONDET
Appellant:	Mrs Jenny Hill		
Appeal Site:	The Old Vicarage Vicarage Road East Budleigh Budleigh Salterton EX9 7EF		
Proposal:	Construction of 3no dwellings (including 2no affordable dwellings) and vehicular access to Vicarage Road.		
Decision:	Appeal Dismissed	Date:	21.11.2017
Procedure:	Written representations		
Remarks:	<p>Appeal against non-determination of the application within the statutory time period. Had the Council been able to decide the application, it was resolved that the application should have been refused for the following reasons: - absence of any proven local need for affordable housing, failure to provide an appropriate mechanism to secure the affordable housing, and the loss of high quality agricultural land.</p> <p>Failure to provide an appropriate mechanism to secure affordable housing reason upheld (EDLP Strategy 35).</p>		
BVPI 204: Planning Inspectorate Ref:	No APP/U1105/W/17/3170413		

Ref:	16/F0669	Appeal Ref:	17/00074/ENFAPP
Appellant:	F W S Carter & Sons Ltd		
Appeal Site:	Land at Greendale Business Park, Woodbury Salterton		
Proposal:	Appeal against an Enforcement Notice served in respect of The unauthorised construction of four compound areas by the levelling of the land, the laying of hard surfaces using concrete and scalplings, enclosing with security fencing, gates, cctv cameras and lighting. The construction of two buildings and the associated use of the land to store a portakabin type temporary building, cubicle, shipping containers, mobile park homes, caravans and other associated items.		
Decision:	Appeal Dismissed	Date:	05.12.2017
Procedure:	Written representations		
Remarks:	Enforcement Notice varied and upheld and planning permission refused.		
BVPI 204: Planning Inspectorate Ref:	No APP/U1105/C/16/3165341		

Ref:	17/0610/OUT	Appeal Ref:	17/00042/REF
Appellant:	Mr Robin Wickham		
Appeal Site:	13 Orchard Close Sidford Sidmouth EX10 9RF		
Proposal:	Construction of two new dwelling houses and car parking (outline application with details of appearance, landscaping and scale reserved).		
Decision:	Appeal Dismissed	Date:	05.12.2017
Procedure:	Written representations		
Remarks:	Delegated refusal, amenity reason upheld (EDLP Policy D1).		
BVPI 204:	Yes		
Planning Inspectorate Ref:	APP/U1105/W/17/3179770		

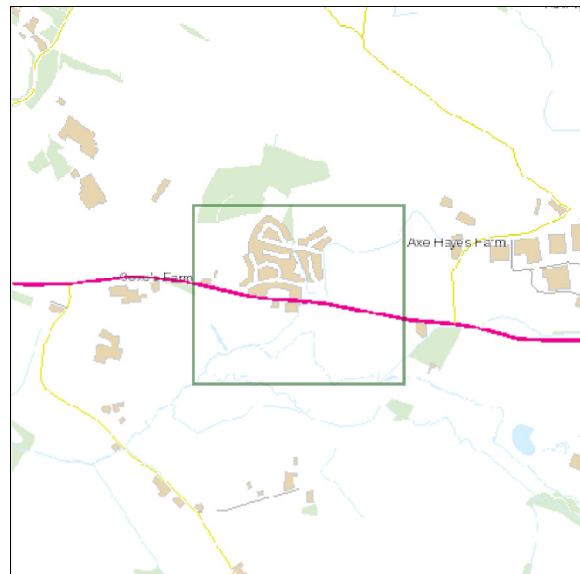
Ward Clyst Valley

Reference 17/2336/MFUL

Applicant St Austell Brewery Ltd. C/O Agent

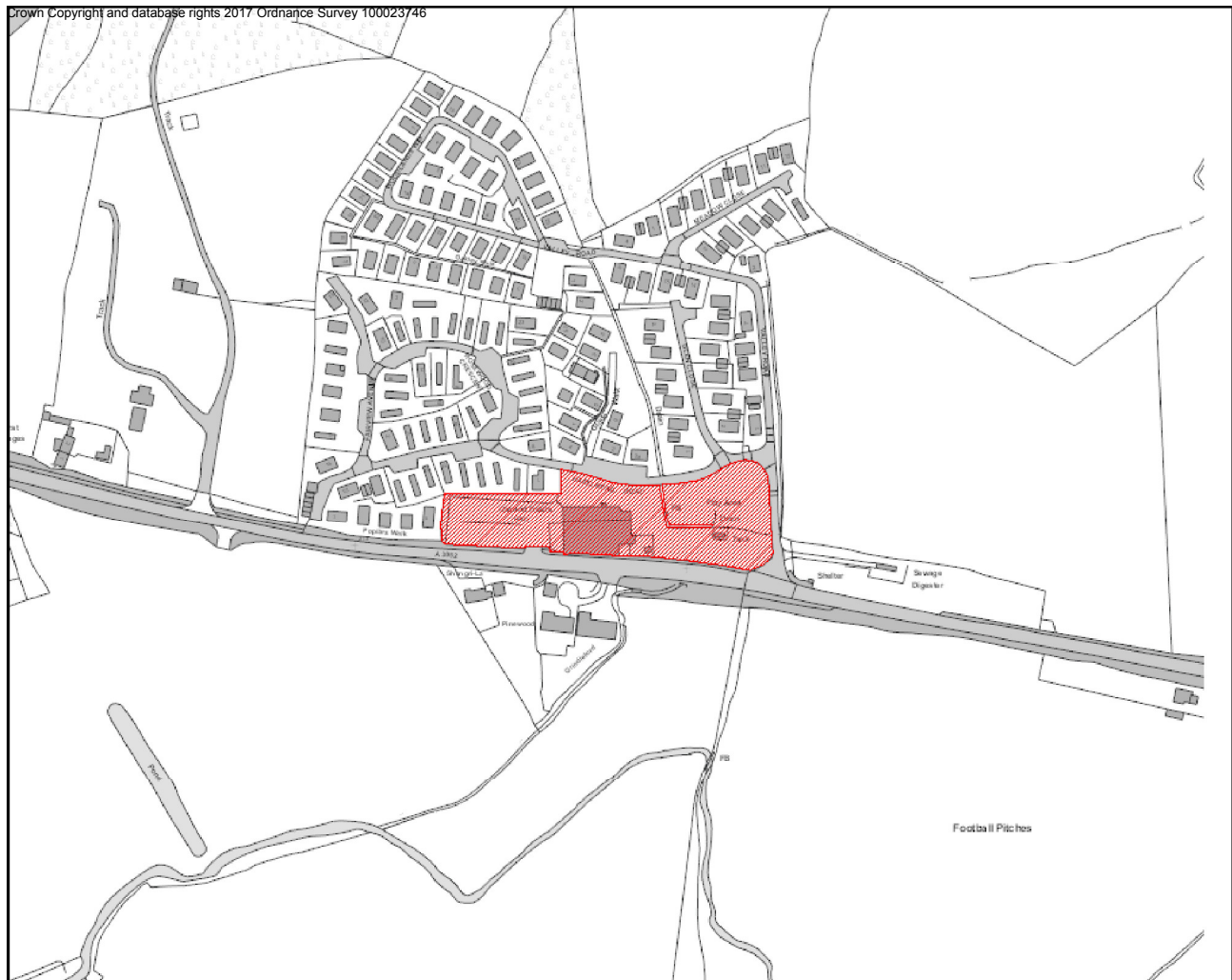
Location Cat And Fiddle Inn Sidmouth Road Clyst St Mary Exeter EX5 1DP

Proposal Construction of two storey 33 no. bed hotel, alterations to public house and re-configuration of car parking



RECOMMENDATION: Approval with conditions

Crown Copyright and database rights 2017 Ordnance Survey 100023/46



		Committee Date: 9th January 2018
Clyst Valley (BISHOPS CLYST - SOWTON)	17/2336/MFUL	Target Date: 04.01.2018
Applicant:	St Austell Brewery Ltd. C/O Agent	
Location:	Cat And Fiddle Inn Sidmouth Road	
Proposal:	Construction of two storey 33 no. bed hotel, alterations to public house and re-configuration of car parking	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as officer are recommending approval for a proposal that represents a departure from Local Plan policy.

The Cat and Fiddle site is with in the open countryside where development is strictly controlled and whilst there is support for the promotion of tourism and small scale economic development in the countryside, there are no policies contained within the East Devon Local Plan that would support the proposed hotel development in this location and therefore the principle of the proposed development is considered to be contrary to Strategy 7 (Development in the Countryside) of the Local Plan.

Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and notwithstanding the sites location within the countryside, assessment has been made to establish whether there are any material considerations that justify approval of permission in this instance.

The application proposal presents a number of clear economic benefits to the District. In this instance the proposed hotel would build upon and improve the existing public house business on the site and in part facilitate its redevelopment to create a better designed destination. An increased number of jobs will result from the proposal and the hotel will increase visitor spend in the area and help to address the limited range of hotel offers within the district. Furthermore, there are a number of leisure and commercial based activities close to the site that have the potential to create guests to occupy the hotel such as Sandy Park, Westpoint and Crealy. It is important to note that whilst some of these activities are based in Exeter, the visitor spend could be retained within the East Devon District and boost the local economy. It is considered that the tourism and economic benefits

from the proposal clearly weigh in favour of the proposed development and are a material consideration of that should be afforded a significant amount of weight within the overall planning balance.

The application site is on previously developed land which has a semi-urban character and the proposal does not require any further extension or encroachment into the countryside. This weighs in favour of the application and meets the aspirations of national planning policy for encouraging the effective use of land by reusing land that has been previously developed (brownfield land). In addition, the site is considered to be in a relatively sustainable location in transportation terms for a hotel and pub use. Whilst it isn't located within a settlement, it can be accessed by a variety of modes of transport including on foot, cycling, car and public transport and is on a main route. There are not considered to be any significant environmental impacts arising from the proposal.

The proposed hotel and refurbishment to the public house are considered to be of a design, size and scale that would enhance the appearance of the site. Whilst the hotel building would have a degree of impact on the occupiers of surrounding residential properties on the adjacent park home site, the scheme has been designed to be cut into the site to reduce its height and therefore its overall physical impact. First floor hotel room windows on the western side of the building have been re-designed to be angled such that views from the window would be deflected away from no 5 Poplars Walk whose property has a number of primary windows facing towards the site. Landscaping can also be used to further reduce any impact to acceptable levels.

The application is considered to be acceptable in terms of impacts on residential amenity, highway safety and parking, its impact on ecology and trees, flood risk and surface water management.

Turning to the overall planning balance, the strong economic benefits that the proposal would bring to the local economy and tourism with the District, coupled with the visual improvements to the site and lack of environmental and social harm, are considered to weigh heavily in favour of the application such that the other material considerations and benefits justify a departure from Local Plan policy and as such the application is recommended for approval with conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council

04/12/17 - 17/2336/mful - Cat & Fiddle Inn - Construction of two storey 33 no. bed hotel, alterations to public house and re-configuration of car parking.

Planning Team supports this proposal, the details of which have taken into account the wishes and needs of neighbours.

Technical Consultations

Economic Development Officer

Thank you for consulting the Economic Development team on this application. We have reviewed the associated documents as well as the Pre App advice (16/0314/PREAPP) in November 2016, and make the following observations:

The development site is in a strong location for employment use, located on the A3052 Exeter - Sidmouth road. Notably, it is in close proximity to Westpoint (hosting numerous large scale events throughout the year), Exeter and the M5. The site is owned by St Austell Brewery Limited, the largest wholesale distributor in the South West.

Historically, East Devon has endured a significant under provision of hotel accommodation in East Devon. The applicant's Economic Benefits Report (Boyer, Sept 2017) notes the low level of existing hotel accommodation to suit both tourism and business visitors (see 4.13). The current application for a 33 bed 3* hotel will 1) help address this under supply by improving local provision, and 2) help diversify our existing accommodation offer. The proposed scheme will deliver a net additional increase of 442 sqm of A4 use, and net additional increase of 1203 sqm of C1 use. Importantly, the 154 parking spaces to be provided should be sufficient to accommodate hotel users (1.5 per room ave.) and separate restaurant users. Uptake is also anticipated to be high at 90% uptake rate, maximising distributed spend into our local visitor economy by up to £1.5m p/a. The initial refurbishment and development phase alone will bring C.24 construction jobs on site. This may not be sustainable employment but will bring increased local spend.

The Economic Benefits Report (Boyer, Sept 2017) cites as a benefit of the scheme the provision of additional business rates income to EDDC (predicted rateable value £150,000). Though a clear economic benefit, this is not a material planning consideration in the same way that direct, sustainable employment is. Fortunately, the proposed scheme will provide a significant degree of new jobs in the district.

To be supported on account of the new direct employment of local people (net addition of 45 staff to provide 32.5 FTE), along with additional construction employment, increased indirect and induced jobs provision. A strategy has been offered as to how this local recruitment drive will be undertaken (5.8) as well as how skills development might be achieved. The additional supply chain employment (multiplier based) is undoubtedly a further benefit of this scheme with increased benefits to our local food suppliers, laundry and cleaning firms in particular. The 76 jobs noted in the Economic Benefits Report (Boyer, Sept 2017) is, however, an aspirational figure, given the comparatively low levels of GVA associated with tourism jobs in the south west.

In summary, this proposal will clearly boost the local economy by providing accommodation to business visitors and tourists. The high degree of new local jobs provision is particularly welcome and we strongly recommend the application is supported.

Highways England

Referring to the notification of a planning application dated 27 November 2017 referenced above, in connection with the M5, and the construction of a two storey, 33 bed hotel with alterations to the public house and reconfiguration of the car park at the Cat and Fiddle Inn, Sidmouth Road, Clyst St Mary, Exeter, Devon, notice is hereby given that Highways England's formal recommendation is that we:

- a) offer no objection;

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

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

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

Annex A Highways England recommended no objections

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

This response represents our formal recommendations with regard to planning application 17/2336/MFUL and has been prepared by the Planning Manager for the SRN in Devon.

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

Statement of Reasons

The application seeks to construct a 33 bed hotel adjacent to the existing Cat and Fiddle Inn, with associated redevelopment of the public house and reconfiguration of the car park.

The application is supported by a transport statement prepared by Gregg Consulting.

We are satisfied that the development is unlikely to result in a severe impact on the SRN, specifically M5 junction 30, as defined by the NPPF.

Recommendation

Highways England has no objection to the proposed development.

Devon County Council Highways:

I visited this site on Friday 27th October.

This proposal is based on the existing site of the Cat and Fiddle Public House, the site is located on the A3052. The proposed access has sufficient visibility. The road being an A-class road has sufficient capacity for the additional vehicle movements.

I therefore have no objections to this planning application.

Environmental Health

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

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.

Environment Agency

CONSTRUCTION OF TWO STOREY 33 NO. BED HOTEL, ALTERATIONS TO PUBLIC HOUSE AND RE-CONFIGURATION OF CAR PARKING
CAT AND FIDDLE INN SIDMOUTH ROAD CLYST ST MARY EXETER EX5 1DP

Thank you for your consultation of 05 October 2017 in respect of the above planning application.

Environment Agency position

We have no objections to the proposed development provided that it is implemented in accordance with the recommendations of the submitted Flood Risk Assessment (FRA). Your authority may consider it appropriate to condition this matter.

Advice - Flood risk

The FRA (dated 27 September 2017) demonstrates that, in accordance with the National Planning Policy Framework, a sequential approach has been taken in terms of the layout of development with the hotel building located within the low probability

Flood Zone 1 and the car parking within the high probability Flood Zone 3. The FRA also makes a number of recommendations with regard to permeable surfaces, exceedance flood flow routes and drainage. You may consider it necessary to secure these recommendations by way of a planning condition.

DCC Flood Risk Management Team

Original comments: 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:

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.

The applicant will also be required to submit MicroDrainage model outputs, or similar, in order to demonstrate that all components of the proposed surface water drainage system have been designed to the 1 in 100 year (+40% allowance for climate change) rainfall event.

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.

Further comments:

Recommendation:

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 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 discussions with the applicant's consulting engineer's regarding the design of the permeable paving, it is evident that the proposals will provide betterment of over the current surface water regime of the site and the proposed permeable paving will also provide water quality benefits to the receiving watercourse.

The proposal to day-light the existing culvert entrance will provide wider flood risk management benefits for which are supportive of.

We would recommend that the existing drainage infrastructure on the site which is to be re-utilised or left in-situ are surveyed and any remedial works which are required are undertaken.

A number of ordinary watercourse runs through this site, if any temporary or permanent works are required to take place within this watercourse to facilitate the proposed development the applicant is advised to contact Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of the Land Drainage Consent procedure can be found at:

<https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

Landscape Architect

Although the proposed hotel constitutes new development along the A3052, it does not conflict with the local character as it consolidates an existing group of buildings.

However the car park area development constitutes a further encroachment on the countryside and a loss of amenity space. The following will need to be addressed prior to the hard and soft landscape to be deemed acceptable:

- How was the proposed number of car park spaces calculated? The existing pub car park provides approximately 93 car park space. The hotel will provide 33 beds. Further the pub will be re-configured to reduce its floor area. Therefore I would assume no more than 131 car park spaces (= existing car park spaces no. 93 + 38 car park spaces for the hotel allowing for 1 car park space per bed and 5 staff car park spaces) are needed. Further the current proposal shows 158 car park spaces rather than the 154 mentioned within the DAS. Considering the loss of amenity space and the encroachment onto the countryside over provision of car park spaces is unacceptable.

- The DAS mentions underground storage tanks to deal with drainage, however none are shown on the drainage layout; please clarify. The scheme should explore the provision of above ground SuDS or consider utilising its tree planting as part of the SuDS network.

- The landscape proposal lacks consistency, does not address views and private amenity appropriately and is highly likely to affect existing planting adversely:

- o The view entering the site through the proposed access ends in a view of fencing and car parking. Preferably remove car parking and allow for the hedge and tree planting to be continued in front of the fence, if the car parking is needed it should be shifted south to allow the suggested planting to take place.

- o The proposed tree planting within the western boundary might cause issue in the future as the mature canopy of the proposed trees could potential overhang the roof of the neighbouring property. Consider replacing trees with smaller canopy specie

- o Fill in gaps in existing evergreen boundary hedge to form a consistent boundary, especially where the existing chain link fence occur which is proposed to be retained.
- o The soft landscaping around the existing oak directly east of the pub is being reduced resulting on further pressure on this tree. A no dig construction will have to apply, tree officer to advice further.
- o The existing evergreen hedge to the eastern and north-eastern site boundary is proposed for retention, however the proposed car park spaces interferes with the rooting are of this hedge. Preferably this hedge should be removed and replaced by a new mixed native hedge to form a better transition to the wider countryside and the proposed car park area set back from the hedge.
- o The frontage to the A3052 needs to be improved, consider extending the treatment to the hotel frontage to the car park area and provide some tree planting to soften the appearance of the car park and integrate it better into the wider landscape context.
- Salix x sepulcralis 'Chrysocoma' is not a suitable tree for a car park area.
- The proposed mixed native hedge to include the following or some of the additional species to increase wildlife value:
 - o Ilex aquifolium
 - o Quercus robur
 - o Lonicera periclymenum
 - o Euonymus europaeus
 - o Viburnum opulus
- The following plant species are highly likely to fail considering the existing soil conditions:
 - o Lithodora diffusa (does not like clayey soils)
 - o Hebe rakaiensis (does not like acidic soils)
- The majority of the proposed tree planting within the car park area has insufficient rooting volume. Tree pit details incorporating rooting cells or other means to provide sufficient rooting capacity for the tree to reach capacity need to be submitted.

The submitted landscape scheme is unacceptable, therefore I would recommend conditioning:

- a revised landscape scheme which addresses the above
- tree pit details

Further the number of car park spaces needs to be justified.

EDDC Trees

There is no arboricultural report in accordance with BS5837:2012 submitted to support the application or any details as to how damage to retained trees will be avoided during development. That said the principle of the proposed scheme is acceptable. However a number of issues will need to be addressed with regards to existing and proposed trees to ensure the retained trees survive development, their new environment and that new tree plantings are successful.

Points that need to be addressed:

Existing retained trees.

- o Surface treatment and ground levels around existing trees (within their Root Protection Area) need to be detailed, this will lead to changes to the submitted landscaping scheme in that existing levels will need to be maintained, along within open ground areas, all new hard surfaces will need to be above existing ground level and permeable.
- o We will need a detailed Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) for removal of existing hard surfaces, installation of new hard surfaces and location and specification of tree protection fencing.
- o Provision made for Arboricultural site monitoring during removal and installation of hard surfaces within the RPA of retained trees.
- o Provision for monthly Ad-hock Arboricultural site monitoring during construction on site.

New tree Planting

- o The current landscape proposals does not fully comply with BS8545:2012 with respect of tree planting pit design and planting medium.
- o Current soil conditions and profile under the existing hard surfacing are unclear. This needs to be established prior to the design of tree pits can be approved. In any event the tree planting pits currently submitted are unlikely to provide sufficient rooting environment to ensure successful long term establishment of new tree planting and on into mature trees. Given the extent of hard surface cover and required ground compaction new tree planting pit design is likely to require underground cellular system or the use of structural soils.

Other Representations

4 letters of objection have been received raising concerns which can be summarised as:

- Highway safety and traffic speed
- Noise and dust during construction
- Loss of privacy and overlooking to park homes and gardens
- Noise from slamming car doors and patrons of the pub
- Loss of light
- Loss of property value

PLANNING HISTORY

Reference	Description	Decision	Date
99/P0877	Erection Of Motel	Approval with conditions	19.07.2000
82/P0852	Car Park To Accommodate Overflow.	Approval with conditions	07.09.1982

91/P1981	Extension To Provide Skittle Alley Bar & Family Room Extension.	Approval with conditions	03.02.1992
----------	---	--------------------------	------------

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 3 (Sustainable Development)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 33 (Promotion of Tourism in East Devon)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

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)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Site Location and Description

The site comprises the Cat and Fiddle Public House and the associated parking and garden area. It is located to the north of the A3052 approximately 1 mile to the east of the village of Clyst St Mary. To the north and west of the site is an existing residential mobile home park which is accessed from a road to the immediate east of

the site. There are a small cluster of residential properties to the south of the A3052 together with the Exeter City Training Grounds with open countryside beyond this.

The original public house occupies a position immediately to the north of the pavement which extends along the frontage of the road, with various additions to the original fabric, including a restaurant area and skittle/games room having been added over the years. A large open car park, accessed directly from the main road lies to west, with further parking and play area/garden to the east.

The site is located in the countryside and no national or local landscape designations apply. The eastern section of the site is designated as flood zone 2 and 3.

Proposed Development

This application seeks planning permission for the refurbishment and reconfiguration of the existing public house and the construction of a new two storey hotel building within the western car park which would accommodate 33 bedrooms arranged over two floors.

The refurbishment of the public house would see a reduction in the size and footprint of the building and reconfiguration of its layout to enable the creation of a new carvery, an indoor children's play area and a larger restaurant dining area. The refurbished pub would have 240 covers. External alterations to the pub include the addition of shallow pitched roofs to flat roofed elements of the building, new entrance porches to the east and west elevations and a general upgrading of the building.

The hotel building would accommodate 33 bedrooms arranged over two floors. It would cover most of the existing car park on the western side of the site with the displaced parking proposed to the east of the site. A total of 154 spaces, including 5 disabled spaces are proposed which would be served from the existing vehicular entrance onto the A3052.

The hotel building would have a variety of hipped and gabled roof forms and would front onto the A3052. It would be constructed from a variety of materials including Cedar cladding, render and random stone walls, slate roof tiles with oak feature columns supporting single storey canopies wrapping around the building.

ANALYSIS

Issues and Assessment

The main issues to consider in determining this application are in terms of the principle of development, an assessment of any material considerations that may justify a departure from adopted policy, the design, size and siting of the proposed hotel and the alterations and additions to the public house and the impact on the character and appearance of the area, the impact on the residential amenities of the occupiers of surrounding properties, parking and highway safety, flood risk and surface water management and the impact on trees and ecology.

Principle

The site is located within the open countryside defined as all those parts of the plan area that are outside the Built-up Area Boundaries and outside of site specific allocations. Strategy 7 (Development in the Countryside) of the Local Plan states that development in the countryside will be permitted where it is in accordance with a specific Local or Neighbourhood Plan Policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Strategy 33 (Promotion of Tourism in East Devon) states that the Council will support and facilitate high quality tourism in East Devon that promotes a year round industry that is responsive to changing visitor demands. Tourism growth should be sustainable and should not damage the natural assets of the District but aim to attract new tourism related businesses that can complement the high quality environment of East Devon.

Support for new hotel development is offered by Policy E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities) of the Local Plan within sustainable locations and identifies the towns and villages, as defined by those settlements with Built-up Area Boundaries, where the proposed development is compatible with its surroundings and where there are no adverse amenity impacts as being appropriate locations. Paragraph 24.25 of the Local Plan makes it clear that the only exception to the above will apply in respect of the re-use and conversion of existing buildings in the open countryside and particularly as related to small-scale farm and rural diversification.

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

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. As such, the other material considerations are considered below before an assessment of the other key issues before a final conclusion is drawn at the end of the report regarding whether the other material considerations justify approval of planning permission in this instance.

Material Considerations

National planning policy is contained in the National Planning Policy Framework (NPPF) and the accompanying web based guidance (NPPG) both of which are material planning considerations. With sustainability at the heart of the NPPF, it is considered appropriate to consider the proposed development against the three strands of sustainability; economic, social and environmental to establish whether there are any material considerations that justify a departure from Local Plan policy.

Economic:

The economic dimension of sustainable development is concerned with contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation. One of the core principles of the NPPF is to proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs.

This is reflected in paragraph 28 of the NPPF which states that to promote a strong rural economy, Local Plans should 'support the sustainable growth and expansion of all types of business and enterprise in rural areas both through the re-use of existing and well-designed new buildings'. Part of the emphasis of the policy is to support rural tourism and leisure developments that benefits businesses in rural areas, communities and visitors and which respect the character of the countryside.

To provide an assessment of the economic benefits of the proposal it is necessary to explain that it is the intention of St Austell Brewery to refurbish and extend the public house and to run the 33 bedroom hotel in tandem with the public house. The proposed hotel would be arranged over two floors with a separate reception area away from the pub and restaurant facilities. Hotel guests would use the pub and restaurant facilities for breakfast and other meals. The intention is for the brewery to control and operate the pub/ restaurant and hotel accommodation as a single business.

The refurbishment of the public house and development of the hotel would bring a range of economic benefits to the District as identified within the Economic Benefits Report accompanying the application which include construction jobs, permanent full and part time jobs, training opportunities, increased local spend. The proposals would help to boost the local economy and tourism by providing accommodation for both business visitors and tourists.

The report identifies the construction phase of development to create 46 construction jobs on the site over a 10 month period. When operational the hotel and pub would support a mix of full and part time 60 hospitality and catering sector jobs (an uplift in FTE jobs by 32.5 to 42.5 persons employed). The report also suggests that the hotel and public house based on the Brewery's predicted occupancy levels of 16,000 visitors a year could generate approximately £1.48 million in visitor spending.

The Council's Economic Development Officer has considered the report and has advised that historically East Devon has endured a significant under provision of hotel accommodation in East Devon. The Economic Benefits Report notes the low level of existing hotel accommodation to suit both tourism and business visitors. The EDO has advised that the proposal for a 33 bed 3* hotel will 1) help address this under supply by improving local provision, and 2) help diversify the District's existing accommodation offer.

The Economic Benefits Report also cites as a benefit of the scheme the provision of additional business rates income to EDDC (predicted rateable value £150,000).

It is clear that the proposals to refurbish and extend the public house when run in tandem with the proposed hotel would bring a range of economic benefits to the District. In this instance the proposed hotel would build upon the existing public house business on the site and in part facilitate its redevelopment to create a better designed destination. For this reason it is considered necessary and reasonable to impose a condition requiring the hotel and public house to be operated as one business. Furthermore there are a number of leisure and commercial based activities close to the site that have the potential to create guests to occupy the hotel such as Sandy Park, Westpoint and Crealy. It is important to note that whilst some of these activities are based in Exeter, the visitor spend could be retained within the East Devon District and boost the local economy.

The Council's EDO is supportive of the proposal which will clearly boost the local economy by providing accommodation to business visitors and tourists. It is considered that the tourism, employment and economic benefits from the proposal clearly weigh heavily in favour of the proposed development and should be afforded a significant amount of weight within the overall planning balance.

Social:

The NPPF defines the social role as creating a high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. Whilst the social benefits of this particular proposal are more difficult to quantify, the proposal would promote social well-being through a new and improved facility likely to benefit the local population as well as visitors to East Devon.

Environmental:

Notwithstanding the sites location in the open countryside, the application site is on previously developed land which has a semi-urban character and the proposal does not require any further extension or encroachment into the countryside. This weighs in favour of the application and meets the aspirations of national planning policy for encouraging the effective use of land by reusing land that has been previously developed (brownfield land).

In addition, the site is considered to be in a relatively sustainable location in transportation terms for a hotel. Whilst it isn't located within a settlement, it can be accessed by a variety of modes of transport including on foot, cycling, car and public transport. Indeed there are bus stops in both directions on the A3025 which have shelters and footway provision linking them to the application site. Being accessed off the A3052, it is also along a route which is likely to attract to passing customers and trade.

Notwithstanding the requirement to fully appraise the design, size and siting of the proposal and assess the impact of the development on the character and appearance of the area, it is not considered that the proposals would give rise to any significant environmental concerns which also weighs in favour of the proposal.

Character and Appearance

The site is not within an area which has any particular landscape designations or protection policies and is not considered to be of any particular landscape value. It is also recognised that the site is previously developed land, much of which is currently hard surfaced. Whilst this is the case, the construction of a new two storey hotel building and the hard surfacing of the remaining areas of green space would inevitably result in an increased urbanisation of the site which would have an additional impact on the character and appearance of the area.

Policy D1 (Design and Local Distinctiveness) of the Local Plan requires proposals to respect 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 hotel would be two stories occupying a prominent roadside position to the west of the existing vehicular access alongside the A3052. The building would have a mixed hipped roof and gabled design and would be constructed from a palette of materials which include smooth render, random stone and Cedar clad walls under a slate roof. Part of the northern elevation would be broken up with the use of Oak feature columns and through the recessed central element of the building.

It is accepted that the visual amenity of the site would change because the western side of the site is currently open as a car park with no structures within it. Whilst this would be the case, the proposed hotel building would make use of the existing topography within the car park which has a natural gradient falling from west to east. The submitted section drawings demonstrate how the hotel would be cut into the slope of the car park to help reduce the overall height and mass of the building and ensure that it does not appear unduly prominent or intrusive when read against the public house from public views outside of the site.

Subject to a condition requiring the submission of material samples and finishes, it is considered that the design and form of the proposed hotel building would be of a good quality design which would be sympathetic to the character and appearance of the area and read in the context of the existing public house. The proposal is considered to comply with the provisions of policy D1 of the Local Plan and is supported on this basis.

The refurbishment of the existing pub would see the removal of part of an extensive flat roofed area and the overall appearance of the building would be improved through the introduction of a series of shallow pitched roofs. Overall the changes to the public house are considered to be relatively minor in the context of the site and the existing buildings enhancing the appearance of the public house and are not considered to have any harmful impact on the character and appearance of the building or the surrounding area. In fact, the changes proposed should enhance the appearance of the pub that has a somewhat tired appearance at present.

Residential Amenity:

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

The northern and western boundaries of the site are surrounded by park homes and their gardens which abut the site. The physical impact of the proposal, particularly in respect of the impact on amenity arising from the physical presence and close proximity of the proposed building to the boundaries of the site (north and west) and the impact which this would have on the residential amenity of the occupiers of the park homes abutting the site is considered to be a key issue in relation to an assessment of the impacts on outlook and privacy, visual intrusion, and additional noise and disturbance.

It should be explained that owing to the flood risk constraints of the site and the policy requirement for a sequential approach to new development to be undertaken to ensure development is steered to areas less at risk of flooding, land to the west of the public house was the only feasible location for the hotel in flood risk terms being located in flood zone 1. In designing and siting the hotel building on the existing car park, the applicant has acknowledged the relationship between the proposal and the single-storey residential properties on the northern and western boundaries in an attempt to ensure that the impact on residential amenity is minimised.

There is no doubt that the introduction of a two storey hotel building on an area of the site which is currently open and free from built development, would have a degree of impact on the residential amenities of the occupiers of the park homes to the north and west of the site. On the northern side of the site, the gardens of the park homes abut the site and the park homes themselves present their rear elevations to the site. It is pertinent to note that the majority of these park homes (with the exception of one property) present blank gable ends onto the site.

In designing the proposed hotel building the applicants have acknowledged the relationship between the site and the park homes and their gardens and have sought to reduce the overall impact of the development in a number of ways. Firstly the hotel would be cut into the site by 1.5 metres at its highest point. The section drawings submitted with the application demonstrate how the building would make use of the natural slope of the site and by lowering the building 1.5 metres into the site would significantly reduce the overall height, bulk and scale of the building thus reducing its physical impact on the occupiers of adjacent properties. This coupled with the fact that the hotel building would be set back from the northern boundary at its nearest point by 7.0 metres would ensure that the physical impact on residential amenity would not be sufficiently harmful in terms of being unduly over bearing, over dominant or through loss of light to sustain an objection.

Concerns about overlooking from first floor windows of the hotel on the northern elevation are also noted. The submitted drawings show there would be 7 first floor bedroom windows facing towards the northern boundary and it is accepted that this

would have a degree of impact on the occupiers of the park homes and their gardens facing the site. Whilst this would be the case, cutting the building into the site would help to reduce its height which in turn would reduce the height of the first floor windows. Whilst they would still be visible from the gardens of the park homes to the north, the section drawing demonstrates that actual views from these windows (based on a height 1.7 m above the proposed finished floor level) would be towards the boundary fence and new boundary planting. Whilst views may be afforded into the side gardens of the park homes, these gardens are currently open from within the park home site due to its open plan layout and do not currently benefit having from private amenity spaces which are closed from public views.

Having regard for the fact that the first floor windows would serve hotel bedroom rooms which would not be in use at all times of the day, the frequency and nature of the use, the distance from the boundary and cutting the building 1.5 metres into the site and landscaping that can be provided to the boundaries, and the existing levels of amenity and privacy between the park homes and their gardens, it is not considered that the impact from the proposed hotel windows in terms of overlooking and loss of privacy would be sufficiently harmful to refuse the application.

One park home (no 5 Poplars Walk) is located to the west of the site and in contrast to the park homes on the northern side, the principle elevation of this property faces towards the site with a dining room and bedroom window on its eastern elevation. The proposal as originally submitted contained 5 hotel bedroom windows at first floor on the western elevation which would, in the opinion of officers, have resulted in an unacceptable relationship leading to overlooking and loss of privacy. To address these concerns all of the first floor windows on the western elevation of the hotel have been re-designed with angled windows which would ensure that views out of the windows would be deflected away from no 5 which would ensure that impacts arising from overlooking and loss of privacy are minimised to an acceptable level.

Concerns about noise and disturbance from car doors slamming and customers leaving the public house are noted. However this is an existing situation arising from the current land use which is unlikely to increase or change as a result of this proposal. Furthermore, there would also be some gain to the amenity of park homes to the north through the removal of a number of existing car parking spaces which would be replaced by a grass bank and soft landscaping which would see the removal of activity from this part of the site. In addition, the hotel building would also provide a degree of acoustic screening for noise generated by traffic on the A3052 which has been identified with the noise report as the dominate noise sources in the area. A condition is also recommended to ensure that deliveries of laundry and sundry supplies are limited to between the hours of 07:00 and 19:00 and for the submission of an external lighting scheme to be submitted prior to its installation.

Concerns raised about noise, dust and disturbance during construction are also noted however these concerns can be addressed through the imposition of a condition requiring the submission of a Construction Environment Management Plan as suggested by the Council's Environmental Health Officer.

On balance, the proposal is considered to comply with the provisions of policy D1 which seeks to ensure that proposals do not adversely affect residential amenity of existing residents and policy EN14 (Control of Pollution).

Highway Safety and Parking Provision:

The application is accompanied by a Transport Statement prepared by Gregg Consulting. This document has been considered by both Highways England and the County Highway Authority.

Highways England have advised they are satisfied that the development is unlikely to result in a severe impact on the Strategic Road Network, specifically M5 junction 30, as defined by the NPPF and have no objections to the proposed development.

The proposal would utilise the existing vehicular entrance into the site positioned between the proposed hotel and the existing public house. The suitability of the existing access and the increase in traffic movements onto the A3052 from the proposal has been assessed by the County Highway Authority who have advised that the proposed access onto the A3052 has sufficient visibility and the road being an A-class road has sufficient capacity for the additional vehicle movements likely to be generated by the proposal. In the absence of any objections from the County Highway Authority, it is considered that the proposal complies with the provisions of Policy TC7 (Adequacy of Road Network and Site Access) of the Local Plan.

Parking spaces lost from the western side of the site would be replaced on the eastern side where there is an existing children's play area. It is considered that the proposal makes adequate provision for car parking with the site for both the hotel and public house and whilst some of these proposed spaces have been removed from the scheme to allow for a better relationship and to lessen the impact on existing trees and vegetation and for proposed planting to establish, it is considered that the proposal complies with the provisions of policy TC9 (Parking Provision in New Development) of the Local Plan.

Flood Risk:

The eastern side of the site is located within the flood zone and the Environment Agency and the County Council's Flood Risk Management Team have considered the proposals in detail. The EA have advised that the flood risk assessment (FRA) adequately demonstrates that in accordance with the National Planning Policy Framework, a sequential approach has been taken in terms of the layout of development with the hotel building located within the low probability Flood Zone 1 and the car parking within the high probability Flood Zone 3. The FRA also makes a number of recommendations with regard to permeable surfaces, exceedance flood flow routes and drainage which the EA have advised are acceptable.

Whilst the County Council's Flood Risk Management Team originally objected to the proposals, further to discussions with the applicant's consulting engineer's regarding the design of the permeable paving for the parking, they have advised that the proposals would provide betterment over the current surface water regime of the site and the proposed permeable paving for the car parking spaces on the eastern side of the site would also provide water quality benefits to the receiving watercourse. In

addition, the proposal to day-light the existing culvert entrance would provide wider flood risk management benefits which DCC are also supportive of.

Subject to a condition requiring the submission of a detailed design for the proposed surface water drainage management system to serve the development, in the absence of any objections from the EA or DCC it is considered that the proposal would comply with the provisions of Policy EN22 (Surface Run-Off Implications of New Development) of the Local Plan.

Ecological Impact:

The application is accompanied by an Ecological survey prepared by Devon Wildlife Consultants which concludes:

- The emergence survey ascertained that the public house does not support roosting bats.
- No evidence of nesting birds was noted within the buildings however there are opportunities for crevice nesting birds to utilise the structure.
- Evidence of roosting bats was observed in trees on the site.

Subject to a condition requiring the development to be carried out in accordance with the impacts and recommendations and Conservation Action Statement of the wildlife report which includes the installation of a number of bat and bird boxes onto retained mature trees within the site, it is not considered that the proposal would have any adverse impacts on ecology or protected species and that the proposal complies with the provisions of policy EN5 (Wildlife Habitats and Features) of the Local Plan.

Arboricultural Impact:

There are a number of semi-mature trees within the site which are proposed to be retained as part of the proposal. The most significant change to the site would be the removal of a number of Poplar trees which line the site's northern and western boundaries. These trees are tall and have a vertical emphasis and do not make much of a positive contribution to the visual amenity of the site. In addition it is understood that these trees are a nuisance to residents of the park home site through fears of safety in high winds and high levels of maintenance.

Whilst there is no arboricultural report in accordance with BS5837:2012 submitted to support the application or any details as to how damage to retained trees would be avoided during development, the Council's tree officer has advised that the principle of the proposal is from an arboricultural perspective is acceptable. There are however a number of issues that will need to be addressed with regards to existing and proposed trees to ensure the retained trees survive development, their new environment and that new tree plantings are successful. It is considered that these issues can be conditioned in so far as they relate to the submission of a tree protection plan, an Arboricultural Method Statement for the removal of existing hard surfaces and installation of new hard surfaces and location and specification of tree protection fencing.

The application is considered to comply with the provisions of Policy D3 (Trees and Development Sites) of the East Devon Local Plan.

Landscaping:

The application is accompanied by a detailed landscaping scheme which has been considered by the Council's Landscape Architect. Whilst the general principles of the proposed planting are considered to be acceptable, a number of concerns have been raised about the proposed species not being appropriate for the soils, tree pit details not providing sufficient rooting capacity for new trees to grow and further planting required to soften the impact of the car parking areas and to integrate them better into the wider landscape. The landscaping scheme as submitted is not considered to be acceptable and therefore it is considered appropriate to impose a condition requiring the submission of a revised landscaping scheme which fully addresses the concerns raised within the Landscape Architect's consultation response.

CONCLUSION

Although the application represents a departure from adopted Local Plan policy due to its location within the countryside with no supporting local plan policy, significant benefits have been identified that weigh heavily in favour of the proposal. These include economic benefits from the improvements to the public house and facilities, increased employment opportunities, increased local investment and spend, boost to the local economy and tourism in the area, help to address an under provision of hotels in the district, and diversification of the existing hotel offer in the district.

In addition, the site is well located for public house and hotel provision and there are no identified visual, ecological, arboricultural or highway safety concerns with the proposal with the proposal being able to improve the appearance of a highly visible brownfield site on a key arterial route within the district resulting in some environmental benefits. Matters regarding the provision of appropriate landscaping, flood risk and protection of residential amenity can be adequately controlled by conditions.

On balance it is considered that the significant benefits, along with the lack of identified harm from the proposal, are material considerations of sufficient weight to justify a departure from local plan policy. As such, the application is recommended for approval with conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

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

(Reason - For the avoidance of doubt.)

3. No development shall take place 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 considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

4. The hotel building hereby approved shall only be operated in conjunction with the Cat and Fiddle public house as one business and neither shall be operated independently at any time.

(Reason: To ensure that the economic benefits arising from the proposal are realised in terms of supporting the existing business in an otherwise unsuitable location for a standalone hotel in accordance with Strategy 33 (Promotion of Tourism in East Devon) and the guidance contained within the National Planning Policy Framework.

5. The hotel building hereby approved shall be constructed in accordance with the finished floor levels and ground levels shown on drawing no's 203 REV J and 204 REV B unless otherwise agreed in writing by the Local Planning Authority.

(Reason: In the interests of the character and appearance of the locality and the residential amenities of the occupiers of adjoining properties in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

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

(Reason - 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.)

7. Notwithstanding the submitted details, no part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system for the development and that which will serve the development site for its full period of 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. 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 prepared by AWP, Report Ref 0643 dated 27th September 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 2013-2031).

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

(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

9. The development hereby permitted shall be carried out in accordance with the impacts and recommendations and Conservation Action Statement contained within the Ecological Appraisal prepared by Devon Wildlife Consultants (ref 16/3247) dated September 2017.

(Reason: In the interests of ecology and bio diversity in accordance with policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031).

10. Prior to the commencement of any works on site (including demolition, site clearance, tree works or any other construction activity), a detailed plan including cross sectional drawings showing current and proposed surface levels around the three retained trees shall be submitted to and approved in writing by the Local Planning Authority. These details will make provision for the retention of existing ground levels and maintain existing areas of open ground and increase coverage of permeable surface cover within the Root Protection Area (RPA) of each tree. The details will accord with the principles of BS 5837:2012 and be referenced within the Arboricultural Method Statement (AMS) which provides details on how the proposed landscaping will be implemented avoiding damage to these retained trees. The development shall be carried out in accordance with the approved details.

(Reason: To ensure the continued wellbeing of retained trees in the interest of the amenity of the locality in accordance with policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031).

11. Prior to the commencement of any works on site (including demolition, site clearance, tree works or any construction activity), a detailed specification for the

construction of all tree planting pits, within the hard surfaced areas (as detailed within the approved landscaping plan) shall be submitted to and approved in writing by the Local Planning Authority. These details shall accord fully with the principles of BS 8545:2014 and demonstrate sufficient soil volume, appropriate to tree for successful tree establishment and long term tree growth, and appropriate to the anticipated mature crown size of the proposed trees. The development shall be carried out in accordance with the approved details.

(Reason: To ensure the long term success on new landscape trees in the interests of the amenity of the locality in accordance with policies D2 (Landscape Requirements) and D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031).

12. Prior to the commencement of any works on site (including demolition, site clearance or tree works or any other construction activity), 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 Local 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 monthly ad-hock arboricultural site monitoring visits. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Local Planning Authority for approval and final discharge of this condition.

(Reason: To ensure the continued wellbeing of retained trees in the interest of the amenity of the locality in accordance with policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031).

13. No deliveries shall be taken at or despatched from the hotel except between 07:00 hours and 19:00 hours at any time.

(Reason: To protect the amenity of adjoining residents in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

14. No external lighting shall be installed until a lighting scheme has been submitted to and approved in writing by the local planning authority. The development shall be carried in accordance with the approved details and thereafter retained.

(Reason - In the interests of the character and appearance of the site and surrounding area and the residential amenities of the occupiers of surrounding properties in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this

application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

	Flood Risk Assessment	29.09.17
BATD & BIRDS	Ecological Assessment	29.09.17
PDL-101 REV A	Other Plans	29.09.17
2015 01 B	Landscaping	29.09.17
001	Location Plan	29.09.17
210 REV D	Proposed Floor Plans	29.09.17
212 REV A	Proposed Floor Plans	29.09.17
220 REV B	Proposed Elevation	29.09.17
230 REV A	Sections	04.10.17
203 REV J	Proposed Site Plan	15.12.17
221 REV B	Proposed Elevation	15.12.17
231 REV B	Sections	15.12.17
211 REV A	Proposed Floor Plans	15.12.17
204 REV B	Sections	12.12.17

List of Background Papers

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

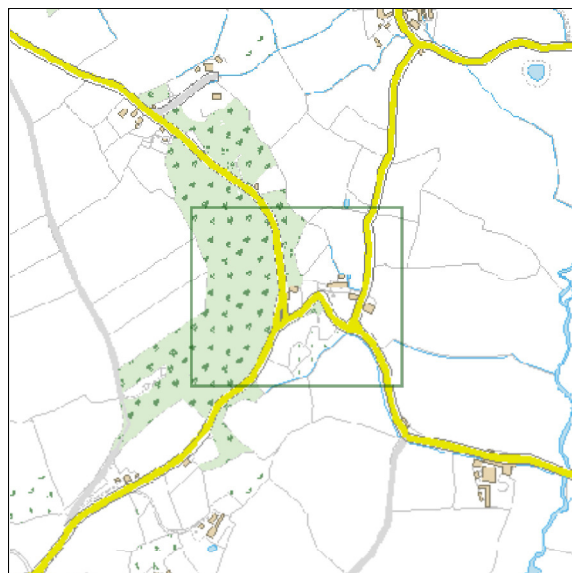
Ward Otterhead

Reference 17/2732/FUL

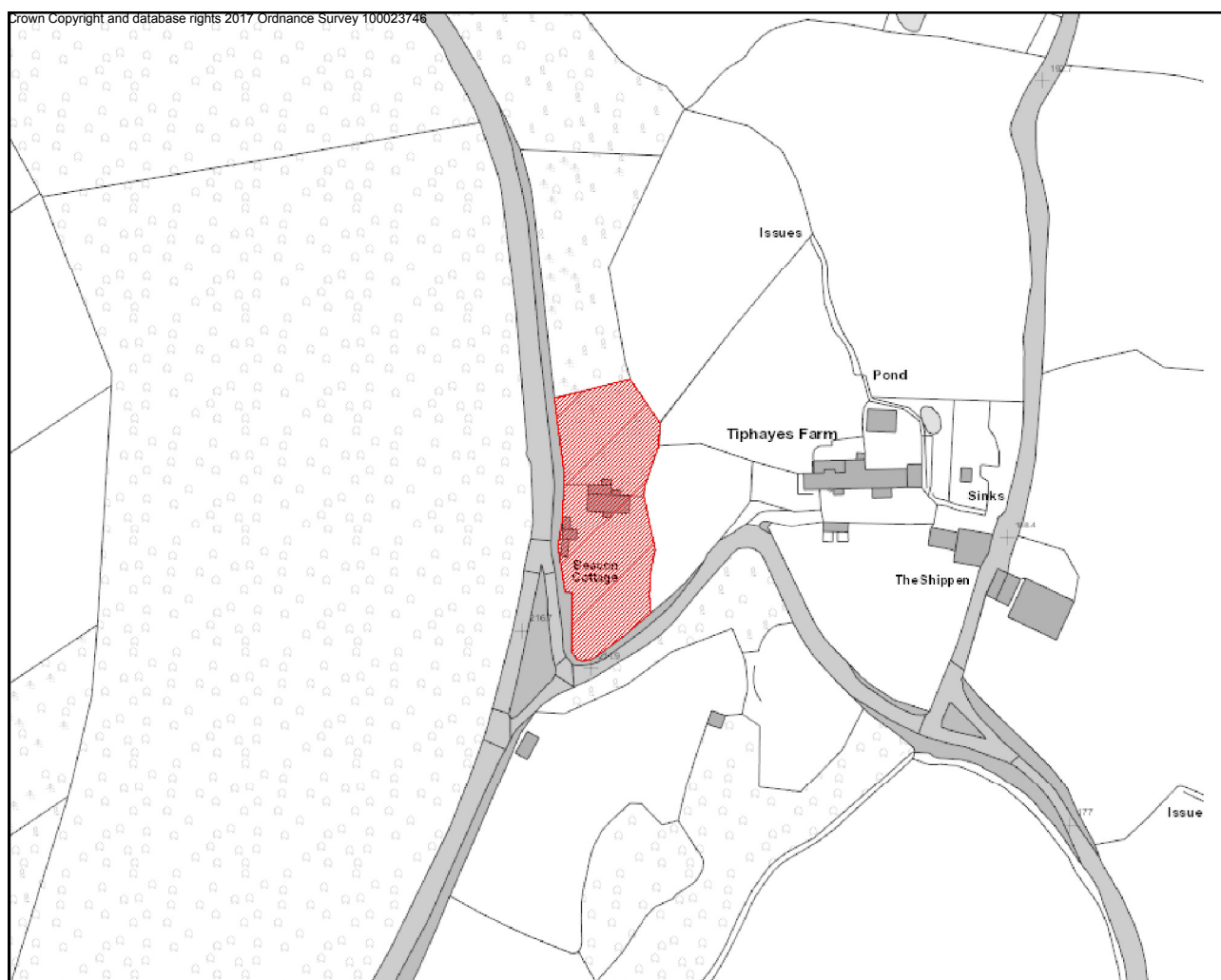
Applicant Mr & Mrs Cook

Location Beacon Cottage Upottery Honiton EX14 9QX

Proposal Single storey front extension and replacement porch.



RECOMMENDATION: Approval with conditions



		Committee Date: 9th January 2018
Otterhead (UPOTTERY)	17/2732/FUL	Target Date: 15.01.2018
Applicant:	Mr & Mrs Cook	
Location:	Beacon Cottage Upottery	
Proposal:	Single storey front extension and replacement porch.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the applicant is an Officer of the Council.

The application seeks planning permission for a replacement porch and single storey extension to be added to the front of the cottage.

The sloping roof design, use of timber cladding and stone together with a proposed standing seam metal roof are considered appropriate to the character and appearance of the cottage and wider countryside of the Blackdown Hills Area of Outstanding Natural Beauty in which the cottage is located. Given the distance to neighbouring properties the proposal would not cause harm in amenity terms.

The application is recommended for approval subject to a condition requiring a schedule of materials.

CONSULTATIONS

Local Consultations

None received

Technical Consultations

County Highway Authority

Does not wish to comment

Other Representations

No third party comments have been received.

POLICIES

Strategy 46 – Landscape Conservation and Enhancement and AONBs

Policy D1 – Design and Local Distinctiveness

Relevant Planning History

There is no previous planning history for this dwellinghouse.

Site Location and Description

Beacon Cottage is a 2 storey dwellinghouse in traditional proportions and appearance located in open countryside of the Blackdown Hills Area of Outstanding Natural Beauty. There are two neighbouring properties to the east but at a comfortable distance.

Aside from the AONB the site is not subject to any particular designations.

Proposed Development

The application seeks planning permission for the construction of a replacement porch and single storey front extension measuring approximately 8.8m wide by approximately 4.5m deep at a height to ridge of approximately 2.9m

It is proposed to be finished in natural stone and timber cladding with a metal standing seam roof and will provide an enlarged porch and larger kitchen area.

ANALYSIS

Given the considerable distance to neighbouring properties in this rural location, it is not considered there would be any significant impacts in amenity terms. There are no changes to the access and parking arrangements proposed and County Highways do not wish to comment on the proposal.

With regard to the design, format and materials for the extension, whilst the depth to the front is considered relatively generous at 4.5m, the design utilises an outshut style roof butting into the existing frontage of the cottage just below the level of the first floor windows to ensure appropriate proportions and subservience to the main dwelling. The extension is proposed to be finished in timber cladding with natural stone detailing; the roof is proposed in standing seam metal.

It is considered that both the design and proposed materials would be appropriate to the cottage, and the impact to the character of the area including the wider AONB would not be significant or harmful.

However, given the sensitive location of the site within the AONB, is recommended that in the event of approval that a schedule of materials is submitted for approval prior to that phase of construction.

CONCLUSION

In the absence of any harm to the amenity of surrounding residents, and given the suitable design and scale of the extension, the proposal is considered to be acceptable.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

If you have any queries regarding this, please contact us on 01395 571585 or email cil@eastdevon.gov.uk

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:

EX474/PA/1001 Combined Plans 15.11.17

List of Background Papers

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

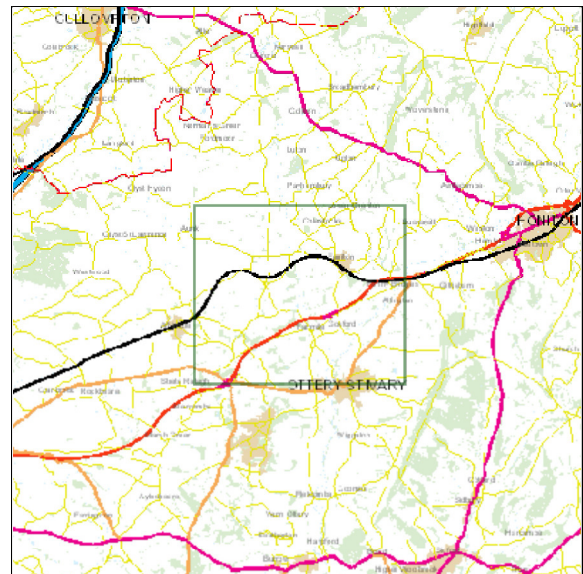
Ward Ottery St Mary Rural

Reference 16/0517/COU

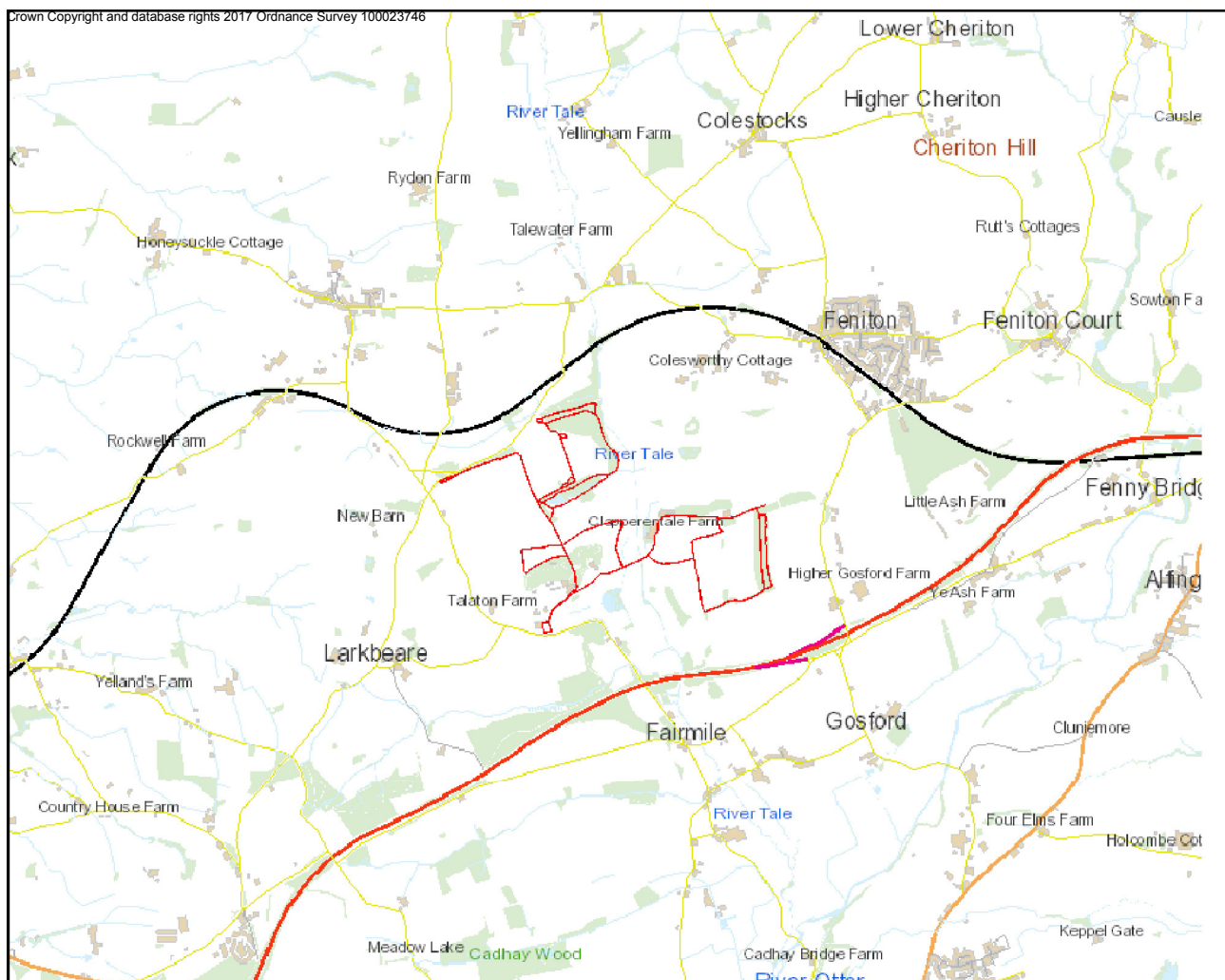
Applicant Mr John-Michael Kennaway

Location Escot Escot Park Ottery St Mary EX11 1LU

Proposal Change of use of existing tracks for controlled quad biking and segway activities.



RECOMMENDATION: Approval with conditions



		Committee Date: 9th January 2018
Ottery St Mary Rural/Whimble (OTTERY ST MARY/Talaton)	16/0517/COU	Target Date: 06.06.2016
Applicant:	Mr John-Michael Kennaway	
Location:	Escot Escot Park	
Proposal:	Change of use of existing tracks for controlled quad biking and segway activities.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the Committee because it is a major application and the officer recommendation differs from the view of the Ward Member.

Retrospective planning permission is sought for the use of various tracks, woodland and countryside across the Escot estate for quad bike and Segway safaris. The Local Plan supports such activities in rural areas subject to consideration of environmental and landscape concerns. The proposal satisfies all of the requirements set out in Policy RC4 but consideration must also be given to the impacts on the amenity of local residents.

Concerns about noise have been raised by a number of local residents and the Council's Environmental Health Officer has sought a constructive approach by suggesting reasonable controls on the activity that would not prevent it from operating. In response to particular concerns about proximity of the quad bike route to Riverwood Farm, the route has been amended. Although the new route is 85 metres from the house, which is less than the originally recommended 100m separation by Environmental Health, mitigating factors suggest that the impact of noise from quad bike safaris would not be harmful. Specifically, the existing woodland and potential new planting would provide some attenuation and, furthermore, controls on operating hours would limit the impacts.

In conclusion, the proposal is in general conformity with the Local Plan which supports economic development in rural areas. While concerns about noise impacts have been noted, Environmental Health are no longer objecting to the application as the proposal has been amended to address their noise concerns. Subject to a number of conditions, the relationship with Riverwood Farm and other properties in the vicinity of the route is considered to be acceptable and as such the application is recommended for approval.

CONSULTATIONS

Local Consultations

Talaton Parish Council (the majority of the proposal falls within Talaton Parish)

29/03/2016

As a Foundation member of the Quality Council Scheme and in accordance with our Parish Plan, the Parish Council fully support this application as it brings employment to the area and we recognise the 100mtr exclusion zone for the complainant at Riverwood. However we would like to express our concern that the track loops through the Bluebell wood adjacent to the Roman Road.

Further comments 12/10/2016

Talaton Parish Council wish to add to the comments previously submitted-

Talaton Parish Whilst Council supported the initial application concerns were raised about the loss of amenity to walkers using the public footpath from Talaton to Escot Park especially in the winter time.

Further comments 06/04/2017

Talaton Parish Council wish to add to the comments previously submitted-

Talaton Parish Council support the application in principle but would like noted that is has reservations concerning the damage to the environment and the permissive footpath.

Further comments 25/10/2017

Talaton Parish support the application and note that the quad bike activity has been moved further away from Riverwood Farm.

Ottery St Mary Town Council (part of the proposal falls within Ottery Town Council)

15/03/2016

The Town Council supports this application

Further comments 11/10/2016

The Town Council supports this application provided that it is mitigated by the following:

- o That when the ground is dry it is dampened down to reduce the amount of dust generated and that the noise produced by the quad bikes does not exceed the level of 52.4db.

Further comments 21/03/2017

The Town Council supports this application

Further comments 10/10/2017

Ottery St Mary Town Council is unable to make recommendations on this application because, although they supported the use of a track in the past, the change of use now applied for takes the track into the parish of Talaton. It will be up to the Parish Council of Talaton to make recommendations

Whimble - Cllr M Evans-Martin

07/12/2017

With reference to the above planning application, I wish to highlight one particular area of this application I feel, should be further reviewed. Part of the Quad Bike route and track passing through Talaton Copse I would consider is too close to the residence of Mr J Hansford. The 100-metre distance from the residence of Mr Hansford to the track set by the Environmental Department was not thought through carefully enough and should be reviewed on the grounds that the Quad bikes would not necessarily exceed the permitted decibel levels but the potential repetitive drone from up to 12 bikes from the daily Safaris passing through the copse I believe would be a 'noise nuisance' issue.

I attach a booklet which could be of interest to Environmental Health detailing 'Karting Noise' used for Dunkeswell Racetrack. I also believe that using a 'condition' similar to Dunkeswell where recordings of daily safaris are taken could be an option once the distance has been reviewed.

As mentioned previously, Mr Hansford is in full support of the business application, however, the passing of Quad bike traffic through Talaton Copse remains the only issue for him and his business activities that need to be resolved.

Whimble - Cllr P Bowden (Previous Ward Member)

22/03/2016

In the absence of any specific local objection I agree the application be determined by Chairman's Delegation.

Further comments 17/10/2016

In so far that the safety of those using the rights of way is not compromised I remain of the view that this application be determined by delegated powers.

Technical Consultations

Environmental Health

17/03/2016

I have considered this application and do not anticipate any Environmental Health concerns. We feel that a 100 metre distance from the any residential property is sufficient to reduce noise and dust impact from quad biking activities and are pleased that the applicant has considered the advice that we have provided to them.

Further comments 21/10/2016

Environmental Health have considered the planning application and associated noise survey report. We acknowledge that the proposed quad biking route no longer runs parallel to the Roman Road. However, a section of Talaton Common Copse is closely located, within 100 metres, to the nearest residential property. Considering the noise survey, we consider that noise generated as a result of the quad bikes would be clearly audible and could cause annoyance to nearby residents. We therefore recommend against the use of Talaton Common Copse for quad biking activities.

Further comments 27/10/2016

We recommend that Talaton Common Copse is not included in the quad biking route, however, we do not consider that this alone could be a reason for refusal of the whole proposal. Should serious problems occur in the future in this area we will investigate using Environmental Health powers.

Further comments 04/04/2017

The Environmental Health department have considered the plans for the amended quad bike route and we have no further comments to make in addition to the comments made in March 2016 and October 2016.

Further comments 06/10/2017

I have considered the application and do not have any further comments to make in addition to the comments already made by Environmental Health in March 2016.

Devon County Archaeologist

23/03/2016

I refer to the above application. The application area lies in an area of known archaeological potential and within historic parkland around Escot House. Therefore, in the first instance I would advise that the EDDC Landscape Officer and the Devon Gardens' Trust were consulted with regard to any comments they may have on the impact of the scheme upon the historic gardens.

The northern part of the proposed track crosses an area where there are known prehistoric archaeological sites (heritage assets with archaeological interest) - see attached plan. These heritage assets were identified through aerial photography and consist of a series of ditches that indicate the presence of several prehistoric or Romano-British enclosures in this area and these possibly extend eastward from the area shown on the attached plan. In addition this area has yielded a substantial assemblage of prehistoric flint-work. The Historic Environment Team would regard these heritage assets as being Locally Important. The proposed continued use of the trackway in this area will have a detrimental effect upon the below-ground archaeological deposits through erosion of the overlying topsoil that protects the underlying archaeological deposits, compression of the soils and archaeological feature and their fills as well as potentially destroying artefactual material in the topsoil. The location of a trackway across these archaeological features will also affect any future aerial photography of the site that may aid in its understanding and interpretation.

In the light of this impact the Historic Environment Team would strongly advise that the trackways in the area of archaeological sensitivity are re-routed to less sensitive areas to ensure that protection of the known prehistoric or Romano-British heritage assets in this area.

If the trackways cannot be re-routed to enable the preservation of these heritage assets then the Historic Environment Team would recommend that this application was refused by your Authority. This would be in accordance with East Devon Local Plan Policy EN6 - Nationally and Locally Important Archaeological Sites whereby:

"Development that would harm locally important archaeological remains or their settings will only be permitted where the need for the development outweighs the damage to the archaeological interest of the site and its setting. There is a presumption in favour of preservation in situ in the case of nationally and locally important remains."

I would be happy to discuss with the applicant or their agent the re-routing of the trackway to less archaeologically sensitive areas.

Further comments 08/04/2016

I refer to the above application. Further to our site meeting yesterday and in the light of the proposed revised trackway route layout I would like to withdraw the Historic Environment Team's previous comments and would consider that this revised trackway layout has no impact upon any known heritage assets.

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

Conservation

ADDRESS: Escot Escot Park, Ottery St Mary

GRADE: II

APPLICATION NO: 16/0517/COU

DEVON LOCAL GARDENS REGISTER

PROPOSAL: Change of use of existing tracks for controlled quad biking and segway activities

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

See listing description and information on file. There are a number of listed buildings and structures within the Escot Estate including some classed as curtilage buildings:

Escot including Courtyard of Service Buildings adjoining to North - Grade II
Terrace Walls and Steps adjoin to south of Escot - Grade II
Coach House, stables and Servant Cottages (140m SW of Escot) - Grade II
Linhay approx 200m W of Escot - Grade II

Kitchen Garden walls approx 220m W of Escot - Grade II
Ice House SW of Escot Park - Grade II

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

I refer to the meeting on site on Thursday 7th April 2016, which gave an informative overview of the current application for the change of use of the existing tracks for controlled quad biking and segway activities. Whilst some of the routes pass relatively close to the listed buildings and structures within the Escot Estate, the activities use the existing tracks and it is considered that this does not impact on the setting of the listed buildings. However, there may well be other issues relating to archaeology, noise etc which will need further investigation.

NB. If in the future the extent or intensity of the activity is increased in terms of new paths/routes or alterations/additions to existing buildings or structures this may well have a more detrimental impact on the listed buildings and their setting, requiring consent, and would need further consultation.

PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

Devon Gardens Trust

Thank you for consulting The Devon Gardens Trust on the above application. On the basis of the information on your website we do not wish to comment. We would emphasise that this does not in any way signify either our approval or disapproval of the proposals.

Natural England

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

The Wildlife and Countryside Act 1981 (as amended)

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

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

Statutory nature conservation sites - no objection

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

Protected species

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

Natural England has published Standing Advice on protected species.

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

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

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.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

Local sites

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

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015, which came into force on 15 April 2015, has removed the requirement to consult Natural England on notified consultation zones within 2 km of a Site of Special Scientific Interest (Schedule 5, v (ii) of the 2010 DMPO). The requirement to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" remains in place (Schedule 4, w). Natural England's 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 gov.uk website.

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

County Highway Authority

Does not wish to comment

Other Representations

15 objections and representations have been received as well as a petition with 36 signatures. Concerns about the following matters are raised:

- Noise
- Dust
- Pollution
- Damage to woodland and wildlife habitats
- Loss of access to permissive path
- Conflict with users of the Public Rights of Way

1 letter of support has been received which comments:

- It will sustain employment
- No conflict with users of Public Rights of Way
- There is more noise from the A30 than the quad bikes

PLANNING HISTORY

None relevant

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN4 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites)

EN6 (Nationally and Locally Important Archaeological Sites)

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

EN9 (Development Affecting a Designated Heritage Asset)

EN14 (Control of Pollution)

RC4 (Recreation Facilities in the Countryside and on the Coast)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

Escot is a country estate located to the north of Ottery St Mary and the application site straddles the parishes of Talaton and Ottery St Mary. The estate functions as a conference and wedding venue, offers a venue for family celebrations and corporate away days and is the venue of the annual Beautiful Days Festival. In addition, Wildwood Escot, Exeter Segway and Quad Biking Exeter are based at Escot and attract visiting members of the public.

There are a number of listed building on the estate and parts of it are designated as a County Wildlife Site. Several well-used public footpaths cross the estate.

Proposal

Retrospective planning permission is sought for the use of parts of the Escot estate for quad biking and Segway activities by members of the public. These are generally group activities and the groups are led by a member of staff around the estate on pre-determined routes. There are separate routes for the quad bikes and Segways.

The activities are organised and run from an office and public reception point by the Coach House Restaurant. Following an induction and safety briefing, the groups move to a training area where they can ride the quad bikes or Segways in a controlled environment. The groups then go on a safari around the estate, usually lasting about an hour, taking in the private roads, woodland and countryside.

ANALYSIS

The key considerations in relation to this proposal relate to the principle of development in relation to Policy RC4 and any impact upon the amenity of local residents.

Principle

Policy RC4 (Recreation Facilities in the Countryside and on the Coast) supports outdoor recreation activities which require a countryside location such as this, subject to a number of criteria.

The first criteria states that the development should be in scale with the character of the landscape and not conflict with other environmental or farming interests. Although the separate quad bike and Segway routes cover a wide area, they are fairly

unobtrusive and do not alter the farming character of the landscape or conflict with farming activities. Similarly, the transient nature of the activity is such that there is no adverse impact on the setting of the listed buildings on the estate, which include Escot House and the Coach House, both of which are listed grade II, nor the parkland, which is not listed but is recognised by the Devon Gardens Trust.

Part of the estate is a County Wildlife Site owing to the presence of a number of veteran and ancient trees and water voles. However, because the routes generally follow established tracks which do not compromise the trees or water vole habitats, there is no adverse impact in this regard. Furthermore, although there is some degradation of the ground and tree rooting conditions where the routes pass through woodland (outside the CWS), this can be managed and restoration can take place if the activities cease.

When the application was first submitted, the quad bike route was shown crossing a field which is known to be of archaeological interest. Following the advice of the County Archaeologist, this part of the route has been removed to avoid disturbing any artefactual evidence.

For these reasons, the development is considered to satisfy the first criterion.

The second criteria states the access and parking arrangements should not adversely affect the environment or public rights of way. Because Escot is an established venue for other events and attractions, the parking and access arrangements are appropriate for the traffic attracted to the quad bike and Segway activities.

A number of public rights of way cross the estate and some of these are used for the safari routes, notably the footpath which follows the track running from near Escot House north to Roman Road. Where these paths are shared, however, there is sufficient space to avoid any conflict between pedestrians and vehicles. Furthermore, as a working estate, these tracks are used by other vehicles and therefore pedestrians take due care where necessary.

In addition to the public rights of way, there are/have been some permissive routes through the estate. One of these, through Talaton Common Copse, which is used by the quad bike safaris, has been closed, to the regret of some local residents. However, the estate is not obliged to provide access and such routes can be closed at any time.

The proposal is therefore considered to comply with the second criterion.

The final criteria states that on site facilities should be appropriate to meet the needs of the proposal. This criterion seeks to avoid adverse impacts on the countryside arising from new buildings and other development associated with the activity. However, in this case the proposal makes use of existing infrastructure and therefore does not give rise to any adverse impact.

In summary, the proposal satisfies Policy RC4 but this should not be read in isolation of the other policies in the plan. In particular, Policy D1 (Design and Local Distinctiveness) and Policy EN14 (Control of Pollution) seek to avoid adverse impacts for those who live near the routes.

Amenity

The routes are largely well within the grounds of the estate and although there are some estate properties near to the routes, the safaris take place in the context of a working estate and are a transient impact.

At the north end of the quad bike route in the vicinity of Talaton Common Copse, there are some properties which lie outside the estate, some of the occupants of which have raised concerns about noise.

Beacon Cottages (a terrace of three houses) lie about 160m south-west from the nearest part of the route through Talaton Common Copse. Over this distance the noise is attenuated such that there would be limited intrusion on the occupants of those properties. It is also noted that they are adjacent to a well-used road which gives rise to other vehicle noise and so there is a degree of background noise already.

Lying about 85m from the other end of Talaton Common Copse to the north-east of the closest route, a house is under construction at Riverwood Farm to replace temporary accommodation which is slightly further away.

This application was submitted in March 2016 and since that time the route has evolved through negotiation such that the section opposite the dwelling which followed the edge of the field parallel to Roman Road has been omitted. The amended proposal has also omitted the use of a 30mx30m (approximately) area of wood at the eastern end of Talaton Common Copse, nearest to Riverwood Farm. In conjunction with this change, the access to the wood has also moved so that the quad bikes would enter the wood from the south side, where they are screened by the trees, rather than the east, where they can be seen from Riverwood Farm.

For the business this is an important part of the route because it offers undulating and winding terrain as well as standing water, all of which add to the excitement of the safari. The applicant has proposed a change of route specifically to address the concerns of the neighbour while still wishing to make use of the area which has greatest appeal to his customers.

Noise assessments have been undertaken on behalf of the applicant and the objector and although they differ in their assessment of the noise levels, they have helped to inform the views of the Council's Environmental Health Officer. Unimpeded by any form of screening, noise from quad bikes up to about 100m away is likely to be intrusive. For this reason, the EHO recommended that the part of Talaton Common Copse closest to Riverwood Farm should not be used.

Following that advice, the applicant removed that part of the woodland from the route and altered the access point. He also agreed to install a physical barrier to prevent quad bikes accessing that area of woodland and agreed to restore the ground conditions and carry out some infill planting.

The amended plan defines the boundaries of an area of woodland within which there are tracks traversing around the trees. Although the nearest corner of this area is 85

metres from the new dwelling at Riverwood Farm, it is unlikely that quad bikes would get quite that close, albeit they would still be within 100m. The reason for this 'incursion' is that it facilitates access to a slope which provides a challenge to the riders that is not available elsewhere in the wood. While the slope itself is estimated to be more than 100m from Riverwood Farm, the addition of the level area at the top means that quad bikes can turn and go back down, or leave the wood to continue on the safari.

Noise from quad bikes using the small area of land at the top of the slope (within 100m) would be filtered to some extent by the woodland, although it is acknowledged that this does not provide an impenetrable barrier to noise. Additional planting may be of some benefit but is only likely to grow successfully on the edges of the wood where there is more light and the soil has not been compacted. It would also take time to establish.

The separation distance of 100m originally recommended by the EHO is a rule of thumb and although it is also recommended by the objector's acoustic consultant (having first been proposed by the Council's EHO), there is no evidence that a separation of 85 or 90 metres would be harmful enough to justify refusal of planning permission and this is reflected in the consultee comments from Environmental Health. It is however recommended that a condition be added to restrict the use of this more sensitive route to no more than 10 minutes of use every hour. This has been agreed with Environmental Health as ensuring that any noise impacts are reduced to an acceptable level.

On balance, it is considered that the combination of the proposed separation distance, the screening and the infrequent nature of the noise generated by the quad bike safaris is sufficient to mitigate any harmful effect on the neighbour. That is not to say that the quad bikes would be inaudible at Riverwood Farm, but the noise levels would be such that they would not be a detriment to the occupier's living conditions.

Further matters raised by the neighbour include the effect of dust on his family's living conditions and the effect of noise on the Guinea fowl which he keeps in a shed adjacent to the road. The dust impacts would now be largely avoided because the areas which had been causing concern have been removed from the proposal. With regard to the Guinea fowl, it is noted that they are already vulnerable to noise from vehicles using the adjacent road, trains passing on the railway line, which is about 150m to the north, and noise from farming activity and woodland management. In this context it is difficult to attribute any adverse effect to the quad bikes alone and therefore this does not amount to a reason for refusing planning permission.

Conclusion

In conclusion, the proposal is in general conformity with the Local Plan which seeks to support economic development and, in the countryside, supports a range of activities which do not adversely affect landscape and environmental interests. While concerns about noise impacts have been noted, the proposal has been amended to address these and, subject to a number of conditions, the relationship with Riverwood Farm and other properties in the vicinity of the route is considered to be acceptable.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Within one month of the date of this decision quad biking activities shall cease in the Beacon Strip woodland (also known as Talaton Common Copse) outside the area outlined in red on the approved plans.
(Reason - In the interests of the amenity of the occupiers of properties near to the route in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)
4. Within 3 months of the date of this decision a scheme for the restoration and protection of the woodland referred to in Condition 3 and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of a means for preventing quad bikes from accessing the eastern part of the woodland and details of infill planting on the edges of the woodland. The scheme shall be implemented in accordance with the approved details.
(Reason - In the interests of restoring natural habitats in accordance with Policy EN6 (Wildlife Habitats and Features) and in the interests of the amenity of the occupiers of properties near to the route in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)
5. Quad bike and Segway activities shall not take place outside the hours of 9am to 7pm on any day.
(Reason - In the interests of the amenity of the occupiers of properties near to the routes in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)
6. The route hereby approved through and adjacent to Beacon Strip woodland (also known as Talaton Common Copse) shall not be used by quad bikes for more than 10 minutes in any hour during the times specified in condition 5 and shall not be used at all outside those times.
(Reason - In the interests of the amenity of the occupiers of properties near to the route in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

C	Proposed Site Plan	14.09.17
D	Proposed Site Plan	14.09.17

List of Background Papers

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

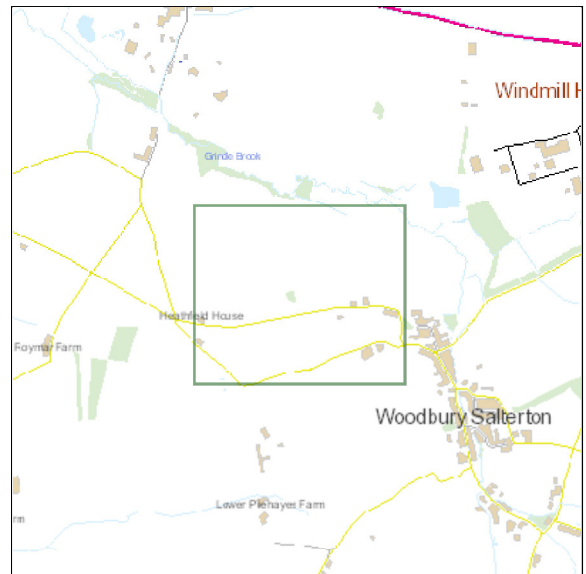
Ward Raleigh

Reference 17/2565/FUL

Applicant Rowe Properties (Devon) Ltd

Location Mobile Home Meadow Rise Woodbury
Salterton Exeter EX5 1PJ

Proposal Retrospective change of use to residential
dwelling and associated curtilage



RECOMMENDATION: Refusal

Crown Copyright and database rights 2017 Ordnance Survey 100023746



		Committee Date: 9th January 2018
Raleigh (WOODBURY)	17/2565/FUL	Target Date: 25.12.2017
Applicant:	Rowe Properties (Devon) Ltd	
Location:	Mobile Home Meadow Rise Woodbury Salterton	
Proposal:	Retrospective change of use to residential dwelling and associated curtilage	

RECOMMENDATION: REFUSE and appropriate enforcement action be taken to ensure that the unlawful occupation of the site by persons other than gypsies or travellers is ceased.

EXECUTIVE SUMMARY

Planning permission is sought for the retrospective change of use of the mobile home to a residential dwelling and the retention of associated curtilage. The application has been brought to Committee because the Officer recommendation differs from the view of the Ward Member.

The site is occupied by a residential mobile home which was granted consent subject to a condition restricting occupancy to gypsies and travellers.

The application site lies in the open countryside where there is no policy support for new development unless it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development. It is not considered that there is any policy support to allow the creation of an unrestricted dwelling in this rural location.

Furthermore granting permission for an unrestricted dwelling on this site would result in the permanent loss of an authorised gypsy/traveller site at a time when there is an identified shortfall of sites within the District.

The application is therefore recommended for refusal, with appropriate enforcement action taken to ensure that the current unauthorised occupation of the site be ceased.

LOCAL CONSULTATIONS

Parish/Town Council

ACCEPT Change of Use. (5 v 1, with 1 abstention)

Raleigh - Cllr G Jung

I have read the documentation and visited the site regarding this planning application 17/2565/FUL for Retrospective change of use to residential dwelling and associated curtilage at Mobile Home Meadow Rise Woodbury Salterton Exeter EX5 1PJ.

I am also aware of the long history for this site. It had for many years been occupied without permission by a Traveller, and was subject to numerous planning applications, enforcements and planning appeals.

Finally, it was approved for a Traveller site, but shortly after the site was sold to a non Traveller who in his statement to this application has no intention to let it to a Traveller or Gipsy.

The Parish Council did not consider the location appropriate for a Gipsy or Traveller Site as there are a number of approved pitches close by. The PC have this week at their meeting supported this application.

The Policy of the Planning Authority is not to support this change of use as it is considered important to retain it as a Traveller Site, but with the reluctance of the landowner agreeing to it being used as such means in his ownership it will be an empty field or if this application is allowed it can be used as residential occupation. Therefore, there seems to be deadlock and no easy solution to the problem.

On balance seeing that earlier this year more pitches were approved at a location close by within the Parish, and the reluctance of the owner not wishing to let it to a Traveller family, and the location has been used for a sole mobile home for more than 10 years I must agree that this application should be approved. Otherwise we lose a dwelling and we do not gain a Traveller site.

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

TECHNICAL CONSULTATIONS

Planning Policy Team

Planning permission has been granted on this site for a total of three mobile homes and I understand that the current lawful use is as a Gypsy site despite the recent unlawful occupation of the one mobile home currently on site. From a Policy perspective the current application for a retrospective change of use to residential dwelling and associated curtilage should be refused firstly because there remains an urgent need for Gypsy pitches and secondly because the proposal would create a new dwelling in the open countryside contrary to national and local plan policy.

Despite the applicants assertion that the site is not, and will not be, available for Gypsy occupation in the future there remains an urgent need for Gypsy and/or Traveller pitches across the District and in this part of the District in particular. In 2015 a Gypsy and Traveller Needs Assessment was produced on behalf of Devon authorities and this identified the number of pitches required across East Devon between 2014 and 2034. This study provided the primary source of evidence supporting the Gypsy and Traveller Policies at the Local Plan Examination and has informed/is informing subsequent work on site allocations and site design and layout.

In order to align with the Local Plan end-date, the projected need has been adjusted to run from 2014-2031 and reflects the 6 permanent pitches granted permission since the assessment was carried out (previously the need was for 34 pitches, 22 of which were needed in the first 5 years). The key requirement for new sites:

- o 28 new Gypsy and Traveller pitches are needed between 2014-2031
- Of these 28 pitches, 16 are needed in the first 5 years (up to 2019)

o 4-5 emergency stopping places (each of 4-5 pitches) are also required across the study area

If any pitches are lost then this will increase the need for additional pitches.

It should be noted that a draft Cranbrook Plan is currently subject to consultation and presently proposes two small sites however these are unlikely to be delivered before 2019 and won't meet the whole need, in any case.

Gypsies and Travellers are a protected minority under Equalities legislation and we have a legal obligation to ensure their housing needs are met appropriately. This was the original justification for permitting the site to be used as Gypsy accommodation when other types of housing would not be acceptable in the open countryside. Both the District Council, and previously an Appeal Inspector, considered that the benefits of pursuing a travelling lifestyle from a permanent base (and therefore with access to medical care, education etc) and the acute shortage of alternative sites justified this permission. Access to these services may require a private vehicle, however Gypsies and Travellers are typically away from their sites for regular periods which greatly reduces the traffic movements typically associated with a residential use. Whilst Gypsies and Travellers with school age children may need to remain on-site during term times, and those with medical needs whilst receiving ongoing treatment, it is typical for families to otherwise travel together for at least the spring and summer months.

The applicant states that the condition which restricts commercial activity on the land will lead to greater traffic movements, and therefore be less sustainable, than a residential use. Gypsies and Travellers typically work away from the home (although some may store works equipment and materials at home, just as the settled community do) and often stay away in order to do this. Gypsies and Travellers offering services such as tarmacking and tree-work have been particularly affected since the Trading Standards legislation changed as they must now allow a cooling-off period before undertaking work, so now this may require them staying in other areas for several months at a time. A residential occupier may well leave the site daily to drive to work and so could generate higher traffic movements.

The applicant states that the site does not meet modern standards as set out in the Council's Design and Layout SPD. I do not agree, the three mobile homes which are permitted on the site would be occupied by members of the same family, so the requirements for 'community' facilities such as a meeting room and play area would not apply and the site is sufficiently large that all of the vehicle space, turning areas and amenity facilities can comfortably be accommodated. At 0.41ha (or 8 times larger than the recommended pitch size in the SPD guidance) there is adequate room for animals to be kept on the site (the north of the site is a paddock) although additional grazing may be required for the keeping of horses.

In Policy terms a new residential use in the countryside would conflict with national and Local Plan policy unless it could be justified by very special circumstances. In my opinion a Gypsy or Traveller site is justified as being such a use, whilst there is no justification for a residential dwelling.

Other Representations

One representation has been received objecting to the proposal and raising the following issues

- Approval would set a precedent for other gypsy/traveller sites to become residential sites
- The site is appropriate for a gypsy use
- The site had the restrictions on it when purchased
- The occupation of the mobile home in breach of the occupancy conditions would appear to be a blatant contravention of the planning permission
- Enforcement action should be taken to ensure that the occupation of the mobile home is in accordance with the consent

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5 (Environment)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

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

D1 (Design and Local Distinctiveness)

H7 (Sites for Gypsies and Travellers)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Gypsy and traveller Site Design and Layout DPD.

SITE LOCATION AND DESCRIPTION

The application site comprise a rectangular piece of land located within the open countryside to the north western side of the village of Woodbury Salterton. It is a relatively level piece of land, which is occupied by a mobile home, hardstanding and an ancillary outbuilding.

PROPOSED DEVELOPMENT

Planning permission is sought for the retrospective change of use of the mobile home to a residential dwelling and the retention of associated curtilage.

There was an issue with the extent of the curtilage shown on the original application as it reflected the larger land ownership situation rather than the smaller area of land authorised as curtilage. This has been addressed through amended plans to reduce the extent of the red-line to reflect the situation on site.

PLANNING HISTORY

The application site has a relatively extensive planning history having originally been granted a temporary planning consent in 2006 on appeal. In granting the appeal the Inspector considered that the site would be suitable for a gypsy site despite there being some concerns in respect of highway safety, and that the personal circumstances and

gypsy status of the appellant, together with the lack of alternative provision within the district for gypsy/traveller sites were sufficient justification to warrant an approval.

An application in 2009 under reference 09/2271/COU was granted retrospective planning permission (16 February 2010) for the change of use of the land for a gypsy site for one mobile home, utility block, gas tank and septic tank. This application was granted consent subject to there being no more than two caravans on the site (only one of which could be a static or mobile home) and an occupancy condition (condition 2) which stated

“2. The site hereby permitted shall not be occupied by any persons other than gypsies and travellers, as defined in paragraph 15 of the ODPM Circular 01/2006. (Reason – The site is in an open countryside location where a residential use would not normally be permitted but is justified by the special circumstances of the occupiers and to ensure future occupation of the site is in accordance with these special circumstances.)”

A further application submitted under reference 10/0674/VAR sought to vary the 2009 consent to allow two additional mobile homes on site and the construction of an enlarged replacement utility block. This application was granted consent by notice dated 5 July 2010, subject to the following conditions (in addition to the standard time limit condition)

“2. The site hereby permitted shall not be occupied by any persons other than gypsies and travellers, as defined in paragraph 15 of the ODPM Circular 01/2006. (Reason – The site is in an open countryside location where a residential use would not normally be permitted but is justified by the special circumstances of the occupiers and to ensure future occupation of the site is in accordance with these special circumstances).”

3. No more than six caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than three shall be a static caravan or mobile home) shall be stationed on the site at any time. The site hereby approved shall be considered a single family pitch and shall not be sub-divided into separate pitches without a further grant of planning permission. All occupants on the site shall be immediate family members. (Reason – To define the permission, in the interests of sustainability and to protect the character of the open countryside)

4. No commercial activities shall take place on the land, including the storage of materials. (Reason – In the interests of sustainability and to protect the character of the open countryside)”

It is understood that a material start has been made in respect of this approval and the consent has therefore been implemented and remains extant.

The most recent application on the site was submitted in 2016 under reference 16/2257/CPE and sought a Lawful Development Certificate for the occupation of a dwelling in breach of a condition restricting the occupation of the site to be used by gypsies and travellers. This application was refused as there was no evidence to demonstrate that the condition has been breached for in excess of ten years as required.

ANALYSIS

The main issue in the consideration of this application is whether the continued occupation of the mobile home and associated curtilage as an unrestricted residential site is acceptable.

Of particular relevance to this application is the history of the site and an examination as to how the current situation has arisen.

Planning permission for the siting of a mobile home and associated development was originally granted on appeal due to the personal circumstances of the appellant and the lack of alternative gypsy/traveller sites within the District. The site was lawfully occupied for a number of years and permission was eventually granted for a permanent site restricted to occupation by a gypsy/traveller, but without a personal consent again due to the lack of alternative provision within the District.

The continued need and lack of provision of suitable sites continues within the District as evidenced by the latest advice and figures provided by the Council's Planning Policy Department (as detailed above). This details the need for a further 28 pitches in the plan period with 16 required by 2019. The Council has a legal obligation to make provision for sites and it is not considered that there is any policy support for the loss of a site that has consent and is considered to be appropriate to contribute towards meeting this urgent requirement. As such there is no planning justification for the removal of the condition and the consequent approval of an unrestricted residential use of this site. In addition, the granting of this permission would put an additional burden on the Council to find an additional site in the district at a time when the provision of pitches and availability of site is scarce.

A number of issues have been raised within the supporting information that are considered to require further examination.

The mobile home that occupies the site is the same one that has been on there since at least 2003. Photographs taken over a number of years confirm that externally at least there has been very little change in the appearance of the mobile home. At first glance the mobile would appear to have the appearance of a permanent structure, although a site inspection in March 2017 revealed that the original axle to the structure remains in place. As such the structure that is on the site continues to fall within the definition of a caravan.

It is understood that the applicant purchased the site in 2010 in the knowledge that planning permissions granted under references 09/2271/COU and 10/0674/VAR related to the site. The statutory declaration submitted by the applicant as part of the evidence submitted in relation to the Certificate of Lawfulness application (16/2257/CPE) confirm that the decision notices were exhibited to the applicant at the time and that he was aware of the restrictive conditions. There is no indication that there was any attempt to find tenants for the property that met the occupancy conditions relating to the use of the mobile home.

The declaration also states that to the best of his knowledge the tenants that subsequently occupied the property were not gypsies or travellers and that *"In the time I have owned the Land, the Property has not at any time been occupied by gypsies or travellers. The Land and Property have only been occupied continuously for private,*

residential use by non-travellers/non-gypsies". (Paragraph 20 of Statutory Declaration dated 31 August 2016)

It is not clear whether the residents were made aware of the planning condition, although from their declarations submitted in respect of the Certificate of Lawfulness (16/2257/CPE) they would not be able to satisfy the planning policy definition of a 'gypsy' or be able to comply with the occupancy condition on approval granted under reference 10/0674/VAR.

From the above it may be construed that the applicant had no intention of complying with the occupancy restrictions relating to the site, particularly as the tenancy agreement signed by the current residents of the property makes no reference to the restrictive occupancy condition on the mobile home.

Additional information submitted suggests that notwithstanding the restrictive occupancy conditions relating to the site, there is no prospect of the mobile home being made available for its authorised purpose by the owner. The planning supporting statement continues by stating "*The existing site has not been used for gypsy or traveller use for some considerable time, and can in no way be relied upon to accommodate any current or future demand. The gypsy/traveller use has ceased, and the client has no intention of permitting this use in the future*". Whilst this may be the applicants' position, this may change and in itself does not provide any justification for the creation of a new unrestricted dwelling within the open countryside. It would not be appropriate for the Council to allow unrestricted occupation on the basis that the applicant has no intention of using the site for its authorised purpose. This would open the door to others buying gypsy and traveller pitches and applying for unrestricted occupation, thereby leaving the Council in an even more urgent need to find suitable sites and with an even greater under provision at a time when finding suitable sites is very difficult.

CONCLUSION

Planning policy seeks to protect the open countryside from inappropriate development and makes no provision for new residential development other than where there are exceptional circumstances. It is considered that the only reason that this site has any sort of residential permission was due to the exceptional circumstances of the applicant, and the lack of gypsy sites that were available at the time. The Council is required to make adequate provision for gypsy sites to meet the identified need which continues to exist throughout the district. In this instance it is considered that it would be inappropriate to grant permission for a new dwelling without any restrictive occupancy condition which would effectively remove an authorised gypsy site and allow the creation of a new permanent dwelling outside of any identified residential area.

In addition to recommending refusal of planning permission, and although the Constitution delegates planning enforcement powers to officers, there is a second recommendation within this report that appropriate enforcement action be taken to ensure that the unlawful occupation of the site by persons other than gypsies or traveller ceases.

Such action is considered expedient in light of the proposal being contrary to policies within the adopted Local Plan and given the overriding need for gypsy and traveller sits as identified above.

As enforcement action will necessitate the current occupiers having to vacate the site and officers have actively considered the Human Rights Act 1998 and the European Convention on Human Rights consideration of Article 8 (The right to respect for one's "private and family life") and conclude that the action is necessary, proportionate and in accordance with adopted planning policy.

It is recommended that the enforcement action ensure that the unlawful occupation of the site by persons other than gypsies or travellers ceases within 6 months.

RECOMMENDATION

REFUSE

1. The site falls outside of the built up area boundary of any defined settlement or a Strategic allocation within the Adopted Local Plan and is therefore within the open countryside where residential development is restricted. The proposed development by reason of its unsustainable location in the countryside, remote from essential services and facilities and infrastructure (including public transport and access to it), significantly and demonstrably outweigh any limited benefits that might arise from the development. As such, the proposed development is considered contrary Strategies 7 (Development in the Countryside), Strategy 27 (Development at the Small Towns and Larger Villages) and TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and the guidance in the National Planning Policy Framework and associated Planning Practice Guidance.
2. The application would result in the loss of a gypsy and traveller pitch at a time when the Council has a shortage of pitches resulting in the further under-provision of sites contrary to Policy H7 (Sites for Gypsies and Travellers) of the adopted East Devon Local Plan 2013-2031.

FURTHER RECOMMENDATION

1. That appropriate action be taken to ensure that the unlawful occupation of the site by persons other than gypsies or travellers is ceased within 6 months.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Location Plan	27.10.17
FLOOR PLAN	Combined Plans	27.10.17
1:500	Location Plan	27.10.17

List of Background Papers

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

Ward Sidmouth Town

Reference 17/2557/TRE

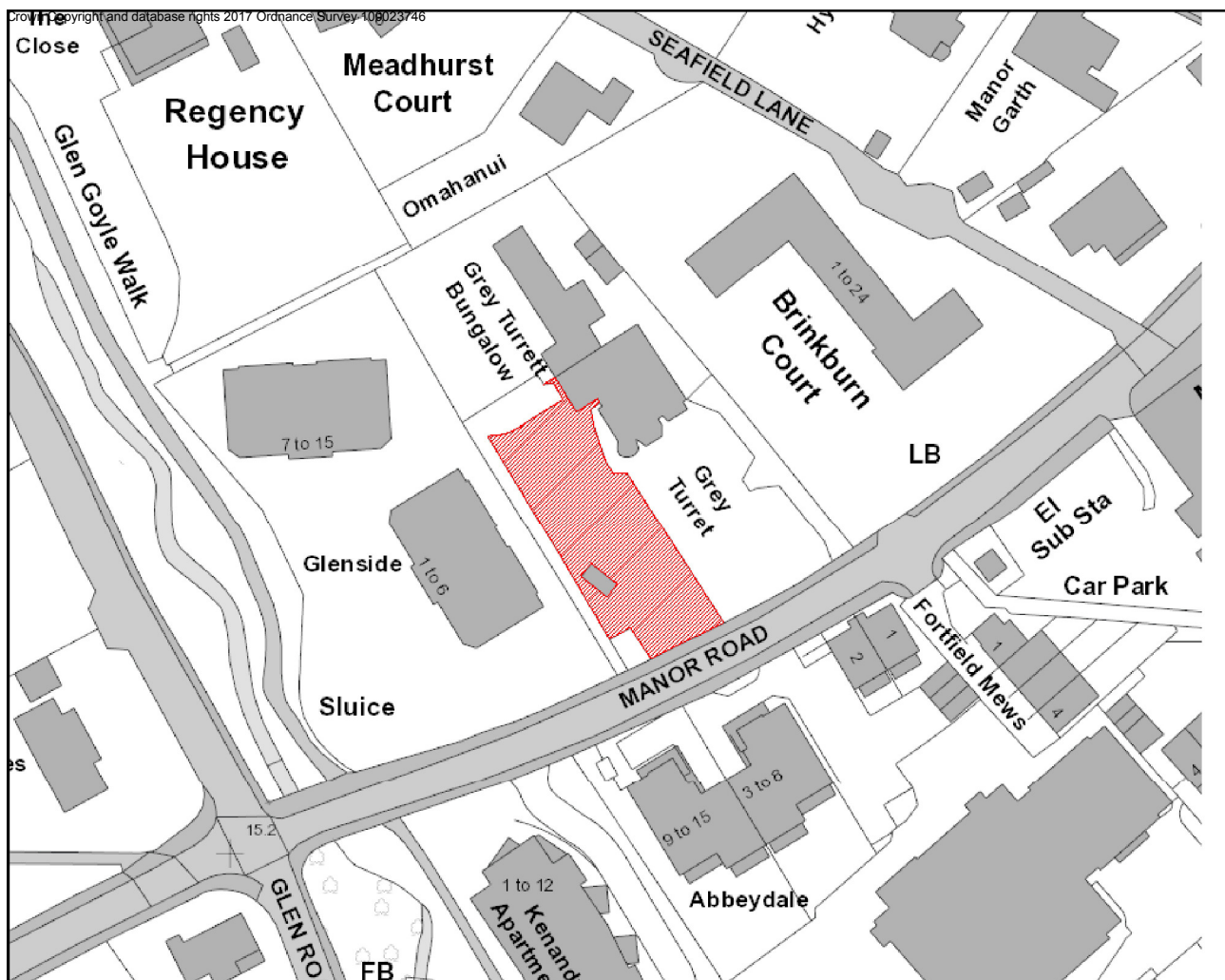
Applicant Mrs Karen Jenkins

Location Flat 2 Grey Turret Manor Road Sidmouth EX10 8RP

Proposal T1 Yew: Crown raise to give 4m clearance over drive and 2.5m over footpath T2: Cypress: Crown raise to give 4m clearance over drive. Reason: To provide adequate clearance over the driveway and footpath.



RECOMMENDATION: Approval with conditions



		Committee Date: 9th January 2018
Sidmouth Town (SIDMOUTH)	17/2557/TRE	Target Date: 20.12.2017
Applicant:	Mrs Karen Jenkins	
Location:	Flat 2 Grey Turret Manor Road	
Proposal:	T1 Yew: Crown raise to give 4m clearance over drive and 2.5m over footpath T2: Cypress: Crown raise to give 4m clearance over drive. Reason: To provide adequate clearance over the driveway and footpath.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The application proposes works to two trees the subject of a Tree Preservation Order to raise the canopies to give greater clearance over the access drive.

The tree works are acceptable in this situation, the two trees within this application are causing a hazard to pedestrians using the public footpath and are restricting the clear usage of the applicant's driveway. There will be no loss of amenity and the works will not reduce the overall lifespan of the trees.

CONSULTATIONS

Local Consultations

Sidmouth Town Council

APPROVED: Subject to the conditions set out in the Arboricultural Officer's Report.

Technical Consultations

None

Other Representations

None

POLICIES

Town and Country Planning (Tree Preservation) (England) Regulations 2012

EDDC Local Plan 2013-2031

D1 – design and Local Distinctiveness

D2 – Landscape Requirements

D3 – Trees and Development

Site Location and Description

The property is located on the north side of Manor Road Sidmouth, the property is listed and some of the trees within the garden are covered by a Tree Preservation Order. The two trees concerned within this application are close to the access driveway and Manor Road, the works include T1 Yew: Crown raise to give 4m clearance over drive and 2.5m over footpath, T2: Cypress: Crown raise to give 4m clearance over drive.

ANALYSIS

T1 is a mature Yew tree growing on the front boundary of the property, the tree has a reasonably healthy crown with some small expected deadwood. The crown is lower than the legal height over the footpath in Manor Road and is restricting the use of the driveway. Given this, and given that the works will not result in any harm to the visual amenity of the area, these works are acceptable.

T2 is a mature Cypress tree growing to the side of the entrance driveway and is healthy with a good healthy crown containing only small amounts of deadwood. The crown is about 2.4m over the driveway and a crown lift to 4m is acceptable as it will not harm the visual amenity of the area or future health of the tree.

CONCLUSION

The works to the trees will raise them sufficiently above the pavement and driveway without causing harm to the future of the trees or visual amenity of the area, as such the works are considered to be acceptable.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The works hereby consented to shall be carried out in accordance with British Standard 3998: 2010 (Tree Work - Recommendations).
(Reason - In the interests of amenity and to ensure the works are carried out in a satisfactory manner.)
2. The works hereby consented to shall be carried out within a period of 2 years from the date of this decision notice.

(Reason - To ensure that the works are carried out within a reasonable period of time.)

NOTE FOR APPLICANT

Wildlife - Bats and birds are protected under the Wildlife & Countryside Act 1981 and the Countryside and Rights of Way Act 2001, it is an offence to deliberately or recklessly disturb them or damage their roosts or habitat. Therefore, close inspection of the tree(s) should be undertaken prior to the commencement of works to determine if any bats or birds reside in the tree(s). No works should occur while birds are nesting which may be at any time between the month of March to September inclusive; if bats are present works should cease until the applicant has obtained further advice from Natural England on 0845 601 4523 or email wildlife@naturalengland.org.uk. Further advice on bats is available from The Bat Conservation Trust (0845 1300 228).

List of Background Papers

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