

Agenda for Development Management Committee

Tuesday, 5 June 2018; 10:00am



[Members of the Committee](#)

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

[View directions](#)

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01395 517542, Issued 23 May 2018

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[Speaking on planning applications](#)

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

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

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

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

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Friday 25 May up until 12 noon on Thursday 31 May 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 1 May 2018 (page)
- 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 9-16)
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.

18/0376/MFUL (Major) (Page 17-51)

Exmouth Littleham
Car Park off Queens Drive
Exmouth, EX8 2AY

18/0749/FUL (Other) (Page 52-60)

Exmouth Littleham
Land to Rear Of Exmouth Rowing Club
Queens Drive, Exmouth,

18/0462/VAR (Minor) (Page 61-73)

Woodbury and Lympstone
Land on the West Side of Exmouth Road
(Longmeadow Road), Lympstone

18/0319/VAR (Minor) (Page 74-85)

Woodbury and Lympstone
Land on the West Side of Exmouth Road
Lympstone

18/0849/FUL (Minor) (Page 86-90)

Exmouth Halsdon
20 Halsdon Avenue
Exmouth, EX8 3DL

Break

(Lunch will be provided for Development Management Committee members)

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

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

18/0623/VAR (Minor) (Page 91-99)

Axminster Rural
The Glebe Cottage
Hawkchurch, Axminster, EX13 5XD

18/0413/FUL (Other) (Page 100-110)

Otterhead
Buckeshayes Farm
Upottery, Honiton, EX14 9RQ

18/0309/FUL (Minor) (Page 111-116)

Ottery St Mary
Penor
Winters Lane, Ottery St Mary, EX11 1BA

18/0394/VAR (Minor) (Page 117-128)

Yarty
Lea Hill
Membury, Axminster, EX13 7AQ

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 1 May 2018

Attendance list at end of document

The meeting started at 10.05am and ended at 1.15pm

***49 Minutes**

The minutes of the Development Management Committee meeting held on 3 April 2018 were confirmed and signed as a true record.

***50 Declarations of interest**

The Chairman noted, on behalf of all committee members, that they had been lobbied in respect of application 17/2850/MFUL.

Cllr David Barratt; 17/2850/MFUL; Personal interest; Sidmouth Town Councillor

Cllr Colin Brown; 17/1201/MFUL; Personal interest; train the Chef apprentices for River Cottage Ltd.

Cllr Colin Brown; 17/2850/MFUL; Personal interest; previously sold land to the applicant

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Cllr Bruce de Saram, Cllr Susie Bond, Cllr Mike Allen, Cllr Steve Gazzard, Cllr Paul Carter, Cllr Brian Bailey, Cllr David Key, Cllr Alan Dent, Cllr Mike Howe and Cllr Mark Williamson advised that they had been lobbied in respect of application 17/2473/MOUT.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Cllr Mike Howe advised that he was the Ward Member in respect of application 17/2319/FUL so the Vice Chairman chaired the item.

***51 Appeal statistics**

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

The Development Manager drew Members' attention to the appeal of application 17/1345/FUL which had been allowed as the Inspector felt that the impact on the amenity of adjoining occupiers was acceptable. The Development Manager drew Members' attention to the lodged appeal of application 17/1270/FUL which had been determined by the committee.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 12 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
Brain Bailey
David Barratt
Susie Bond
Paul Carter
Alan Dent
Bruce de Saram
Steve Gazzard
Ben Ingham
David Key
Helen Parr
Mark Williamson

Officers present for all or part of the meeting

Henry Gordon Lennox, Strategic Lead – Governance and Licensing
Chris Rose, Development Manager
Jeremy Ebdon, Principal Planning Officer (East)
Janet Wallace, Principal Environmental Health Officer
Tabitha Whitcombe, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

Ian Chubb
Geoff Jung
Marianne Rixson
Phil Twiss

Apologies:

Committee Members

Councillors

Peter Burrows

Chairman

Date.....

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

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:
<http://eastdevon.gov.uk/media/2449194/010518combinedDMCagenda.pdf>

Clyst Valley
(FARRINGDON)

17/2319/FUL

Applicant: UK Capacity Reserve

Location: Land East Of Hill Barton Business Park, Farringdon

Proposal: Installation of up to 14 no. containerised gas-fired standby generators and construction of ancillary structures including a DNO metering station, transformer compound, switch room, store room, oil storage tank, 2 no. vehicle parking spaces, vehicular access and erection of 2.4m boundary fence.

RESOLVED: REFUSED (contrary to officer recommendation) with delegated authority given to the Development Manager to draft reasons for refusal. Members determined that the proposal was contrary to Strategy 7 of the Local Plan and the Emerging Villages DPD in terms of representing a form of development with no local plan policy support and which would harm the landscape, amenity and environmental qualities of the area. In addition, Members determined that the application had not satisfactorily demonstrated that there would be no detrimental noise impact, particularly after 6pm or on Saturday mornings, Sundays or Bank Holidays when other uses at the Business Park were not operational, contrary to Policy EN14 Control of pollution.

Newbridges
(MUSBURY)

17/1201/MFUL

Applicant: Mr James Houston (River Cottages Ltd)

Location: River Cottage, Park Farm, Trinity Hill Road, Musbury, Axminster, EX13 8TB

Proposal: Proposed buildings to provide expansion of existing facilities for rural courses at River Cottage, consisting of a 16 bedroom guesthouse, cookery school, an events space and informal lounge space.

RESOLVED: APPROVED with conditions as per officer recommendation.

Honiton St Michaels
(HONITON) 17/2473/MOUT

Applicant: Homes England (Mr Britton)

Location: Land at High Street (former Foundry Yard), High Street,
Honiton, EX14 1JZ

Proposal: Outline application for the demolition of existing buildings and
development of up to 32 no. dwellings (including affordable
housing) and associated access (layout, scale, appearance,
and landscaping reserved matters).

RESOLVED: REFUSED as per officer recommendation.

Sidmouth Sidford
(SIDFORD) 17/2850/MFUL

Applicant: Churchill Retirement Living

Location: Green Close, Drakes Avenue, Sidford, Sidmouth, EX10 9JU

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

RESOLVED: REFUSED as per officer recommendation with delegated authority
given to the Development Manager to change the reason for refusal
to remove the words 'including application of an overage clause'.

Broadclyst
(ROCKBEARE) 18/0300/FUL

Applicant: Mr C Emmett

Location: Land East Of High Bank, Bridge View, Rockbeare, EX5 2UJ

Proposal: Erection of 5 dwelling houses, construction of access and
associated works.

RESOLVED: APPROVED with conditions as per officer recommendation.

East Devon District Council
List of Planning Appeals Lodged

Ref: 17/1993/FUL **Date Received** 18.04.2018
Appellant: Mr & Mrs Murphy
Appeal Site: Bronte Residential Care Home Lower Lane Ebford Exeter
EX3 0QT
Proposal: Construction of detached bungalow
Planning APP/U1105/W/18/3200680
Inspectorate
Ref:

Ref: 17/1329/MFUL **Date Received** 24.04.2018
Appellant: Mr Buckland
Appeal Site: Hill Pond Clyst St Mary Exeter EX5 1DP
Proposal: Demolition of existing dwelling and associated outbuildings
and provision of new office floorspace (Use Class B1) and
associated infrastructure, including parking and landscaping
APP/U1105/W/18/3201079
Planning
Inspectorate
Ref:

Ref: 17/2801/LBC **Date Received** 25.04.2018
Appellant: Mr & Mrs G Russell
Appeal Site: The Old Post Office Luppitt Honiton EX14 4RT
Proposal: Various works to include: re-place front porch and door,
single storey rear extension (East elevation), link to log store,
replace slate roof on existing roof on single storey rear
extension, replace 3no. windows and 2no. door to log store,
install 2no. new window openings in roof of log store (North
elevation), construct partition walls in log store to create
shower-room and further 2 rooms, insert 3no. roof lights in
rear (East elevation), repairs to 3no. windows at first floor rear
elevation (East elevation), move/remove overhead power
cables and poles, repairs/re-thatch in water reed, re-point
repair cob wall at first floor, re-point chimney stacks and
renew flashing and new gate and fence to front
Planning
Inspectorate
Ref:

Ref: 17/2802/FUL **Date Received** 25.04.2018
Appellant: Mr & Mrs G Russell
Appeal Site: The Old Post Office Luppitt Honiton EX14 4RT
Proposal: Replace front porch (West elevation), single storey rear extension and link to log store, demolish existing log store at end of detached garage and reform new roof structure including slate roof, LPG tank, insert 2no. windows in side (North elevation), replace front path and new gate and fence to front

**Planning
Inspectorate
Ref:**

Ref: 17/2121/FUL **Date Received** 30.04.2018
Appellant: Mr & Mrs G Dobel
Appeal Site: Land At 11A Lansdowne Road Budleigh Salterton EX9 6AH
Proposal: Detached dwelling.
Planning APP/U1105/W/18/3201501
Inspectorate
Ref:

Ref: 16/2848/MFUL **Date Received** 01.05.2018
Appellant: Exmouth Trade Frames Ltd
Appeal Site: Doyle Centre Norton Place Exmouth EX8 2ND
Proposal: Demolition of building and construction of 10no dwellings
Planning APP/U1105/W/18/3201622
Inspectorate
Ref:

Ref: 17/1559/FUL **Date Received** 08.05.2018
Appellant: Ed Akay & Katherine Akay
Appeal Site: Rockshaw Moorcourt Close Sidmouth EX10 8SU
Proposal: The addition of two single storey dwellings
Planning APP/U1105/W/18/3202208
Inspectorate
Ref:

Ref: 17/3012/PDQ **Date Received** 09.05.2018
Appellant: Mr Lawrence
Appeal Site: Land South Of Four Elms Farm Alfington Road Ottery St Mary Devon EX11 1NY
Proposal: Prior approval for proposed change of use of agricultural building to form 2no dwellings (use class C3) and associated operational development.
Planning APP/U1105/W/18/3202208
Inspectorate
Ref:

Ref: 17/2677/VAR **Date Received** 11.05.2018
Appellant: Mr Giles Baily
Appeal Site: Bucknole Farm Northleigh Colyton EX24 6BP
Proposal: Application to remove condition 3 (holiday let only) from
planning permission 16/2402/FUL (change of use and
conversion of shippon to holiday let unit and associated
works)
Planning APP/U1105/W/18/3202489
Inspectorate
Ref:

East Devon District Council List of Planning Appeals Decided

Ref: 17/1423/OUT **Appeal Ref:** 17/00060/REF

Appellant: Mr & Mrs Anthony Whitehead
Appeal Site: Halfyards Sidmouth Road Farringdon Exeter EX5 2JX
Proposal: Outline application (with all matters reserved) for the conversion of existing dwelling/annexe and detached garage to 2 no. dwellings and the construction of 2 no. additional dwellings

Decision: **Appeal Dismissed** **Date:** 17.04.2018
Procedure: Written representations
Remarks: Delegated refusal, sustainability reasons upheld (EDLP Policy TC2 and Strategies 5B & 7).

BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/17/3186802

Ref: 17/2321/FUL **Appeal Ref:** 18/00011/REF

Appellant: Miss Lisa Southwell
Appeal Site: 1 Elim Close Peaslands Road Sidmouth EX10 9BG
Proposal: Single storey extension

Decision: **Appeal Allowed (with conditions)** **Date:** 17.04.2018
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons overruled (EDLP Policy D1).
The Council refused the application on the basis that due to the height, depth and proximity to the boundary, the proposal would have a detrimental impact on the amenities of the occupiers of the adjacent property.

The Inspector assessed the proposal having particular regard to the living conditions of the neighbours in terms of outlook, sunlight and privacy.

The Inspector acknowledged that the proposal was likely to result in having some effect on the direct sunlight reaching the neighbouring property, however, he did not consider that the impact would be significant. He also considered that the proposed extension would not adversely affect the neighbours in terms of privacy or overbearing impact.

He concluded that the proposal would not harm the living conditions of the occupiers of the adjoining residential properties and therefore complies with Policy D1 of the East Devon Local Plan.

BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/D/18/3195437

Ref: 17/1026/COU **Appeal Ref:** 17/00061/REF

Appellant: Mr D Gentry, Mrs J Goode & Mr J Goodwin
Appeal Site: Land To West Of Marles Close Awliscombe
Proposal: Change of use of land to rear of numbers 3, 4 and 5 Marles Close, Awliscombe from agricultural land to domestic garden.
Decision: **Appeal Allowed (with conditions)** **Date:** 20.04.2018
Procedure: Written representations
Remarks: Delegated refusal, countryside and landscape protection reasons overruled (EDLP Strategies 7 & 46 and Policy D1).

The Inspector acknowledged that the site is clearly visible from the public footpath to the south west of the site, however, he considered that with the addition of planting along the new boundary, it would be difficult to discern the new boundary from the surrounding established hedge lines or any significant change to a more domestic character.

He considered that the proposal was acceptable subject to the planting of a new native hedgerow and the removal of permitted development rights to bring certain structures inside planning control.

The Inspector concluded that the proposal would not have a detrimental impact on the character or the appearance of the area and would accord with Policy D1 and Strategy 46 of the Local Plan. He imposed conditions requiring the submission of details of a landscaping scheme and the removal of permitted development rights in respect of any proposed buildings or structures on the land.

BVPI 204: Yes
Planning Inspectorate Ref: APP/U1105/W/17/3187234

Ref: 15/2885/FUL **Appeal Ref:** 17/00055/REF

Appellant: Gillian Rudham
Appeal Site: Keepers Cottage Exeter Road Whimble Exeter EX5 2PS
Proposal: Conversion of former kennels to dwelling
Decision: **Appeal Allowed (with conditions)** **Date:** 23.04.2018
Procedure: Informal Hearing
Remarks: Delegated refusal, listed building and amenity reasons overruled (EDLP Policies EN9 & D1).

Having regard to case law and ownership details, the Inspector determined that the building subject of the appeal was not curtilage listed but a non- designated heritage asset.

The Inspector considered that the listed house was visually distinct from the wider setting of the Strete Raleigh Estate which made a limited contribution to the significance of the listed building. The appeal building forms part of that wider setting.

He also considered that the proposal would ensure the viable reuse of a heritage asset which would comply with LP Policies D1 and EN9 but would conflict with LP Policies D8 and TC2 in relation to the site's accessibility. The restoration and viable use of a non-designated heritage asset, however, was a significant benefit of the scheme and would comply with paragraph 55 of the Framework.

The Inspector concluded that the limited harm arising from the conflict with LP Policies D8 and TC2 was outweighed by the significant benefit of the proposal in relation to the non-designated heritage asset as well as compliance with paragraph 55 of the Framework. Consequently, in this case, the material considerations indicate that the decision should be made otherwise than in accordance with the development plan and the appeal should be allowed.

BVPI 204: **Yes**
Planning APP/U1105/W/17/3184164
Inspectorate
Ref:

Ref: 15/2886/LBC **Appeal Ref:** 17/00056/LBCREF

Appellant: Gillian Rudham
Appeal Site: Keepers Cottage Exeter Road Whimble Exeter EX5 2PS
Proposal: Conversion of former kennels (part of the Strete Raleigh estate) to dwelling
Decision: **Appeal Invalid** **Date:** 23.04.2018
Procedure: Informal Hearing
Remarks: The Inspector concluded that the building was not curtilage listed and therefore an application for listed building consent was not required.

BVPI 204: **No**
Planning APP/U1105/Y/17/3184165
Inspectorate
Ref:

Ref: 17/0662/COU **Appeal Ref:** 17/00065/REF
Appellant: Mr Shaun Springs
Appeal Site: Spring Cottage Bicton East Budleigh Budleigh Salterton EX9 7BR
Proposal: Change of use of 'The Barn' to a wedding venue.
Decision: **Appeal Dismissed** **Date:** 25.04.2018
Procedure: Written representations
Remarks: Delegated refusal, highway safety and noise pollution reasons upheld (EDLP Policies TC7, TC9 & EN14).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/17/3187798

Ref: 17/2320/FUL **Appeal Ref:** 17/00077/REF
Appellant: Mr A Jones
Appeal Site: 57 Millhead Road Honiton EX14 1RD
Proposal: Construction of 3 bedroomed detached dwelling and associated works
Decision: **Appeal Dismissed** **Date:** 11.05.2018
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policy D1).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/17/3191342

Ref: 17/1986/FUL **Appeal Ref:** 18/00006/REF
Appellant: Mr & Mrs Rob And Laura Aubry
Appeal Site: 89 Hulham Road Exmouth EX8 4RD
Proposal: Construction of two storey side extension and single storey rear extension.
Decision: **Appeal Allowed (with conditions)** **Date:** 17.05.2018
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons overruled (EDLP Policy D1).
The Inspector acknowledged that the proposal would increase the mass and bulk of the appeal property in close proximity to the boundary, however, did not consider that the outlook from the adjoining property would be harmed. In addition, he did not consider that the increased enclosure of the rear gardens of the adjacent properties would be overbearing.
He concluded that that the living conditions of the occupiers of the adjoining properties would not be harmed and the proposal would accord with Policy D1 of the Local Plan.
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/D/18/3194059

Ref: 17/0882/OUT **Appeal Ref:** 17/00075/REF

Appellant: Mr & Mrs G Griffiths

Appeal Site: The Birches Lower Broad Oak Road West Hill Ottery St Mary EX11 1XH

Proposal: Demolition of existing bungalow and construction of two detached dwellings (outline application including details of access)

Decision: **Appeal Dismissed** **Date:** 18.05.2018

Procedure: Written representations

Remarks: Delegated refusal, sustainability reasons upheld (EDLP Policy TC2 and Strategy 5B).

BVPI 204: **Yes**

Planning Inspectorate Ref: APP/U1105/W/17/3191009

Ref: 17/0964/OUT **Appeal Ref:** 17/00071/REF

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.

Decision: **Appeal Dismissed** **Date:** 18.05.2018

Procedure: Written representations

Remarks: Delegated refusal, amenity and highway safety reasons upheld (EDLP Policies D1, TC7 & TC9).

BVPI 204: **Yes**

Planning Inspectorate Ref: APP/U1105/W/17/3189864

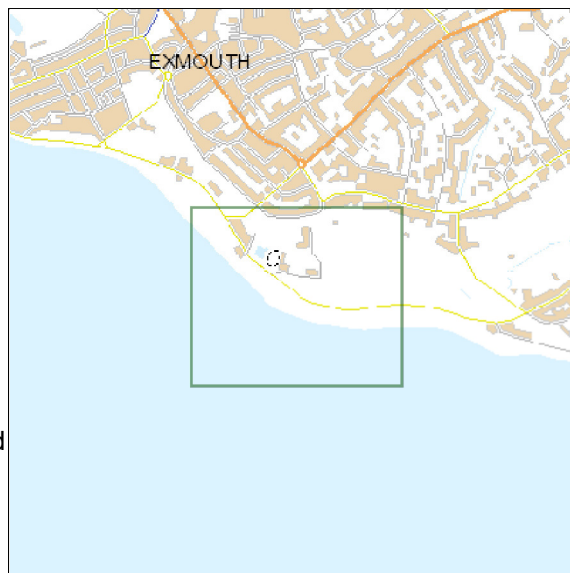
Ward Exmouth Littleham

Reference 18/0376/MFUL

Applicant Grenadier Exmouth Ltd

Location Car Park Off Queens Drive Exmouth EX8 2AY

Proposal Construction of new water sports centre including various facilities for water sports users, a cafe, restaurant and retail plus car parking and open space together with associated infrastructure including new stepped and ramped access to the beach and landscaping



RECOMMENDATION: Approval with conditions



		Committee Date: 5th June 2018
Exmouth Littleham (EXMOUTH)	18/0376/MFUL	Target Date: 15.05.2018
Applicant:	Grenadier Exmouth Ltd	
Location:	Car Park Off Queens Drive	
Proposal:	Construction of new water sports centre including various facilities for water sports users, a cafe, restaurant and retail plus car parking and open space together with associated infrastructure including new stepped and ramped access to the beach and landscaping	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the land subject of the application is in the ownership of East Devon District Council and there are objections to the application.

The site is located on a prominent part of the Esplanade which has been subject to previous applications for alternative uses (the current use being a public car park) as part of the wider regeneration of Exmouth. In 2017 a water sports centre was approved on this site albeit in a different design and layout.

This proposal seeks to provide buildings that would incorporate a café, retail space, and changing facilities within the building. Outside the building, there would be eight retail units in four separate buildings located to the east of the main building, as well as other ancillary buildings to the rear (north) of the main building. There would be car parking to the rear of the building and some grass/landscaping around much of the perimeter of the site (though less so to the south). Much of the front of the building would be surrounded by a terraced area, and a new ramped and stepped access to the beach, off the existing sea wall is also proposed.

The overall design and shape of the building is considered to respond well to the shape of the site and the route of the promenade through its cranked design. This allows the proposal to respond to the street-scene and have an active frontage on all sides. Areas of glazing allow for views towards the sea and beachfront. This would have the further benefit of reducing the need for artificial lighting. Indeed, the proposal would incorporate PV panels based on an east-west axis and

incorporate ground source heat pumps, EPC A+ thermal performance and natural lighting and ventilation to enhance its sustainability credentials.

Mitigation measures are required in the form of education paraphernalia and signage to inform users of the centre and users of the area in front of the centre of the importance of the conservation interest of the estuary and the tidal patterns.

Matters of flooding, retail impact, economic impact, highway safety and surface water drainage have been found to be acceptable subject to appropriate safeguarding conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council

Following a lengthy debate relating to: Access, Safety, Environment and Loss of Community Asset, a recorded vote took place where it was agreed to support this application.

Further comments:

No Objection to the amended plans to remove 2 no. sets of steps to access beach and amended design access ramp to include access steps.

Exmouth Littleham - Cllr M Williamson

I Support this application.

The application is referenced by policy in that The Exmouth Town Centre and Seafront Masterplan 2011 aspires to the creation of a 'Watersports Hub' (Section 6, sub-section 12, p.67). On 17 January 2016 Strategic Planning Committee determined that the Masterplan would be turned into Supplementary Planning Guidance and used to inform decision making.

The applicants are to be commended for their willingness to engage in public consultation over what is a highly sensitive site in terms of location, prominence and the natural environment. They have listened to the public and been prepared to engage with the community. They have followed the guidance for applicants in the NPPF.

As a result of their consultation the applicants have significantly altered their designs. The result combines functionality with sustainability. It does not at first sight create an altogether aesthetically pleasing experience being somewhat dispersed across part of the site with satellite buildings giving it a 'scattered' appearance. However, the use of sustainable and local materials is evident and the decision to move the main building further away from the pedestrian promenade reduces both its visual impact and its interference with users of the promenade. The creation of space for free play and informal events such as musical performances is inspired and to be highly commended.

Although I appreciate that some in-house eating facility is required I cannot understand why two floors are needed when there are already over 20 existing food outlets, mainly

locally owned and run, on the seafront and I hope that the applicants will engage with the Exmouth Neighbourhood Plan Implementation Group to discuss whether a Visitors Centre/Triassic Coast Interpretation Centre might be incorporated into the 'social' part of the centre.

In view of its prime tourist location, if a CEMP is not submitted, I will move this in Committee.

When this application comes to Committee I will reserve my position until I am in full possession of all the relevant facts and arguments both for and against.

Exmouth Littleham - Cllr B De Saram

The Exmouth Town Centre and Seafront Masterplan 2011 pointed out that:

1. More is needed to emphasise Exmouth as the gateway to the Jurassic Coast, so that the town can benefit from this nationally recognised environment.
2. In regard to Water sports facilities Exmouth has a particular reputation for success in water sports and has developed water sports Olympians and international champions.

There are a number of water sports outlets - places to hire equipment and to have lessons. These provide excellent facilities to help put Exmouth on the Map. However physical infrastructure does not support or encourage water sports use; The buildings that these facilities are housed in are poor quality and do not express the importance of water sports to Exmouth or help enhance the town's profile.

Therefore in regard to this application it will go some way to solving these two important planning requirements for Exmouth identified in 2011.

I also note that there are proposed restaurant facilities which will provide a choice of eating facilities for both residents and visitors to the sea front.

Therefore I am able to support my fellow Ward Councillors in regard to this application. Finally I refer to the fact that the applicants have engaged with the Public in a very positive and constructive manner which again is a good professional approach to take with such a sensitive site.

Disclaimer Clause: Finally In the event that this application comes to committee I would reserve my position until I am in full possession of all the relevant facts and arguments both for and against

Technical Consultations

County Highway Authority

Observations:

This application includes provision of the new water sports and associated facilities centre but is not inclusive of the new diverted road which will be partial to a separate assessment.

The Transport Statement outlays a great deal of walking, bus and cycling incentives and targets. The overlaying of the existing car park can not be created from permeable paving due to the blown sand from the shore, intercepting the permeability of the paving, therefore overlaying or recycling of the existing surface is accepted by the CHA.

The CHA is pleased to see the provision of 3 disabled spaces, and 6 electric car charging points and generally finds the geometry of the car park layout acceptable. The car park has a circulate layout to allow the exit and egress of the site in forward gear which will reduce the potential for traffic collision. The proposed access will have acceptable visibility.

The site includes more than one pedestrian access to promote through-route travel and access. Although the beach promenade includes a ramp for disabled and buggy access on to the beach, this needs to be promoted and signed from the other two stepped accesses onto the beach front to avoid these users trying to access the beach from these steps.

Therefore I have no objections to this proposed development.

Recommendation:

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

Economic Development Officer

We have reviewed all associated documents in relation to planning application 18/0376/MFUL

The National Planning Policy Framework identifies the economic role of development in contributing to building a strong, responsive and competitive economy. The proposed development builds upon Exmouth's unique strength as a venue for a great water sports experience and offers to provide a high quality facility that will embed Exmouth's position as a 'go to' destination. The proposed facilities will contribute towards enabling the Exmouth visitor economy to extend the visitor season beyond the core summer months and support the further development of the water sports and associated high quality leisure offer in the town. It is stated that the proposed development will result in the creation of 62 FTE jobs.

The Exmouth visitor economy is constantly evolving and changing and has already benefitted from investment in new holiday accommodation, new and/ or improved indoor leisure facilities and public realm. The proposed development has the potential to make a further and very significant contribution to the creation of a visitor economy for Exmouth that is fit for the 21st Century reflecting Exmouth's unique water sports offer and enhance the site's stunning seafront location.

Local Development Framework

The East Devon Local Plan supports positive development on Exmouth Seafront and the development of recreation facilities on the Coast.

In 2016 East Devon District Council commissioned an Exmouth Visitor survey on behalf of the Exmouth Coastal Community Team, this was undertaken by the South West Research Company

The key challenges for the Exmouth visitor economy included:

- An ageing visitor profile
- Low visitor expenditure
- The need to attract new 'first -time' visitors
- The short visitor season
- Increased competition from other destinations

These findings are supported by national research, a report entitled: From ebb to flow published by the Centre for Entrepreneurs (2015) <https://centreforentrepreneurs.org/cfe-research/from-ebb-to-flow-how-entrepreneurs-can-turn-the-tide-for-seaside-towns/>

In this report it is recommended that 'Local authorities, businesses and tourist agencies should join together in forging unique identities for their towns. In an era where experiences and authenticity matter most, a unique proposition.... will be key in attracting entrepreneurs and professional in search of something different.'.....

In addition the National Coastal Tourism Academy publication 'Water sports at the seaside- Market Intelligence Briefing' [https://coastaltourismacademy.co.uk/resource-hub/resource/visitor-profile-watersports-at-the-seaside-identified that:](https://coastaltourismacademy.co.uk/resource-hub/resource/visitor-profile-watersports-at-the-seaside-identified-that:)

Water sports enthusiasts require local conditions which favour their particular sport -so that seaside towns can gain a reputation as ideal places for a particular activity.

Participants require easy access to the sea, parking close to the beach, and public changing rooms and showers.

Water sports can make an important contribution to the economy of many resorts.

Forecasters predict that this market is set to grow and it goes without saying that every coastal resort has something to offer for a particular watersport.

They are an opportunity to generate additional 'shoulder season' business.

As a destination becomes popular with water sports, new businesses follow.

Conclusion

It is clear that Exmouth already has a reputation as a venue for great water sports. The proposed development has the potential to make a further and very significant contribution to the creation of a visitor economy for Exmouth that is fit for the 21st Century reflecting Exmouth's unique water sports offer and enhance the site's stunning seafront location.

Environmental Health

I have considered this application and I have concerns regarding the ventilation, extraction and air conditioning systems and I would like to recommend the following conditions:

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

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

For the for the construction stage I recommend:

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.

Contaminated Land Officer

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

Conservation

The suitability of the area of land fronting Queens Drive, earmarked for comprehensive redevelopment to include; recreation, café, restaurants etc was considered through planning application 13/1819/MOUT and granted outline permission in early 2014.

Therefore, assessment of the area, in 2014 has been taken into account namely;

The heritage assets viewed from the area of the application site include the Trefusis Terrace (not listed) however fall within the periphery of the Conservation Area which is elevated to the north and provides a rhythmic roofscape to the skyline.

Furthermore the setting of the conservation area identified as the land between the raised ridgeline and the beach is presently very open and without any significant structures. This is quite indicative of Victorian seaside towns where pleasure garden by the sea were the norm and map evidence from 1890 suggests that the site was used as a cricket and football ground.

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

In assessing the current proposal for the 'Construction of new water sports centre including various facilities for water sports users, a café, restaurant and retail plus car parking and open space together with associated infrastructure including new stepped

and ramped access to the beach and landscaping', has been balanced against application 13/1819/MOUT.

In this respect, the temporary use of the land for similar activities as that agreed through the 2013 application, would result no more harm than that already considered and accepted.

In considering the mass, scale, design and use of materials of the water sports centre, the following comments are made;

The scale of the restaurant and eateries building, at two storey although large in isolation, is akin to the scale of existing modern additions to the seafront. The mass of which is however diluted by the use of a large glazed gable end addressing the seafront.

In addition the beachside retail units and water sports zone, located adjacent to the restaurant structure, has been introduced as a terrace of single storey beach huts, characteristic of the surrounding area.

Furthermore, the use of natural materials as proposed is encouraging and in keeping with the palette of more recent additions to Exmouth's seafront.

As an observation the timber steps proposed to provide access to the beach from the promenade, are considered visually awkward, when balanced against the existing character and appearance of Exmouth's seafront.

In summary the proposed construction of a new water sports centre including various facilities for water sports users, a café, restaurant and retail plus car parking and open space together with associated infrastructure including new stepped and ramped access to the beach and landscaping. Would result in little more harm to the character of the conservation area.

PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

Environment Agency

Thank you for your consultation of 14 February 2018 in respect of the above.

Environment Agency position

We have no objections to this proposal provided that it is implemented in line with the recommendations of the Flood Risk Assessment

Reason

The Flood Risk Assessment prepared by WSP (Ref. Exmouth Watersports Centre, Revision 2, dated January 2018) has been reviewed. Taking into account our previous advice in respect of flood risk we are satisfied that the current FRA document now provides a comprehensive assessment of flood risk matters. On this basis, we support the conclusions of the FRA and advise that the development should be implemented in accordance with its recommendations. Your authority may consider it appropriate to condition implementation of the FRA..

DCC Flood Risk Management Team

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

Observations:

The proposed surface water drainage management system for this proposed development must meet the National Technical Standards which state that unless an area is designed to hold or convey water, flooding within the development must not occur under the following circumstances:

- On any part of the development for a 1 in 30 year rainfall event;
- In any part of a building or any utility plant susceptible to water for a 1 in 100 year rainfall event;
- Flows resulting from events in excess of the 1 in 100 year rainfall event must be managed by exceedance routes which minimise the risk to life and property.

The applicant has provided details of the management of the 1 in 30 year event (+10% climate change), however they must also demonstrate how surface water will be managed for the 1 in 100 year (+40% climate change) event, to demonstrate that no buildings will be flooded during this event.

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

The Flood Risk Assessment (Report No 70026298 Rev 2, dated January 2018) references infiltration testing that was undertaken as part of a previous ground investigation (Report No PE151195, dated August 2015). Please could the applicant provide details of the testing undertaken in the form of a copy of the original report, to ensure that testing has been undertaken in the location of the proposed soakaway and in accordance with BRE Digest 365 Soakaway Design (2016).

The applicant should note that a programme of groundwater monitoring for a period of 12 months must take place, to ensure that groundwater levels do not rise to within 1m of the base of the proposed soakaway. However, this may form part of a pre-commencement condition.

South West Water

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

Asset Protection

Please find enclosed a plan showing the approximate location of a public sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal.

Foul Sewerage Services

South West Water advises a Planning Condition to emphasise that: Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.

Surface Water Services

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

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

4. Discharge to a combined sewer.(Subject to Sewerage Undertaker carrying out capacity evaluation)
South West Water will carry out a hydraulic capacity review of the combined sewerage network before permission will be granted to discharge to the combined sewer.

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy. However, should this method be amended, SWWL will require clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

Your LPA will be mindful of Local Plan policy to limit the adverse (including cumulative) effect of proposed development such that sustainability is paramount and flooding risk is not increased elsewhere, together with Paragraphs 162 of the NPPF, and Paragraphs 109 and 120 of PPG (Conserving and enhancing the natural environment).

I trust this clarifies the water and drainage material planning considerations for your LPA, however if you have any questions or queries, please do not hesitate to contact me either via e-mail: developerservicesplanning@southwestwater.co.uk or direct line: 01392 443983.

Natural England

Thank you for your consultation on the above, which was received by Natural England on 14 February 2018 and the additional information received on Apologies for our late response.

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.

SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES (EXE ESTUARY SPA/RAMSAR/SSSI)

As submitted, the application could have potential significant effects on the Exe Estuary Special Protection Area (SPA), Ramsar site and Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

How the provision of a water sports centre and ramp access in this location forms part of an overall strategy for the management and rationalisation of access to the water and provision of water sports facilities in Exmouth.

Further explanation is given below.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's advice on other issues is also set out below.

Internationally and nationally designated sites

The application site is within/in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The application site adjacent to and is partly within the Exe Estuary Special Protection Area (SPA) which is a European site. The site is also listed as the Exe Estuary Ramsar site¹ and also notified at a national level as the Exe Estuary Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have². The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Further information required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment (HRA), it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out.

In reaching its conclusion of "no likely Significant effect" (LSE) on the Exe Estuary SPA/Ramsar the *Ecological Assessment Report (EAD Ecology, 2018)* (section 3.3.1 to 3.3.8) states that the "*operational parameters of the watersports centre would be designed to ensure that it did not result in an increase in disturbance to bird populations for which the Exe Estuary is designated.*" However, it is not clear how this would be achieved. It also goes on to state that the visitor number to the watersports centre (WSC) would be expected to be approx. 2000 pa. whereas the numbers using the existing premises on the estuary-side are approx. 800 pa. This clearly represents a significant increase in the number of users of the estuary.

The conclusion of no LSE also relies upon voluntary measures, i.e. codes of conduct and zones and an assumption that the existing premises on the estuary-side would cease to operate or make any provision for water sports users. These need further justification. E.g. It is not clear whether the existing premises would continue their current use and therefore whether 2000 users represents a net increase of 1200 or 2000.

The proposal also provides a new ramp access to the water for PWC and other users without any assessment or consideration of overall access provision and the opportunity for review and rationalisation of access across Exmouth.

Work done by your authority in the preparation of your Local Plan, namely the HRA of Exmouth Town Centre and Seafront Masterplan and the South East Devon European Sites Mitigation Strategy (SEDESMS) set the policy framework and propose mitigation measures which would address these issues. However, it appears from this application, together with proposals for tidal defences on the estuary-side, mamhead slipway, etc. that the various departments of EDDC (planning, economic development, property, etc) may not be working effectively together to bring forward development in Exmouth in a way which fully considers the recommendations of these reports. I have therefore copied this letter to your Habitat Regulations Delivery Manager and suggest that you involve him in preparing your HRA and any proposals for mitigation.

In summary your HRA should address the following:

- How your authority intends to address the 'in combination' effects of the new facility and ramp access together with the improvements made to Mamhead slipway, in the absence of any strategic management of access to the water across Exmouth.
- How an increase from 800 to 2000 users will not result in increased disturbance
- How you will ensure that the vacated premises on the estuary-side will not continue to be used for watersports (or other activity which may result in disturbance)
- How you will encourage/enforce compliance with the voluntary zones and codes of conduct

Further comments

Providing appropriate mitigation is secured to avoid impacts upon the European site occurring there should be no additional impacts upon the SSSI interest features of this site.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on consideration of protected species and other natural environment issues is provided at **Annex A**.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

Other Representations

46 letters of representation have been received; 37 of objection and 9 of support.

The reasons for objection can be summarised as follows:

-) Sited on most dangerous part of the beach
-) Would mislead people into thinking this area is safe.
-) Does this mean that the water sport centre can, at will, deny the general public access to these areas due to a 'world class' event taking place?
-) Will the loss of seating areas be compensated for? Two of the seating areas are to be used as the new raised steps to access the beach, hardly easy access for kite surfers carrying equipment or mothers with young children.
-) According to the 'Public Consultation Feedback' document on the water sport centre web site
-) 'Initially, we have opted to run a publicly available pay and display car park with reserved parking for tenants and members.
-) We will continually monitor this to ensure the car park fulfils its primary role of providing spaces for water sports users.'
-) This implies that the car parking will, at some stage in the future, become members only and not for general public use. What other areas within this site will follow this trend?
-) The car parking being placed on site adds to the congestion on the road. There will be traffic trying to access parking on either side of the road.
-) Neither of the car parking areas have facilities for coach parking. This does not encourage visitors to visit these, so called, attractions.
-) Families with children and baggage visiting the beach will have to navigate their way through water sport user's equipment strewn across public access spots after having to cross the road.
-) They will also have further to walk as fit, healthy water sport participants feel the need to have easy access to the beach.
-) It is being touted as an all year round destination for cyclists and yet there are only spaces for 24 bikes to park and not any under cover.
-) The floor plan area of the buildings shows that two thirds will be retail or food outlets. With Edge water sport running the centre this will rise even further.
-) Surely there is no sensible reason for the food outlet to be built over two storeys.
-) The added height will be over bearing on the seafront.
-) This is hardly a 'world class' water sport centre, more an out of town retail park.
-) It is also not very clear from these plans as to whether or not the building has actually been moved back from the sea wall as Grenadier have agreed to do.
-) Over development in terms of its height, size and scale.
-) Another restaurant and retail outlets are not appropriate for this location and a property which is dressed up in the planning application to be predominantly a water sports centre, which it clearly isn't.
-) Poor design
-) Increase in noise levels
-) Should be no blocking of promenade

-) Taking away beach huts so privileged few can benefit
-) Will damage the area with sand build up
-) Will result in food and related debris
-) Don't need such a facility
-) Loss of open vistas
-) Restaurants not commercially viable
-) Does this give permission for part of the beach to be closed off
-) The public thoroughfare is severely narrowed and restricted by steps and glass sided ramps between the restaurant building and the sea wall.
-) Feedback on height of building has been ignored.
-) Benches would be lost.
-) Lack of car parking
-) Investment should be focused on town centre.
-) Pods are so small would be useless
-) Invitation for car accidents.
-) What financial benefits will it bring for Exmouth
-) Where is the business plan
-) Why not build it elsewhere
-) Report on public consultation is incomplete
-) No explanation why BREAAAM is unachievable
-) Should be rejected until comprehensive energy budget is available
-) Need more detail on sustainable design
-) Environmental sustainability has not been proven
-) Need drainage details
-) Anti-social behaviour.

Reason for supporting the application can be summarised as follows:

-) This looks like a fantastic design for a facility
-) Will help to put Exmouth more firmly on the map as a top water sports destination.
-) This will provide much needed facilities for locals as well as bring more people to the area who want to learn and improve.
-) The creation of new architecture and new landscaping will enhance the seafront
-) The water sports centre will give a much greater choice of facilities , create jobs in the water sports industry
-) Also good to see the plans for the old tired play park space. Again sounds exciting, roll on summer!!
-) Be attractive to families

PLANNING HISTORY

13/1819/MOUT - Outline permission for construction of a water sports centre with storage (1450m²); holiday accommodation with parking and gardens (3000m²); indoor leisure activity buildings (1165m²) with external attractions and staff parking; new cafe, restaurant and retail use (1200m²); a minimum 250 space car park; landscaping; realignment of Queens Drive and continuation of pedestrian promenade;

improved connectivity to the Maer and beach; and the selected demolition of existing buildings. Outline planning application with all matters reserved except layout. - Application approved 24/1/14

15/2487/MFUL - Approval of access, appearance, landscaping and scale for the highway re-alignment and parking areas, demolition of cafe, selected beach huts and shelter as part of the reserved matters of outline application 13/1819/MOUT. - Application approved 21/3/16

17/0099/MRES- Reserved matters application pursuant to outline application 13/1819/MOUT seeking approval of access, appearance, landscaping and scale for the construction of new buildings including water sports centre, holiday accommodation, indoor leisure and retail uses 13/4/17

POLICIES

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

Strategy 22 (Development at Exmouth)

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 49 (The Historic Environment)

EN10 (Conservation Areas)

EN5 (Wildlife Habitats and Features)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN14 (Control of Pollution)

EN16 (Contaminated Land)

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

Strategy 47 (Nature Conservation and Geology)

EN22 (Surface Run-Off Implications of New Development)

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

E20 (Provision of Visitor Attractions)

E12 (Neighbourhood Centres and Shops)

EN21 (River and Coastal Flooding)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Other Plans

Exmouth Town Centre and Seafront Masterplan

Site Location and Description

The site is located off Queens Drive, on an area currently used as a car park. The surrounding land is largely flat, and Exmouth beach is on the opposite side of Queens Drive to the site. To the east, the site is adjoined by The Maer, which is a County Wildlife Site (CWS) and a Local Natural Reserve (LNR). The aforementioned beach forms part of the Exe Estuary Site of Special Scientific Interest (SSSI). The Exe Estuary is also a Ramsar Site and a Special Protection Area. On the opposite side of the estuary, around 1 kilometre from the site, is Dawlish Warren, which is also a SSSI. The site is located within a flood zones 2 and 3, as designated by the Environment Agency.

The site is within the built-up area of Exmouth, but has no residential properties adjoining it. There are, however, some beach huts, and other beach/tourism related buildings located reasonably close to the site.

Proposed Development

Planning permission is sought for the erection of a two-storey building for use as a water sports centre. This would incorporate a café, retail space, and changing facilities within the building. Outside the building, there would be eight single-storey retail units in four separate buildings located to the east of the main building, as well as other ancillary buildings to the rear (north) of the main building. There would be car parking to the rear of the building and some grass/landscaping around much of the perimeter of the site (though less so to the south). Much of the front of the building would be surrounded by a terraced area, and a new ramped and stepped access to the beach, off the existing sea wall is also proposed.

ANALYSIS

Main considerations

The main considerations in the determination of this application concern the following matters:

-) Principle
-) Appropriate assessment
-) Flooding
-) Drainage
-) Design/layout
-) Landscaping
-) Retail impact
-) Economic Impact
-) Access to the beach
-) Impact on highway safety
-) Wildlife
-) Conservation

Principle of Development

The principle of development on the site has been established by the approval of an outline application in 2013 and a subsequent reserved matters application in 2017 which included the construction of a water sports centre intended to be a focal point for water sports activities including surfing and boarding clubs. This approval remains extant and the water sports building included a café, storage area, changing rooms, meeting areas and club areas with frontages looking over the beach and a total floorspace of 1450sqm over two floors (7m high) with a top floor tower (10m high).

Strategy 22 (Development at Exmouth) sets out the vision for larger scale development in Exmouth which includes the provision of social, community and leisure facilities. The pre-ambule to this policy explains that the Exmouth Seafront is recognised as a key asset for the town and the Council and is a key driver in its further enhancement.

Redevelopment of the site is also supported by the Exmouth Town Centre and Seafront Masterplan.

Given the planning history for the site, and planning policy support in the Local Plan and Exmouth Town Centre and Seafront Masterplan, the principle of the redevelopment of the site for a range of leisure uses including a water sports centre is considered to be acceptable in principle.

Appropriate Assessment

The proposal relates to a major development located within close proximity to the Exe Estuary Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Wetland of International Importance under the RAMSAR Convention (Ramsar Site).

Because of the SPA and Ramsar designations the Conservation of Habitats and Species Regulations 2010 must be applied in the determination of this application. Regulation 61 requires East Devon District Council, as the competent authority, to undertake an Appropriate Impact Assessment (AIA) of the implications of this proposal on the site's conservation objectives before granting permission for a proposal which

is likely to have a significant effect upon a European site. This has also been requested and re-affirmed in the consultation response from Natural England.

East Devon District Council has therefore assessed the impact from the development upon the Exe Estuary and concludes the following:

In providing an assessment of the likely environmental impacts from the proposed development, it is pertinent to note that the site of the proposed development forms part of a much larger area which benefits from an extant planning permission (ref 13/1819/MOUT) for a masterplan development which involved the construction of a water sports centre, a hotel and holiday accommodation, leisure and retail uses. As part of that planning permission, the likely impacts arising from the proposal were considered in detail as part of the Environmental Impact Assessment which accompanied the application and also proposed an increase in users from 800 to 2000. This EIA provided a detailed assessment of the likely direct and indirect impacts from the development and a range of mitigation measures to minimise any adverse significant effects on the features of special interest within the Exe Estuary SPA, Ramsar, SSSI sites which are considered to be relevant to this water sports centre proposal.

The impacts from this water sports centre are considered to be from:

-) New pedestrian and ramped access points onto the beach
-) Any environmental impacts during construction
-) Increasing in the use of the Estuary as a result of the water sports building/uses

Whilst the proposed water sports centre and associated uses could have significant direct/ indirect impacts upon the aforementioned sites, the 2017 Environmental Impact Assessment Regulations does allow for regard to be had to any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

In this regard the applicant puts forward a number of mitigation measures to reduce the overall impact which were previously considered to be appropriate measures contained within the Environmental Statement which accompanied the previous outline planning application for a greater scale of development on this site and which were secured through a condition. In addition it was previously recognised and accepted by Natural England that whilst the water sports facility may increase the use of the Estuary on this part of the beach, it would be located away from the most sensitive part of the estuary and could provide a benefit in providing a facility that would discourage the use of the most sensitive part of the estuary for water sports activities (further up the estuary).

The mitigation measures proposed incorporate opportunities to encourage best practice and as part of a more strategic approach to access management, refocus activity from sensitive areas, times of year and/or tide helping to reduce any likely significant impacts. These measures can be summarised as the following:

Operational Parameters:

-) The Water sports Centre will focus activity in the areas adjacent to Exmouth Beach in an area known to be used by lower numbers of birds for which the estuary is designated. This facility will therefore move Water sports users away from the more sensitive parts of the estuary.
-) All activities would operate in accordance with existing and proposed guidelines for water-based activities within the estuary. This would include adherence to the 'water sports zones' identified in the South-East Devon European Sites Mitigation Strategy (Footprint Ecology, 2013); 'Fowl Play' kiteboarding guidelines (East Devon District Council, undated), PWC code of conduct (East Devon District Council, undated); the Exe Estuary Code (Exe Estuary Management Partnership, undated); and the emerging review of zonation and codes of conduct (Exe Estuary Management Partnership, undated).
-) Grenadier is committed to creating a joint strategy for the Mamhead Slipway and proposed water sports centre slipway to optimise their use and ensure users are directed to the appropriate location.
-) The existing facility in Exmouth would cease to operate once the new centre was open therefore preventing the development of multiple centres.

Educational Parameters:

-) On the opening of the Water sports Centre, promotional material would be produced to educate users on the ecological sensitivity of the estuary and to promote the water sports centre as a preferred location for water craft to launch and recover. This will result in more educated and informed users of the estuary who understand the environmental sensitivities and their potential impacts.
-) Commitments would be made to ensure staff working at the Water sports Centre are trained to educate users regarding the use of the beach access ramp as the preferred launch and recovery site and the importance of protecting the conservation interests of the estuary.
-) Signage would be placed in and around the Water sports Centre and adjacent to the steps and access ramp promoting the information set out above.
-) For other slipways within EDDC's control, signage would be erected which could discourage the use of these slipways (particularly in winter months when nesting is taking place).

Other Parameters:

-) The requirement for a Construction and Environmental Management Plan (CEMP) to be put in place to ensure that building works were carried out sensitively;
-) The requirement for a Landscape and Ecological Management Plan (LEMP) to be put in place and to introduce measures to limit the impacts on the Exe Estuary through issues such as noise, night time lighting, vibration, and habitat creation measures;

-) The use of an Ecology Clerk of Works who would be appointed to provide oversight and coordination during the construction works on all issues likely to affect the ecology of the site and the wider area.

In having regard for the likely impacts of the proposal on these environmentally sensitive sites coupled with the range of mitigation measures put forward which can be secured through the imposition of an appropriately worded condition, the proposed development is unlikely to have any significant effects.

This Appropriate Assessment has been sent to Natural England for information in response to their consultation comments.

Flood Risk

The site lies within flood zones 2 and 3 as defined by the Environment Agency's mapping system, and is therefore at high risk of flooding from the sea, and some risk of fluvial flooding. A flood risk assessment was submitted with the original outline application (13/1819/MOUT) for the wider regeneration site which concluded that the proposed development consists of 'water compatible' and 'less vulnerable' development and would therefore be an acceptable use of the site subject to carrying out the development in accordance with the flood risk assessment and appropriate conditions.

This application only proposes to develop part of the regeneration area, the Environment Agency has given the following advice:

'Taking into account our previous advice in respect of flood risk we are satisfied that the current FRA document now provides a comprehensive assessment of flood risk matters. On this basis, we support the conclusions of the FRA and advise that the development should be implemented in accordance with its recommendations'.

Accordingly, subject to an appropriate condition securing the recommendations of the report, the proposal is considered to be acceptable in relation to Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan.

Drainage

The application form states that it is proposed to dispose of surface water by way of (Sustainable Urban Drainage System (SUDS) or soakaway. South West Water (SWW) has assessed the proposal and stated that it is satisfied that this is appropriate in this location.

Devon County Councils Flood Risk Department has assessed the proposal and does not raise any specific concerns. However, in order to ensure that the proposal does not result in a risk to life from flooding, and that the use of a soakaway is suitable, some additional information is required prior to the commencement of the proposal. This information relates to demonstrating how surface water would be managed in a 1 in 100 year flood event, flow routes, ground investigation undertaken, and also monitoring for 6 months (6 months having agreed subsequent to the DCC Flood Risk

Teams original response). Given the location of the site, conditions seeking this information are considered reasonable.

In addition to this, SWW has suggested a condition which would only permit foul drainage to be connected to the public foul or combined sewer. This is considered to be a reasonable condition to impose, should this application be approved.

Design and Layout

The design proposal identifies three key areas of the site:

- Public open space to the west to provide space for events and activities
- Water sports building to the south east to engage with the public realm and beach front
- Car park and vehicle access to the north east

The building form is defined into two key areas; the first to the west is the two storey restaurant and café area. The second area is the water sports zone with wet changing training, storage and space for retail, or other water sports users.

It is considered that by virtue of its location it would not cause any unacceptable overbearing or overlooking of any commercial or residential properties.

The main considerations therefore relate as to whether the design and scale of the buildings fit within the context of the site without detriment to the appearance of the site and surrounding area.

Height and scale

At outline stage it was envisaged that the Water Sports Centre would be a focal point for water sports activities including surfing and boarding clubs and includes a storage area and active ground floor frontages with a floor space of 1450sqm over two floors (7m high) with a top floor tower (10m high) and could also include a cafe or restaurant. The scale of the building has therefore been informed by the outline application.

The most noticeable part of the building will be the two storey element which would be around 10.65m in height which contains a café/restaurant with associated staff facilities and kitchen. The main entrance is on the southern side through a single storey wing (4m tall) off the eastern side with another wing on the western side containing a dedicated café.

The building design is principally in two parts with the restaurant and café to the west and water sports facilities to the east. The restaurant building takes the form of a conventional two storey pitched roof, but the single storey element is at an angle with a repetitive roof structure. This is broken up by a flat roof dining terrace which would incorporate frameless glass balconies. They are set above the level of the promenade running past the front of the building.

Although the different elements of the building are physically joined there is no internal access between them so they function separately. The eastern end of the scheme

includes six retail units and one storage unit that are designed to appear as independent beach huts. There is also a bin/plant structure and substation located to the north of the building.

The main building is set on a raised timber deck to provide flood protection. It is considered that, although elevated, the building is set far enough from the beach front and promenade that it would not be read as an overly dominant building. It would use natural materials such as stone and thick timber boarding to provide a strong external finish.

The main building would be flanked by the smaller water sports zone pods. These follow the principles of the main building with a simple pitched roof form, stone plinth and timber boarding and appear to echo the form and design of the beach huts found at many seaside towns.

The overall shape of the building is considered to respond well to the shape of the site and the route of the promenade through its cranked design. This allows the proposal to respond to the street-scene and have an active frontage on all sides. Areas of glazing allow for views towards the sea and beachfront. This would have the further benefit of reducing the need for artificial lighting. Indeed, the proposal would incorporate PV panels based on an east-west axis and incorporate ground source heat pumps, EPC A+ thermal performance and natural lighting and ventilation to enhance its sustainability credentials.

Materials

There is a mixture of architectural styles along the seafront with the modern roof curved ice cream kiosk and Ocean centre with modern cladding materials. There are also pitched roof stone/masonry buildings such as the rowing club and more recently the lifeboat station that uses a mix of copper cladding timber windows and stone plinths. It is considered that these elements pick up on the coastal location.

It is considered that the form and design of the buildings are simple and robust and would assimilate to the landscape along the seafront. The design allows for level and accessible approached to all main entrances into the building. Disabled parking spaces have been positioned to be clearly visible to all users as they enter the car park and all routes are accessible to wheel chair users.

Overall therefore it is considered that the scale of the building follows that which was approved at outline stage. The proposal would provide a gateway into this area of Exmouth and the use of robust coastal materials would be appropriate to the site. The building would be elevated because of flood protection concerns, but would be set back from the promenade frontage. The design is therefore supported.

Public Realm and landscaping

To the north of the building a car park is proposed with 54 spaces with the vehicular access located approximately centrally along the northern boundary. The northern and eastern boundaries would be defined by low level coastal planting. The public realm would be defined by block paving with the main building and the beach huts separated

by a grass crescent to be used as a laydown for water sports equipment. The western end of the site would be used as a multi-use events space and laydown area separated from the main building and associated public realm by 10 parking spaces and delivery access. The amenity space would be edged with low level mounding with tree planting at the western end. This would mark the arrival to the scheme from the west. There would be pedestrian connections to the north and the Maer to the east with the south open to the adjacent promenade and new benches.

The use of planters would help to soften the appearance of the buildings from the beach and the substation has been sited within a landscaped area adjoining the re-aligned Queens Drive to help reduce its visual prominence.

The trees which are proposed can withstand exposed coastal locations and would mark the arrival point and serve to break up the mass of the main building and would help it integrate into the landscape.

It is considered that the scheme has been orientated to create a relationship with the public realm and there are direct pedestrian links into and across the site. The landscaping will help assimilate and soften the building into the landscape and this element of the scheme is considered to be acceptable.

Retail impact

The application proposes the creation of an area of 'flexible retail/water sports use totalling 64sq m and 6 small retail pods with a total floor space of 75sq m (12.5sq m each). In addition the café/restaurant area within the main body of the proposed new building would have a floor space of around 580sq m. This represents a substantial reduction in that approved under the previous reserved matters application submitted under reference 17/0099/MRES but nevertheless any new retail floorspace has the potential to have an impact on the retail offer within Exmouth town centre. With this in mind, and as the combined A3 food space and the A1 retail uses exceed 500sq m, a retail impact assessment has been undertaken and submitted with the application.

This assessment has considered the need, appropriateness and accessibility of the proposed development and its overall impact on Exmouth Town Centre.

The adopted East Devon Local Plan promotes new development at Exmouth, and specifically recognises that the Seafront is a key asset for the town. The redevelopment of this part of the Seafront has been established through the previous permissions granted, and the development of the Water sports Centre and associated facilities is fundamental to the success of this. In order to provide an attractive and economically viable development the inclusion of restaurant and retail uses are considered to be essential to both attract additional visitors and to encourage them to spend more time and money enjoying the Seafront and to promote the year round use of this part of the town.

The proposed restaurant/café would be significantly larger than the café that previously occupied the site, both in terms of floor space and in the numbers of customers that could be catered for. Indoor and outdoor seating areas are proposed which would offer a year round attraction, both for users of the water sports facilities,

and other visitors to the seafront. In order to be able to attract new visitors to this area of the seafront any new restaurant/café has to be able to be of a sufficient scale to cater for a variety of patrons. In this respect the facilities proposed are considered to be appropriate to facilitate and support both the users of the water sports centre but also visitors to the seafront who wish to enjoy the views of the Estuary and coast in a comfortable environment.

The scale of the retail element is considered to be relatively modest with the 64m space proposed initially to be marketed as a retail opportunity on a short term let basis, with a view to providing additional expansion space for the main water sports centre in due course. It is also intended that this unit would have a tie back to the water sports centre which would provide some assurance regarding future potential.

The pods are designed to attract small local businesses aimed at both local retail and/or food outlets. Whilst there is the potential to provide competition with existing businesses in the town centre the very modest scale of these units would in itself limit the nature of the occupiers. In considering the previous reserved matters application, the separate individual retail units were quite significantly larger, measuring 50sq m each which would have more potential to compete with existing town centre uses. As such a condition on the previous approval restricted the goods sold to those associate with the seafront and water sports leisure activities, unless otherwise agreed. Whilst such a condition was considered to be reasonable on a larger scale unit, the very modest size of the proposed pods would not offer any substantive threat to the viability of existing town centre operators and is not considered to be appropriate on these individual units. To ensure that the scale of these units remain 'bijoux' and to provide a variety of outlets it is considered appropriate to condition the removal of the dividing walls between each pod.

Overall it is considered that the additional facilities and visitor attractions offered by the proposed new restaurant/café and small retail units within the water sports centre will increase the attractiveness of this part of the seafront and will allow enjoyment throughout the year, rather than the very seasonal uses that previously existed. In this respect it is considered the proposed associated retail and food and drink element of the scheme will not detract from the town centre but provide an additional attraction to the existing facilities which Exmouth has to offer.

Economic impact

In 2016 East Devon District Council commissioned an Exmouth Visitor survey on behalf of the Exmouth Coastal Community Team, this was undertaken by the South West Research Company

The key challenges for the Exmouth visitor economy included:

-) An ageing visitor profile
-) Low visitor expenditure
-) The need to attract new 'first -time' visitors
-) The short visitor season
-) Increased competition from other destinations

The National Planning Policy Framework identifies the economic role of development in contributing to building a strong, responsive and competitive economy. The proposed development builds upon Exmouth's unique strength as a venue for a great water sports experience and offers to provide a high quality facility that would embed Exmouth's position as a 'go to' destination. The proposed facilities would contribute towards enabling the Exmouth visitor economy to extend the visitor season beyond the core summer months and support the further development of the water sports and associated high quality leisure offer in the town. It is stated that the proposed development would result in the creation of 62 full time equivalent (FTE) jobs.

The Exmouth visitor economy is constantly evolving and changing and has already benefitted from investment in new holiday accommodation, new and/ or improved indoor leisure facilities and public realm. The proposed development has the potential to make a further and very significant contribution to the creation of a visitor economy for Exmouth that is fit for the 21st Century reflecting Exmouth's unique water sports offer and enhance the site's stunning seafront location.

Accordingly, it is considered that the proposed water sports centre would have a beneficial impact on Exmouth's economy and should be seen as a benefit weighing heavily in favour of the application.

Access to the beach

The proposed water sports centre would require good access to the beach for both people using/hiring equipment and for spectators/general members of the public seeking to access the beach from the car park to the north of the site. To enable equipment to be safely brought from the centre and its associated storage building a ramped access to the beach would be required, this would also be beneficial for disabled persons requiring wheelchair access. For pedestrians a safe area away from moving equipment would be required in the form of steps.

Representations have been received regarding the need for new steps, as there are a number of sets of steps along the length of the esplanade and an access ramp as there is one adjacent to the lifeboat station and one adjacent the coastguard building at either end of this part of the beach. However, as indicated above it is considered that direct access to the beach is required, the slip ways/ramps at either end of the beach are too distant to be practically used by the water sports centre and the existing steps are too steep to carry equipment down.

The application originally sought to provide 2no. new sets of timber steps built up and over the existing half-moon features on the sea front and 1no. new timber ramp accessed from an existing opening in the sea wall. However, concerns were raised by officers regarding the scale of both of the proposed sets of steps appearing out of context with the historic and open character of the promenade. Amended plans have been received, indicating a single bespoke design solution to providing access to the beach through provision of an access ramp that incorporated steps through the existing opening in the sea wall. This solution does not require the steps to be built up and over the wall thereby reducing their overall height to a similar level to the rest of the promenade. Accordingly, it is considered that the revised design of the ramp and

steps are acceptable in accordance with Policy D1 (Design and local Distinctiveness) of the EDDC Local Plan.

A number of representations received have raised concerns regarding the proposed location of the water sports centre and there are often red flags evident on this section of Exmouth Beach. The key risk factors for the public include swimming and inflatable craft that are easily blown out to sea. The control measures proposed by the water sports centre management are to stop use of swimming in this zone, which includes inflatable craft, with signage, lifeguards and advice from the water sports centre. In addition, the risk assessment carried out on behalf of the applicant recommends that the sale of inflatable devices is to be prohibited or restricted and beach users informed of their dangers in this area.

East Devon District Council have also undertaken a risk assessment which also provides commentary on the benefit of siting the water sports centre. One of the key concerns is that the water sports centre will be attractive not only to water sports users but also members of the public, which may increase the numbers of people on the beach. This part of the beach is not suitable for swimming. Apart from extreme swimming the general public usually do not swim between September through to April.

At present water sports in this zone are unmanaged. With potential for an increase in water sports users, a management plan and risk assessment will need to be in place for launching and landing of craft, managed by the operator of the water sports centre. The benefits of providing a water sports centre include:

-) Education for clients of the water sports centre
 - a. Advice on being safe in the water
 - b. Provision of advice on tide times and when best to undertake water sports activities
 - c. What to do in the event of an emergency
 - d. General advice, for example, don't kite surf alone, 'don't drink and drown'....
-) Assessment of water sports users' competence, checking against national governing body guidance
-) Management and control of hire and quality of equipment
-) Provision of a safety rescue boat for water sports centre managed activities
-) Additional support to the beach area as a whole if there is an emergency

Accordingly, it is considered that whilst the area is known to provide some risk to swimmers and inflatable users, the greater on site presence and education of people entering the water is considered to be a benefit and as such is considered to be acceptable.

Highway safety

The alterations to the layout and re-alignment of Queens Drive have been previously considered as part of the reserved matters application approved under reference 15/2487/MRES and as such there are not considered to be any highway concerns or issues relating to the general road layout. The current proposal provides additional details regarding the entrance to and layout of the car park and associated development relating to the Water sports Centre.

The entrance to the car park serving the water sports centre is taken from the realigned new roadway that benefits from separate planning permission. 54 parking spaces are provided, including 3 disabled spaces, with access taken from the re-aligned Queens Drive. A number of electric car charging points are also included within the layout. Cycle parking is provided to the sea front side of the building. Additional parking will also be available in the alternative existing and proposed car parks serving the sea front.

Devon County Council are content that the suggested highway arrangements, including new entrance to the car park and the internal layout of this, which provides a one way traffic flow arrangement is satisfactory. The permeability of pedestrian routes both round and through the site are also considered to be appropriate to serve the development.

The application has been accompanied by a proposed travel plan which encourages access to the site by a variety of sustainable, healthy and social modes of travel. In this respect the location of the site is already particularly well served by safe and convenient pedestrian and cycle access, with existing dedicated traffic free cycle and pedestrian routes along the seafront from the town centre to Orcombe Point at the eastern end of the seafront.

Some concern has been raised that the proposed centre would reduce the width of the promenade and that it would create a pinch point with a consequent increase in congestion. However the centre would actually create a wider space, with the promenade being maintained and the open space beyond this in front of the proposed building. As a result it would actually offer a further open space within the seafront area rather than restricting it.

Wildlife

In addition to potential impacts upon the estuary and its wildlife designations, consideration is required to any impact upon on-site or adjoining sites wildlife.

The site is currently a car park, which is surfaced and, especially during busy periods, heavily used. As such it is considered that the site offers little in terms of a wildlife habitat. However, the site is located close to a SSSI, LNR and CWS and, therefore, its impact on those designations must be considered. The Ecological Impact Assessment submitted states that “no significant effects from the proposed development have been identified on any designated sites of nature conservation value”. However, the proposed ramp and steps onto the beach would protrude into the Exe Estuary SSSI; but this would be onto an area which is heavily used and, as a consequence, is of limited value to wildlife. Furthermore, given that the ramp and steps would be close to the sea wall, it is considered that the impact of them on the SSSI and Ramsar Site would be negligible.

Notwithstanding the above, it is important to ensure that damage is not caused to a designated area or wildlife during the construction phase. Consequently, a Construction Environment Management Plan (CEMP) would be required following any approval of this application.

The Ecological Impact Assessment concurs with the view that the proposal would not be harmful to wildlife or to the designated areas close to the site (subject to a condition to ensure that the mitigation is put in place to ensure no likely significant effect on the estuary). It is also noteworthy that following consultation with Natural England, it was determined that the proposal does not constitute EIA development.

Given the above, it is considered that the proposal would not be harmful in terms of any specific on-site wildlife impact or impact upon adjoining sites.

Conservation

There are no listed buildings in the vicinity of the site, and although not adjacent to the Exmouth Conservation Area, views from it across to the sea will be available. In this respect it is considered that the outlook will inevitably be altered by any development on this seafront site.

It is recognised that the proposed water sports building and associated development will be more visible, given its greater mass, than the existing development on the site however its position is such that it has been set back from the beach and promenade and is not considered that it would substantially or unacceptably disrupt long-distant views from within the conservation area, or that it would have any unacceptable heritage impact.

CONCLUSION

The principle of the development of the site for a watersports centre has been established through previous outline and reserved matters applications and is generally supported by the Local Plan and Exmouth Town Centre and Seafront Masterplan.

The application proposed a well-designed building with suitable pedestrian and vehicle access to the site and to the beach.

The proposals will ensure not harm to wildlife and subject to conditions will cause no likely significant effects on the designated wildlife areas adjoining the site.

There will be no harm to the nearby Conservation Area and the retail units are of a size that will not harm the vitality or viability of the town centre.

Finally, the proposal will generate significant leisure, economic and tourism benefits that weigh heavily in favour of the proposal.

Therefore, subject to conditions, the application is supported.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The development hereby approved shall be undertaken in accordance with the conclusions and recommendations of the Flood Risk Assessment, prepared by WSP and dated January 2018.
(Reason - In order to ensure that the development does not result in an increased flood risk, and to comply with the provisions of Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework).
4. Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.
(Reason - To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment, and to comply with the provisions of Policy EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework).
5. Prior to the commencement of the development hereby approved, the following information shall be submitted to, and approved in writing by, the Local Planning Authority:
 - o Details to demonstrate how surface water will be managed for the 1 in 100 year (+40% climate change) event, to demonstrate that no buildings will be flooded during this event.
 - o Details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.
 - o Details of previous ground investigation works undertaken. In particular, report Number PE151195, dated August 2015.
 - o The results of a 6 month programme of ground water monitoring.
The works shall be undertaken in accordance with the agreed details.
(Reason - To ensure that the development does not result in an increased flood risk, to ensure that the use of a soakaway is suitable, and to comply with the provisions of Policy EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework).

6. Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.
(Reason - To protect the amenity of local residents from noise, and to comply with the provisions of Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework).
7. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Such a scheme shall include details of the following:
- o The timing of the works
 - o The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution)
 - o Any necessary mitigation for protected species
 - o Construction methods
 - o Any necessary pollution protection methods including : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements.
 - o Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrate they are qualified for the activity they are undertaking
 - o 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
- The works shall be carried out in accordance with the approved method statement.
(Reason - This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with the National Planning Policy Framework and in accordance with Policies EN4 (Nationally Important Sites - including Sites of Special Scientific Interest) and EN6 (Wildlife Habitats and Features) of the East Devon Local Plan.)
8. That the individual retail units shall remain, in terms of size, as approved and that no internal dividing walls shall be removed to create larger units.

(Reason: To ensure that there is no adverse impact on the town centre and to maintain a variety of individual uses in accordance with Policy E9 (Town Centre Vitality and Shopping Areas) of the East Devon Local Plan)

9. The 64sq m retail unit hereby approved only sell goods associated with seafront and watersports leisure activities unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In order to protect the vitality and viability of Exmouth Town Centre in accordance with Policy E9 (Town Centre Vitality and Shopping Areas) of the East Devon Local Plan and the National Planning Policy Framework.)

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

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

(Reason: To ensure that appropriate procedures are in place for all traffic attracted to the site and so that construction traffic does not unreasonably impact upon its the local highway network or the living conditions of neighbouring dwellings in accordance with Policies TC7 (Adequacy of Road Network and Site Access) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan).

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

12. Notwithstanding the operational parameters outlined in Paragraph 3.3.7 of the Ecological Impact Assessment Report dated January 2018 prior to commencement of any part of the development hereby approved, a Landscape Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include (but not be limited to) educational parameters for all users of the water sports centre and users of the section of beach immediately to the south of the water sports centre including users of the new ramp and steps to advise of the importance of the conservation interests of the estuary and the impending tidal conditions. The development shall thereafter be carried out in accordance with the approved details. (Reason: To provide ecological enhancement and education of users of the site in the interests of ecology and biodiversity in accordance with Policy EN6 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan and the guidance contained within the National Planning Policy Framework

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

3521-PBWC-03-01-DR-A-6110 REV P9	Proposed Floor Plans	12.02.18
3521-PBWC-03-00-DR-A- REV P4	Proposed Floor Plans	12.02.18
3521-PBWC-03-01-DR-A-6111 REV P7	Proposed Floor Plans	12.02.18

3521-PBWC-02-02-DR-A-6112 REV P5	Proposed roof plans	12.02.18
3521-PBWC-03-XX-DR-A-6114 REV P5	Proposed Elevation	12.02.18
3521-PBWC-03-XX-DR-A-6116 REV P2	Proposed Combined Plans	12.02.18
3521-PBWC-03-XX-DR-A-6117 S4 REV P2	Other Plans	12.02.18
3521-PBWC-03-00-DR-A-6001 REV P5 : LOCATION	Amended Plans	25.04.18
3521-PBWC-03-00-DR-A-6004 REV P4 : PHASE 1 ROAD DIVERSION	Amended Plans	25.04.18
3521-PBWC-02-00-DR-A-6002 REV P4 : EXISTING BLOCK PLAN	Amended Plans	25.04.18
3521-PBWC-03-00-DR-A-6003 REV P13 : PROPOSED BLOCK	Amended Plans	25.04.18
3521-PBWC-03-XX-DR-A-6120 REV P3 : RAMP+STEP DETAILS	Amended Plans	25.04.18
3521-PBWC-03-XX-DR-A-9033 REV P6 : FINAL AERIAL PERSPECTIVE	Amended Plans	25.04.18

3521-PBWC-03- XX-DR-A-9032 REV P5 : FINAL PERSPECTIVES	Amended Plans	25.04.18
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326/01 B : PROPOSED LANDSCAPE SOFTWORK	Amended Plans	24.04.18
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326/02 B : PROPOSED LANDSCAPE HARDWORK	Amended Plans	24.04.18
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326/03 B : LANDSCAPE SECTIONS	Amended Plans	24.04.18
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List of Background Papers

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

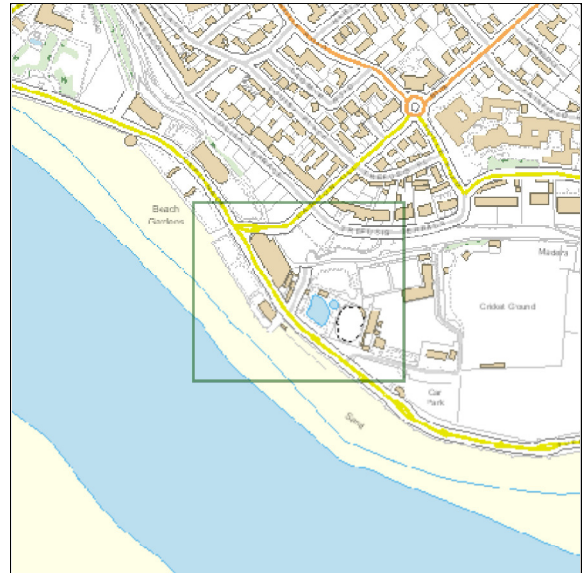
Ward Exmouth Littleham

Reference 18/0749/FUL

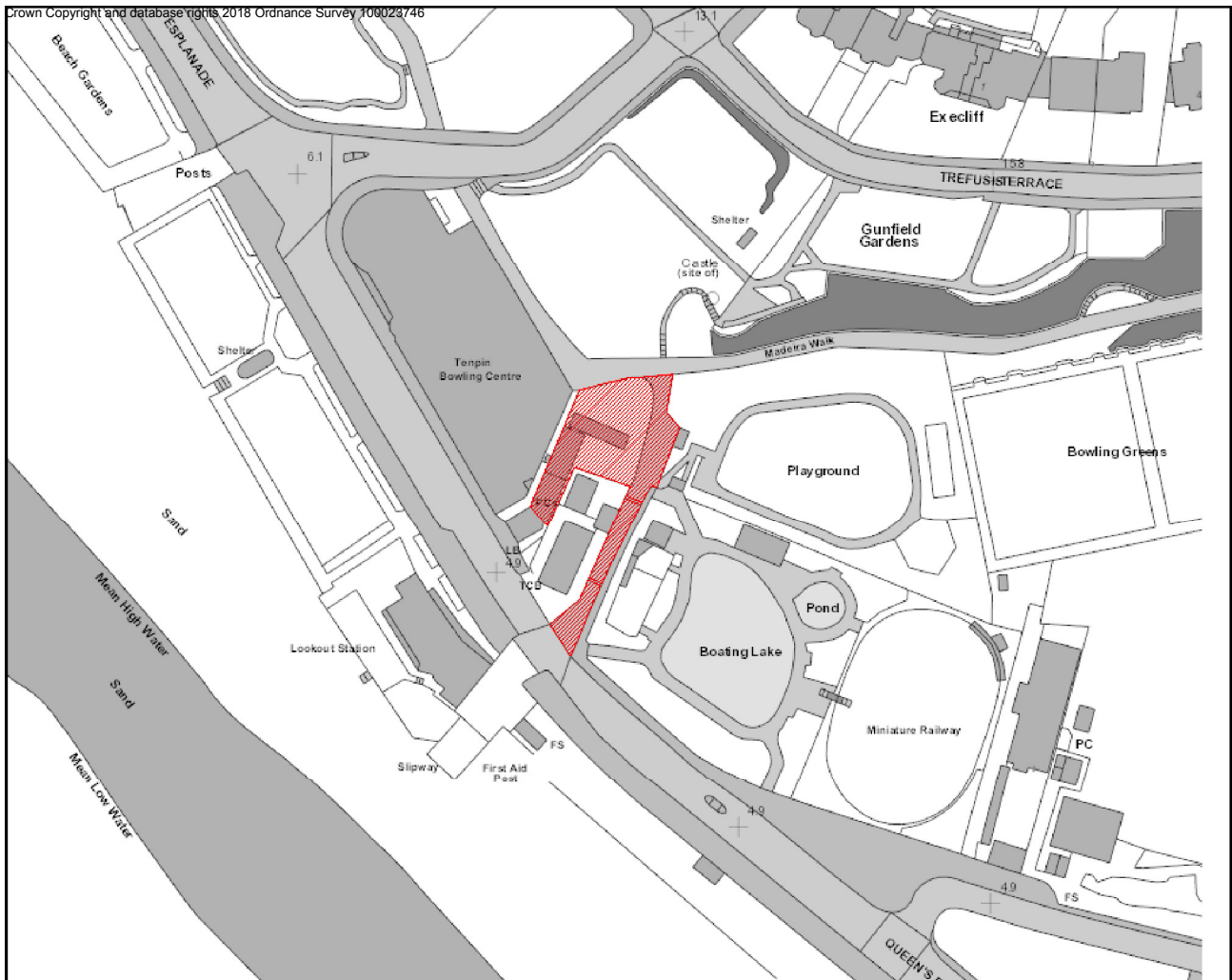
Applicant Mr Hal Furneaux-Gotch (East Devon District Council)

Location Land To Rear Of Exmouth Rowing Club
Queens Drive Exmouth

Proposal Change of use of land to temporary car park and associated works; relocation of storage container



RECOMMENDATION: Approval with conditions



		Committee Date: 5th June 2018
Exmouth Littleham (EXMOUTH)	18/0749/FUL	Target Date: 11.06.2018
Applicant:	Mr Hal Furneaux-Gotch (East Devon District Council)	
Location:	Land To Rear Of Exmouth Rowing Club Queens Drive	
Proposal:	Change of use of land to temporary car park and associated works; relocation of storage container	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as East Devon District Council is the land owner and applicant and objections have been received to the application.

The site lies within the built up area boundary of Exmouth, where there has been a long and established history of recreational and associated activities taking place. Whilst the permanent historic uses have ceased, this area forms part of a wider regeneration area identified in Strategy 22 of the Local Plan as a regeneration area and the wider area has been the subject of previous applications and public consultations seeking to secure long term uses. The final design of this part of the regeneration area has yet to be formalised or indeed even consulted upon, however, as an interim measure the land owner is seeking to secure a use for this site to provide facilities for the public for 3 years using temporary structures and the existing ground surfacing.

The layout of the car park would allow for 13no.vehicles, and whilst it is regrettable that there are no disabled spaces proposed, there is no policy within the development plan requiring any. However, as this is a temporary use for a temporary period it is considered acceptable in the short term. Any wider or longer-term regeneration solutions for the area would need to provide for suitable numbers of disabled spaces.

The removal of cars on the access road, whilst not directly a planning issue, and given the lack of objection from the Highway Officer, is considered to be a benefit to the scheme.

The proposed layout would ensure that the mature tree is retained and being a secluded location the proposal is not considered to harm the character and appearance of the nearby Conservation Area.

Being a 'less vulnerable' classification use the proposal is not considered to increase the risk of flooding in the area.

CONSULTATIONS

Local Consultations

Parish/Town Council
Meeting 30..04.18

No objections subject to the tree being retained as stated in the planning support statement from the applicant, EDDC. Members also request that the "Tree of Heaven" had a TPO placed on it.

Technical Consultations

County Highway Authority

This is a non-DCC car park situated in the urban area of Exmouth.

The County Highway Authority (CHA) notes that no cycle parking has been provisioned for on the current plan and this maybe something to consider given that the sight is somewhat offset from the town centre. I do not believe that backing up of traffic will cause an impact on the Highway network in this vicinity and the proposed parking spaces are to current best practice standard, although no designation of disabled spaces have been made, given that this is only a temporary car park, this maybe suitable in this situation.

Therefore the CHA has no objections to this proposed development.

Recommendation:

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

EDDC Trees

The tree is visually significant feature and an unusual tree species, that has obtained a good size, given its inhospitable growing conditions. It contains many features of a veteran trees and has the good potential as habitat for bats and nesting birds.

Given the above the retention of the tree is considered important, especially in the context of the proposed scheme only being of a temporary nature.

The ground around the tree has predominantly been laid to hard standing, the proposed scheme shows the tree as retained, parking spaces are arranged outside of the trees crown spread and as such the tree can satisfactorily be retained.

The proposed scheme can be approved, subject to a condition requiring the retention of the tree and that a scheme for how no dig porous surfacing, within the trees root protection area will be address.

Draft condition wording:

Tree protection

Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained tree.
- c) Details of construction within the RPA or that may impact on the retained tree.
- d) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- e) A specification for protective fencing to safeguard the tree during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- f) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- g) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- h) Methodology and detailed assessment of root pruning
- i) Arboricultural supervision and inspection by a suitably qualified tree specialist
- j) Reporting of inspection and supervision
- k) Methods to improve the rooting environment for retained tree.

The development thereafter shall be implemented in strict accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 - Trees and Development Sites of the East Devon Local Plan 2016 and pursuant to section 197 of the Town and Country Planning Act 1990

Informative:

The following British Standards should be referred to:

- a) BS: 3998:2010 Tree work - Recommendations
- b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

Environmental Health

I have considered the application and do not anticipate any environmental health concerns

Other Representations

Three representations have been received raising the following concerns:

- Impact on pedestrian safety
- Inadequate width with car parked on the access lane
- Insufficient visibility of cars and pedestrians
- Too tight a turn from Queens Drive
- Impact on important tree
- Impact on wildlife
- Impact on Rowing Club parking spaces
- Premature pending consultation on wider area
- It will cost more than the revenue received
- It should be left for inclusion as part of the wider regeneration proposals
- Exmouth Rowing Club would like to expand onto the site in the future
- A more permanent home for the RNLI storage container should be found nearer the beach.

POLICIES

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

TC7 (Adequacy of Road Network and Site Access)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

TC9 (Parking Provision in New Development)

EN14 (Control of Pollution)

Strategy 22 (Development at Exmouth)

EN21 (River and Coastal Flooding)

EN10 (Conservation Areas)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Relevant Planning History

None relevant in the determination of this application

Site Location and Description

The site lies in the built up area boundary of Exmouth in an area that is identified under Strategy 22 as a regeneration area, the Conservation Area lies to the north of the site. It currently comprises an area of land that is fenced off with a derelict appearance save for a shipping container in its south western corner and a mature tree in its north

western corner, the site is laid to hardstanding. It is accessed by a side road directly from Queens Drive to the south of the site.

Proposed Development

This application seeks full planning permission for the change of use of the site for use as a temporary car park for 13 no. vehicles for a period of up to 3 years together with ticket machine and barrier system. The storage container would also be relocated further west towards the Ocean Building. The container is used by the RNLI for storage.

The applicants also intend to white line the access road to prevent unauthorised vehicles parking and to ensure unrestricted access to the car park - however this element of the scheme does not require planning permission.

ANALYSIS

The main considerations in the determination of this application concern:

-) Principle
-) Impact on highway safety
-) Impact on trees
-) Flood risk
-) Impact on wider area

Principle

The site lies within the built up area boundary of Exmouth, where there has been along and established history of recreational and associated activities taking place. Whilst the permanent historic uses have ceased, the wider area forms part of a regeneration area identified in Strategy 22 of the Local Plan and has been the subject of previous applications and public consultations seeking to secure long term uses. The final design of this part of the regeneration area has yet to be formalised or indeed even consulted upon, however, as an interim measure the land owner is seeking to secure a use for the site to provide facilities for the public using temporary structures and the existing ground surfacing.

Accordingly, for a temporary period of time whilst the wider regeneration proposal are being formulated the use is considered acceptable in principle, subject to be in conformity with other policies contained in the development plan.

Whilst it is appreciated that the Rowing Club may wish to secure the site for expansion in the future, that is not a matter for consideration as part of this application but for the Rowing Club to approach the Council as landowner.

Impact on highway safety

The site is accessed via a side road which leads from Queens Drive, there is evidence of parking on the road which reduces its width to a single carriageway for approximately 50 metres. Whilst outside of planning control the applicant, if permission

was granted, will white line this section of the road to ensure the unauthorised parking was removed and allow two vehicles to pass each other. This would be seen as a benefit, however, even if this were not removed Devon County Highways Engineer raises no objection to the proposed development.

If the removal of the unauthorised parking on the access leads to people trying to use the Rowing Club spaces, the Rowing Club will have powers to prevent this unauthorised parking as they do at present.

The layout of the car park would allow for 13no.vehicles and whilst it is regrettable that there are no disabled spaces provided, there is no policy within the development plan requiring any. However, as this is a temporary use for a temporary period it is considered acceptable in the short term. Any wider regeneration solution for the area would need to provide for suitable numbers of disabled spaces.

As such it is considered that the proposal would be acceptable not impacting unreasonably on highway safety in accordance with Policy TC7 of the EDDC Local Plan.

Impact on trees

There is one mature tree contained within the site, which is proposed to be retained whilst being used as a temporary car park. The tree officer has been consulted and has the following advice:

'The tree is visually significant feature and an unusual tree species, that has obtained a good size, given its inhospitable growing conditions. It contains many features of a veteran trees and has the good potential as habitat for bats and nesting birds.'

Given the above the retention of the tree is considered important, especially in the context of the proposed scheme only being of a temporary nature.

The ground around the tree has predominantly been laid to hard standing, the proposed scheme shows the tree as retained, parking spaces are arranged outside of the trees crown spread and as such the tree can satisfactorily be retained'.

Therefore, subject to appropriate safeguarding conditions requiring submission of tree protection measures, the proposal is considered acceptable in accordance with Policy D3 of the EDDC Local Plan. As the tree is within the ownership of EDDC, it does not need further protection through a Tree Preservation Order.

Flood risk

The site lies within flood zone 3 as defined by the Environment Agency's mapping system therefore it is important that any use of the site does not increase the risk of flooding both locally and in the wider area. The current use (storage) is considered to be a 'less vulnerable' use, the proposed use is also considered to be a 'less vulnerable' use, and as there are proposed to be no large structure on site (other than the existing container) the proposal is not considered to increase the risk of flooding in accordance with Policy EN21of the EDDC Local Plan.

Impact on the wider area

The site is very well contained and as such it is only visible at close quarters, it would not be visible from the Conservation Area to the north being screened by mature trees, vegetation and the escarpment. As such the proposal is considered to maintain the character and appearance of the Conservation Area and be acceptable more generally in the wider landscape in accordance with Policies EN10 and D1 of the EDDC Local Plan.

CONCLUSION

The application seeks temporary planning permission for use as a car park whilst plans for the future of the wider regeneration area are finalised.

The proposal would have a suitable visual impact, would not be harmful to highway safety and will protect and retain the existing tree on the site.

Whilst the concerns raised by third parties are appreciated, the reasons raised could not be used to justify a refusal of planning permission.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The use of the land hereby permitted shall only operate for a period of 36 months from the date of this decision. Once the use has ceased all structures (except for the existing container) shall be permanently removed.
(Reason - The permission is for a temporary period only and to ensure the site is restored in the interests of the appearance of the site and surrounding area in accordance with policy D1(Design and Local Distinctiveness) and EN10 (Conservation Areas) of the East Devon Local Plan).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.
Specific issues to be dealt with in the TPP and AMS:
 - a) Location and installation of services/ utilities/ drainage.
 - b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained tree.
 - c) Details of construction within the RPA or that may impact on the retained tree.
 - d) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of

the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.

e) A specification for protective fencing to safeguard the tree during both demolition and construction phases and a plan indicating the alignment of the protective fencing.

f) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.

g) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

h) Methodology and detailed assessment of root pruning

i) Arboricultural supervision and inspection by a suitably qualified tree specialist

j) Reporting of inspection and supervision

k) Methods to improve the rooting environment for retained tree.

The development thereafter shall be implemented in strict accordance with the approved details or any variation as may subsequently be agreed in writing by the Local Planning Authority.

(Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 - Trees and Development Sites of the East Devon Local Plan 2016 and pursuant to section 197 of the Town and Country Planning Act 1990)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Location Plan	28.03.18
C988.3 REV 1 : PROPOSED	Layout	11.04.18

List of Background Papers

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

		Committee Date: 5th June 2018
Woodbury And Lympstone (LYMPSTONE)	18/0462/VAR	Target Date: 08.05.2018
Applicant:	Mr David Matthews	
Location:	Land On The West Side Of Exmouth Road (Longmeadow Road)	
Proposal:	Variation of condition 7 (drainage strategy) of planning permission 17/0053/FUL (construction of detached dwelling and garage) to allow revised drainage scheme.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the committee because the officer recommendation is contrary to the view of a Ward Member.

This is one of two almost identical applications relating to three dwellings covered by two separate planning applications.

Planning permission is sought under Section 73 of the Town and Country Planning Act to vary condition 7 of 17/0053/FUL to allow the implementation of a different drainage strategy for the disposal of surface water from the site. The drainage scheme (which has already been installed) is to allow for surface water to be attenuated on site with a total discharge rate of 1 l/s into the combined sewer network.

The principle of development has been accepted through planning permission 17/0053/FUL and is an extant planning permission. Therefore the only issue to consider in determining this application is in terms of an assessment of the revised drainage strategy and whether it is suitable to mitigate the adverse impacts of surface water run-off from the development.

Whilst the concerns of the Parish Council, Ward Member and local residents in respect of the capacity of the combined sewer to accommodate the attenuated surface water from the site and the increase in surface water run-off and flooding are noted, in the absence of any technical objections from South West Water, who have agreed to the connection to the combined sewer on the basis of a restricted outfall rate of 1 litre per second, it isn't considered that refusal of planning permission could be justified or defended at appeal.

The application is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Woodbury & Lympstone - Cllr R Longhurst - 08.05.18

This seems to be another variation. The Applicant has not bothered to attend any of the Parish Council meetings and explain his thinking. Until such time I will OPPOSE these variations and if Officers are mindful to agree the variations then I would wish them to go to DMC. A round table meeting was proposed to sort this out. This comment applies to 18/0462/VAR

Parish/Town Council

18/0319/VAR Variation of condition 8 (drainage strategy) of planning permission 17/0267/FUL to allow revised drainage scheme

18/0462/VAR Variation of condition 7 (drainage strategy) of planning permission 17/0053/FUL to allow revised drainage scheme

Lympstone Parish Council strongly objects to the above applications for revision of the drainage strategy (specifically, changing the discharge of surface water from discharge to the Wotton Brook to discharge to South West Water (SWW) plc's combined sewer in Longmeadow Road). This objection follows careful consideration by Parish Councillors, review by the Lympstone Flood Resilience Group (a working group of the Parish Council, currently working on the Lympstone Flood Risk Management Project in partnership with the EA, DCC, SWW and EDDC), and consultation with local village residents.

The reasons for the objections are listed below:

1. SWW plc stated originally that there should be no connection to the public foul/combined sewer. No doubt this view was reached because of a history of sewage surcharging into nearby properties internally and externally (with SWW paying compensation to property owners). The combined sewer is known to be inadequate for existing connections.
2. Lympstone Parish Council supports the view in (1) that no connection should be made until appropriate improvements have been made to the combined sewer system to avoid sewage flooding.
3. Without any further consultation, SWW later agreed to surface water being discharged to the public foul/combined sewer in direct contradiction of their earlier statement. SWW has stated that 'all alternative means of surface water drainage have proven to be unachievable'. However, no evidence of a proper investigation has been provided. We are aware of two residents on Longmeadow Road being contacted by the developer to seek a route to discharge to Wotton Brook, but this was not followed up. The Parish Council requests that the developer and SWW provide a full and detailed account of the alternatives investigated (including, for example, the pumped

option which was suggested in the original proposal), and the reasons why they were unachievable, before the applications are determined.

4. It is not appropriate for the community of Lympstone to face increased risk of property flooding with sewage simply because the developer has drainage difficulties that should have been resolved before construction was started.

5. The developer should not have connected to the combined sewer without the planning permission which is now being sought.

In addition to the above, there are clearly problems with the existing attenuation system as there is leakage into Longmeadow Road whenever it rains. Longmeadow Road itself will suffer from water damage.

It is also noted that Condition 8 of 17/0053/FUL (discharge of surface water during construction) has not been discharged

The Parish Council urges EDDC to:

- o Refuse these applications,
- o Secure a satisfactory surface water drainage connection (an appropriate attenuated flow to the Wotton Brook),
- o Take any necessary enforcement action against the developer, and
- o In any future cases where the approved drainage strategy cannot be implemented, ensure that a planning application for a revised scheme is submitted before any work is undertaken.

Further comments 09.05.18:

18/0462/VAR Variation of condition 7 (drainage strategy) of planning permission 17/0053/FUL (construction of detached dwelling and garage) to allow revised drainage scheme. Land on the West side of Exmouth Road, Lympstone.

Object: The Council maintains its original opposition to the proposed revised drainage scheme.

The revised drainage strategy fails to address the fundamental concern of the Council that the combined sewer simply does not have the capacity to take the surface water from this site without causing problems to residents of Longmeadow Road and further down the village. South West Water's least preferred option for the disposal of surface water is for it to be discharged into a combined sewer so it is difficult to see how this can be the best option as claimed in the revised strategy.

The Council would still like an explanation of why the original strategy cannot be implemented - SWW originally agreed to requisition a sewer which they were aware would involve it being laid across several gardens. (Annex E of the approved drainage strategy) Simply because this is disruptive is not a reason to abandon the proposal. Neither is a change in the circumstances of the developer.

The Council also requests that the possibility of laying a surface water sewer along Longmeadow Road is thoroughly explored before the applications are determined.

Technical Consultations

South West Water

15.03.18:

I refer to the above and would advise that South west Water has no objection to the variation of Condition 7 to that now proposed - discharge to the public sewer at a rate of 1 litre/second as all alternative means of surface water drainage have after extensive investigation proven to be unachievable.

Further comment 02.05.18:

I refer to the above and would advise that South West Water has no objection to the addendum to the drainage strategy as it has been agreed that surface water can be connected to the public combined sewer subject to its discharge being limited to 1 litre/second.

For information South West Water Officers have met with Local residents to discuss their concerns over sewer capacity.

Further comment 15.05.18:

Please see attached an extract of a response to Hugo Swire MP who contacted South West Water on behalf of Local Residents explaining why we had no option other than to allow a discharge to the combined sewer.

As part of any Surface Water connection, SWW supports the Planning Policy Guidance for Flood Risk & Coastal Change statement that developments should aim to discharge surface runoff as high up the hierarchy of drainage options as reasonably practicable.

The hierarchy is:-

1. Discharge into the ground (infiltration);
2. Discharge to a surface waterbody;
3. Discharge to a surface water sewer, highway drain or another drainage system.
4. Discharge to a combined sewer.
 - a. We understand that the site is not suitable for infiltration.
 - b. The nearest surface waterbody is an EA flood relief culvert which we understand the EA will not permit connection to. Also there is no obvious access to it.
 - c. At the time of planning and based on a desk top exercise we thought it was feasible for the developer to connect to our surface water sewer. The developer has subsequently made an application to us which has enabled us to undertake a detailed investigation and this has proven that it is not possible for the site to drain by

gravity to the surface water network. We have looked at the possibility of pumping surface water but there is not room on the site to facilitate this.

d. This only leaves the developer the option to content to the combined sewer. As this is not option we are keen on, we are restricting the flow from the site to 1 l/s (a very low rate) and we have made the developer aware of this.

On this basis we have had to allow the connection to the combined sewer.

DCC Flood Risk Management Team

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

Observations:

The applicant 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.

The applicant should also provide evidence of South West Water's acceptance of the proposals.

County Highway Authority

Does not wish to comment

Other Representations

17 letters of objection have been received at the time of writing this report raising concerns which can be summarised as:

-) The sewers are at capacity
-) Surface water should be discharged to Wotton Brook
-) Increase in flooding and sewerage entering homes
-) Attenuation tank is of insufficient size
-) Increase surface water on highway
-) No attempt has been made to investigate connection to surface water drain
-) Information with application is misleading and in-accurate
-) Existing drainage problems will be exacerbated
-) Proposed surface water system inadequate and impractical
-) Historic problems with sewerage backing up and entering people's homes with compensation payable

) Who has agreed to an alternative drainage connection?

PLANNING HISTORY

Reference	Description	Decision	Date
17/0053/FUL	Construction of detached dwelling and garage	Approval with conditions	14.06.2017

POLICIES

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

D1 (Design and Local Distinctiveness)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Lympstone Neighbourhood Plan

Site Location and Description:

The application site lies to the north side of Longmeadow Road within the Built-Up Area Boundary of Lympstone. It lies between the road and a further site to the road upon which two dwellings have been approved and have been constructed

The land slopes steadily south towards Longmeadow Road, with the application site lying at a lower level than the two dwellings that have been constructed. The access to the site continues to slope down towards Longmeadow Road.

Planning History:

Planning permission was granted for the construction of detached dwelling and garage under planning reference 17/0053/FUL. This planning permission is extant and therefore the principle of a dwelling on this site has been accepted.

The planning permission was granted subject to the following condition 7:

The development hereby approved shall be carried out in accordance with the drainage strategy shown in plan numbers C-GA-100 (Rev P7) and C-GA-300 (Rev P1) received on 18 April 2017, as well as information contained within the Geotechnical Investigation and Contamination Assessment Report (dated May 2016, with reference AC/SR/16212/GICAR) and Proposed Residential Drainage Strategy (Dated March 2017 and received on 20 March 2017, with reference 1214 - C300).

(Reason - To ensure that the proposal does not lead to excessive run-off, or contribute to flood risk in Lypstone, and to comply with Policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development) of the Adopted East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework).

Proposed Development:

Planning permission is sought under Section 73 of the Town and Country Planning Act to vary condition 7 of 17/0053/FUL to allow the implementation of an alternative drainage strategy for the disposal of surface water from the site. The drainage scheme (which has already been installed) is to allow for surface water to be attenuated on site at a discharge rate of 1 l/s with an outfall into the combined sewer network.

The discharge rate of 1 l/s is total for the three dwellings covered by this application and the other application on the agenda.

ANALYSIS

Issues and Assessment:

The principle of development has been accepted through planning permission 17/0053/FUL and is an extant planning permission. Therefore the only issue to consider in determining this application is in terms of an assessment of the revised drainage strategy and whether it is suitable to mitigate the adverse impacts of surface water run-off from the development.

Drainage Strategy:

Planning Practice Guidance (NPPG) for Flood Risk and Coastal Change advises that the aim should be to discharge surface runoff as high up the following hierarchy of drainage options as reasonably practicable:

1. Into the ground (infiltration);
2. To a surface water body;
3. To a surface water sewer, highway drain, or another drainage system;
4. To a combined sewer.

Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan states that planning permission for new development will require that the

surface water run-off implications of the proposal have been fully considered and found to be acceptable.

One of the objectives of Policy CA21 of the made Lympstone Neighbourhood Plan requires that new building development must not be allowed to contribute to flood risk.

The application is accompanied by an addendum to the drainage strategy which helpfully sets out the main differences between the approved drainage scheme and the scheme which has subsequently been installed by the developer.

The previously approved drainage scheme intended for surface water runoff to drain into an attenuation tank which had a volume of 102.4 cubic metres with a controlled flow of 3.9 litres per second. It was proposed that the outfall of the tank would be via a surface water sewer requisition by South West Water to the east of the site which would have passed through the gardens of a number of neighbouring properties. The surface water from the site would have been connected to a surface water drain in Meadow Close which is understood to discharge into the Wotton Brook.

The drainage scheme that has been installed allows for the attenuation of the surface water from the site in a storage tank with an enlarged capacity of 150 cubic metres which discharges into the combined sewer in Longmeadow Road at a controlled rate of 1 litre per second.

This change in drainage strategy means that it is no longer required to requisition a sewer through the gardens of the neighbouring properties to the east. Most controversially the drainage strategy allows the surface water to be discharged into the combined sewer in Longmeadow Road as opposed to the surface water sewer in Meadow Close with an outfall into the Wotton Brook.

This application has generated a significant amount of objection from residents, the Parish Council and Ward Members who have raised concerns about South West Water's decision to allow the developer to discharge surface water from the site into the combined sewer and how this is going to impact on its capacity with fears that it might lead to the reoccurrence of incidents of sewerage backing up and flooding people's properties. Whilst the concerns of residents about how and why South West Water have allowed a change to the drainage of the site to allow outfall into the combined sewer are noted, SWW are the custodians of the sewerage network and should have been aware of its capacity, historic issues of flooding and whether it could accommodate any additional flow when making arriving at their decision.

South West Water are a statutory consultee and are the experts in this particular field. Officers have requested a more detailed explanation from South West Water about their change in position who have advised the following:

As part of any surface water connection, SWW supports the Planning Policy Guidance for Flood Risk & Coastal Change statement that developments should aim to discharge surface runoff as high up the hierarchy of drainage options as reasonably practicable.

The hierarchy is:-

1. Discharge into the ground (infiltration);
 2. Discharge to a surface waterbody;
 3. Discharge to a surface water sewer, highway drain or another drainage system.
 4. Discharge to a combined sewer.
- a. We understand that the site is not suitable for infiltration.
 - b. The nearest surface waterbody is an EA flood relief culvert which we understand the Environment Agency will not permit connection to. Also there is no obvious access to it.
 - c. At the time of planning and based on a desk top exercise we thought it was feasible for the developer to connect to our surface water sewer. The developer has subsequently made an application to us which has enabled us to undertake a detailed investigation and this has proven that it is not possible for the site to drain by gravity to the surface water network. We have looked at the possibility of pumping surface water but there is not room on the site to facilitate this.
 - d. This only leaves the developer the option to connect to the combined sewer. As this is not option we are keen on, we are restricting the flow from the site to 1 l/s (a very low rate) and the developer has been made aware of this.

On this basis we have had to allow the connection to the combined sewer.

The applicant has confirmed that the current position has been reached in discussion and with agreement from SWW.

As a statutory consultee, South West Water have raised no objections to the revised drainage strategy, the capacity of the attenuation tank, its outfall into the combined sewer at a restricted rate of 1 l/s and therefore whilst the local concern is noted, SWW have clarified that it hasn't been reasonably practicable to discharge surface runoff from the development as high up in the hierarchy of drainage options and therefore they have had to permit a connection to the combined sewer at a very low rate of 1 l/s. In the absence of any technical objections to the new drainage scheme, it isn't considered that this planning application could be refused on drainage grounds or successfully defended on appeal. On this basis, it is considered that planning permission should be granted and the drainage condition varied.

CONCLUSION

This application proposes amendments to the previous approved drainage strategy to provide a larger under-ground storage tank for surface water, plus discharge at a reduced rate of 1l per second into the combine sewer.

Whilst the concerns from residents, Parish Council and the Ward Member are appreciated, the local planning authority has to take it steer on these matters from South West Water as the custodians of the sewer network, the experts in terms of its capacity and the body that grants rights to use the sewer.

As SWW are raising no objection to the proposal (subject to the very low discharge rates), having been in discussions with the applicant to reach this position, the local planning authority could not justify a refusal of planning permission on the basis that the position of SWW is not agreed by local residents, the Parish Council or Ward Member.

It is appreciated that there are concerns regarding the discharge of surface water into the combined sewer, and that this could cause a repeat of historic sewer blockages or over use, but if SWW agree that the combined sewer can take the additional capacity of 1l/s, then the local planning authority are not in a position to be able to refuse planning permission.

The application is therefore recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before 14th June 2020 and shall be carried out as approved.
(Reason: To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. In relation to materials, the development hereby approved shall be carried out in accordance with the materials discharged under condition 3 of planning permission 17/0053/FUL dated 21st November 2017.
(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. In relation to landscaping, the development hereby approved shall be carried out in accordance with the landscaping scheme discharged under condition 4 of planning permission 17/0053/FUL dated 28th November 2017.
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 -Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule 2 Part 1 Classes A or B for the enlargement, improvement or other alterations to the dwellings hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken.

(Reason - The space available would not permit such additions without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

6. In relation to final finished floor levels and finished ground levels the development shall be carried out in accordance with the details discharged under condition 6 of planning permission 17/0053/FUL dated 28th November 2016.

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

7. Condition 8 of planning permission 17/0053/FUL is hereby varied to read:

The development hereby approved shall be carried out in accordance with the drainage strategy shown on drawing number 3001 REV A

(Reason - To ensure that the proposal does not lead to excessive run-off, or contribute to flood risk in Lypstone, and to comply with Policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development) of the Adopted East Devon Local Plan 2013 - 2031).

NOTE FOR APPLICANT

Informative:

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

The historical planning application is referenced under 17/0053/FUL for which the approved plans were as follows:-

15063.SLP3 Location Plan 09.01.17
15063-33 B GROUND Proposed Floor Plans 09.01.17
15063-34 B : 1ST FLOOR+ROOF Proposed Combined Plans 09.01.17
15063-35 B : PLOT 3 Proposed Elevation 09.01.17
15063-36 : PLOTS 1+2+3 Proposed Site Plan 09.01.17

This decision notice for the variation should be read in conjunction with these previously approved plans.

Plans relating to this application:

3001 REV A	Other Plans	23.02.18
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List of Background Papers

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

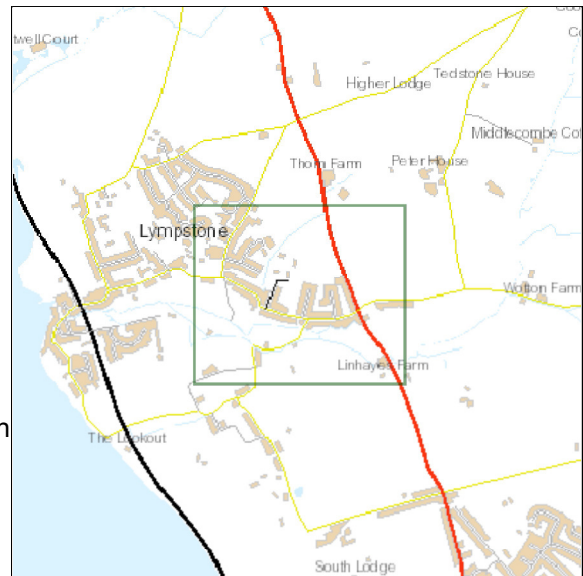
Ward Woodbury And Lymestone

Reference 18/0319/VAR

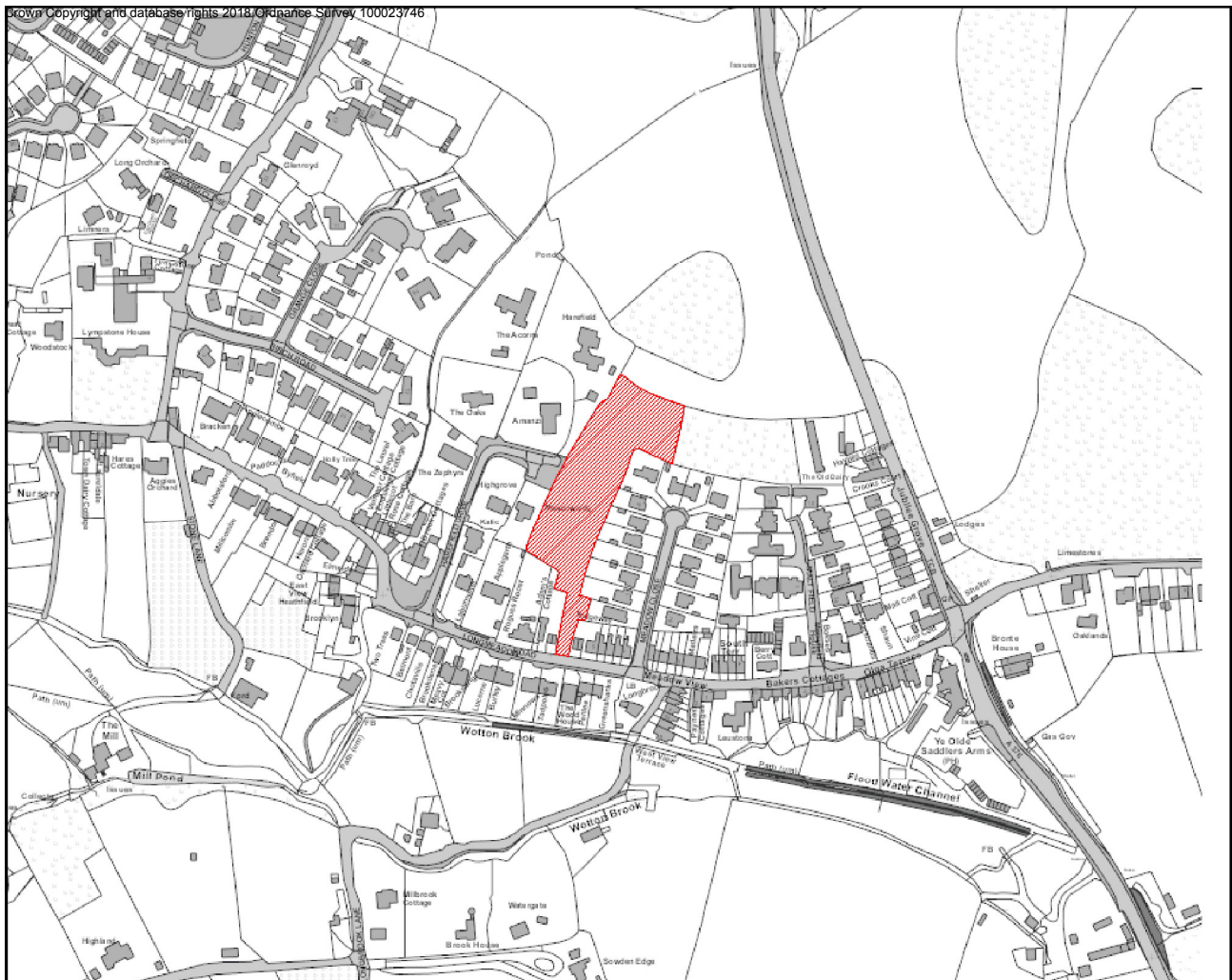
Applicant Mr David Matthews (KD Homes Ltd)

Location Land On The West Side Of Exmouth Road Lymestone

Proposal Variation of condition 8 (drainage strategy) of planning permission 17/0267/VAR (construction of 2 no. dwellings) to allow revised drainage scheme



RECOMMENDATION: Approval with conditions



		Committee Date: 5th June 2018
Woodbury And Lympstone (LYMPSTONE)	18/0319/VAR	Target Date: 08.05.2018
Applicant:	Mr David Matthews (KD Homes Ltd)	
Location:	Land On The West Side Of Exmouth Road, Lympstone	
Proposal:	Variation of condition 8 (drainage strategy) of planning permission 17/0267/VAR (construction of 2 no. dwellings) to allow revised drainage scheme	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the committee because the officer recommendation is contrary to the view of a Ward Member.

This is one of two almost identical applications relating to three dwellings covered by two separate planning applications.

Planning permission is sought under Section 73 of the Town and Country Planning Act to vary condition 8 of 17/0267/VAR to allow the implementation of a different drainage strategy for the disposal of surface water from the site. The drainage scheme (which has already been installed) is to allow for surface water to be attenuated on site with a discharge rate of 1 l/s into the combined sewer network.

The principle of development has been accepted through planning permission 17/0267/VAR and is an extant planning permission by virtue of construction commencing on site. Therefore the only issue to consider in determining this application is in terms of an assessment of the revised drainage strategy and whether it is suitable to mitigate the adverse impacts of surface water run-off from the development.

Whilst the concerns of the Parish Council, Ward Member and local residents in respect of the capacity of the combined sewer to accommodate the attenuated surface water from the site and the increase in surface water run-off and flooding are noted, in the absence of any technical objections from South West Water, who have agreed to the connection on the basis of a restricted outfall rate of 1 litre per second, it isn't considered that refusal of planning permission could be justified or defended at appeal.

The application is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Woodbury & Lympstone - Cllr R Longhurst

16.04.18 - These developments have been a nightmare and SWW seem not to care. There is an excellent statement from Lympstone PC why they OBJECT. I also OBJECT most strongly and wish this to go to DMC. The applicant has not been concerned and did not attend the meeting.

Further comments 08.05.18:

This seems to be another variation. The Applicant has not bothered to attend any of the Parish Council meetings and explain his thinking. Until such time I will OPPOSE these variations and if Officers are mindful to agree the variations then I would wish them to go to DMC. A round table meeting was proposed to sort this out. This comment applies to 18/0462?VAR

Parish/Town Council

10.04.18 - 18/0319/VAR Amended drainage strategy

Object

18/0319/VAR Variation of condition 8 (drainage strategy) of planning permission 17/0267/FUL to allow revised drainage scheme

18/0462/VAR Variation of condition 7 (drainage strategy) of planning permission 17/0053/FUL to allow revised drainage scheme

Lympstone Parish Council strongly objects to the above applications for revision of the drainage strategy (specifically, changing the discharge of surface water from discharge to the Wotton Brook to discharge to South West Water (SWW) plc's combined sewer in Longmeadow Road). This objection follows careful consideration by Parish Councillors, review by the Lympstone Flood Resilience Group (a working group of the Parish Council, currently working on the Lympstone Flood Risk Management Project in partnership with the EA, DCC, SWW and EDDC), and consultation with local village residents.

The reasons for the objections are listed below:

1. SWW plc stated originally that there should be no connection to the public foul/combined sewer. No doubt this view was reached because of a history of sewage surcharging into nearby properties internally and externally (with SWW paying compensation to property owners). The combined sewer is known to be inadequate for existing connections.
2. Lympstone Parish Council supports the view in (1) that no connection should be made until appropriate improvements have been made to the combined sewer system to avoid sewage flooding.

3. Without any further consultation, SWW later agreed to surface water being discharged to the public foul/combined sewer in direct contradiction of their earlier statement. SWW has stated that 'all alternative means of surface water drainage have proven to be unachievable'. However, no evidence of a proper investigation has been provided. We are aware of two residents on Longmeadow Road being contacted by the developer to seek a route to discharge to Wotton Brook, but this was not followed up. The Parish Council requests that the developer and SWW provide a full and detailed account of the alternatives investigated (including, for example, the pumped option which was suggested in the original proposal), and the reasons why they were unachievable, before the applications are determined.

4. It is not appropriate for the community of Lymptone to face increased risk of property flooding with sewage simply because the developer has drainage difficulties that should have been resolved before construction was started.

5. The developer should not have connected to the combined sewer without the planning permission which is now being sought.

In addition to the above, there are clearly problems with the existing attenuation system as there is leakage into Longmeadow Road whenever it rains. Longmeadow Road itself will suffer from water damage.

It is also noted that Condition 8 of 17/0053/FUL (discharge of surface water during construction) has not been discharged

The Parish Council urges EDDC to:

- o Refuse these applications,
- o Secure a satisfactory surface water drainage connection (an appropriate attenuated flow to the Wotton Brook),
- o Take any necessary enforcement action against the developer, and
- o In any future cases where the approved drainage strategy cannot be implemented, ensure that a planning application for a revised scheme is submitted before any work is undertaken.

Further comments 09.05.18:

The Council maintains its original opposition to the proposed revised drainage scheme.

The revised drainage strategy fails to address the fundamental concern of the Council that the combined sewer simply does not have the capacity to take the surface water from this site without causing problems to residents of Longmeadow Road and further down the village. South West Water's least preferred option for the disposal of surface water is for it to be discharged into a combined sewer so it is difficult to see how this can be the best option as claimed in the revised strategy.

The Council would still like an explanation of why the original strategy cannot be implemented - SWW originally agreed to requisition a sewer which they were aware would involve it being laid across several gardens. (Annex E of the approved drainage strategy) Simply because this is disruptive is not a reason to abandon the proposal. Neither is a change in the circumstances of the developer.

The Council also requests that the possibility of laying a surface water sewer along Longmeadow Road is thoroughly explored before the applications are determined.

Technical Consultations

South West Water

15.03.18

I refer to the above and would advise that South West Water has no objection to the addendum to the drainage strategy as it has been agreed that surface water can be connected to the public combined sewer subject to its discharge being limited to 1 litre/second.

For information South West Water Officers have met with Local residents to discuss their concerns over sewer capacity.

Further comments 15.05.18:

Please see attached an extract of a response to Hugo Swire MP who contacted South West Water on behalf of Local Residents explaining why we had no option other than to allow a discharge to the combined sewer.

As part of any Surface Water connection, SWW supports the Planning Policy Guidance for Flood Risk & Coastal Change statement that developments should aim to discharge surface runoff as high up the hierarchy of drainage options as reasonably practicable.

The hierarchy is:-

1. Discharge into the ground (infiltration);
 2. Discharge to a surface waterbody;
 3. Discharge to a surface water sewer, highway drain or another drainage system.
 4. Discharge to a combined sewer.
- a. We understand that the site is not suitable for infiltration.
 - b. The nearest surface waterbody is an EA flood relief culvert which we understand the EA will not permit connection to. Also there is no obvious access to it.
 - c. At the time of planning and based on a desk top exercise we thought it was feasible for the developer to connect to our surface water sewer. The developer has subsequently made an application to us which has enabled us to undertake a detailed investigation and this has proven that it is not possible for the site to drain by gravity to the surface water network. We have looked at the possibility of pumping surface water but there is not room on the site to facilitate this.

d. This only leaves the developer the option to connect to the combined sewer. As this is not option we are keen on, we are restricting the flow from the site to 1 l/s (a very low rate) and we have made the developer aware of this.

On this basis we have had to allow the connection to the combined sewer.

County Highway Authority
Does not wish to comment

Other Representations

16 letters of objection have been received at the time of writing this report raising concerns which can be summarised as:

-) The sewers are at capacity
-) Surface water should be discharged to Wotton Brook
-) Increase in flooding and sewerage entering homes
-) Attenuation tank is of insufficient size
-) Increase surface water on highway
-) No attempt has been made to investigate connection to surface water drain
-) Information with application is misleading and in-accurate
-) Existing drainage problems will be exacerbated
-) Proposed surface water system inadequate and impractical
-) Historic problems with sewerage backing up and entering people's homes with compensation payable
-) Who has agreed to an alternative drainage connection?

PLANNING HISTORY

Reference	Description	Decision	Date
17/0267/VAR	Variation of Condition 3 of planning permission 15/2848/FUL to allow installation of clear glazing and unrestricted opening to windows on the eastern elevation of bedroom 1 in plots 1 and 2	Approval with conditions	26.06.2017
15/2848/FUL	Construction of two detached dwellings.	Approval with conditions	30.08.2016

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Lympstone Neighbourhood Plan

Site Location and Description

The application site lies to the north side of Longmeadow Road within the Built-Up Area Boundary of Lympstone on which two dwellings have been approved and which have been constructed. The land slopes steadily south towards Longmeadow Road with a vehicular access onto the highway.

Planning History:

Planning permission was granted in 2016 (ref 15/2848/FUL) for the construction of 2 dwellings. This application was subsequently varied under planning permission 17/0267/VAR. This permission was granted subject to the following condition 8:

The development hereby approved shall be carried out in accordance with the drainage strategy shown in plan numbers C-GA-100 (Rev P5) and C-GA-200 (Rev P1), as well as information contained within the Geotechnical Investigation and Contamination Assessment Report (dated May 2016, with reference AC/SR/16212/GICAR) and Proposed Residential Drainage Strategy (Dated August 2016, with reference 1214 - C300).

(Reason - To ensure that the proposal does not lead to excessive run-off, or contribute to flood risk in Lympstone, and to comply with Policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development) of the Adopted East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework).

Proposed Development:

Planning permission is sought under Section 73 of the Town and Country Planning Act to vary condition 8 of 17/0267/VAR to allow the implementation of a different drainage strategy for the disposal of surface water from the site. The drainage scheme

which has already been installed is to allow for surface water to be attenuated on site at a discharge rate of 1 l/s with an outfall into the combined sewer network.

The discharge rate of 1 l/s is total for the three dwellings covered by this application and the other application on the agenda.

ANALYSIS

Issues and Assessment:

The principle of development has been accepted through planning permission 17/0267/VAR and is an extant planning permission by virtue of construction commencing on site. Therefore the only issue to consider in determining this application is in terms of an assessment of the revised drainage strategy and whether it is suitable to mitigate the adverse impacts of surface water run-off from the development.

Drainage Strategy:

Planning Practice Guidance (NPPG) for Flood Risk and Coastal Change advises that the aim should be to discharge surface runoff as high up the following hierarchy of drainage options as reasonably practicable:

1. Into the ground (infiltration);
2. To a surface water body;
3. To a surface water sewer, highway drain, or another drainage system;
4. To a combined sewer.

Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan states that planning permission for new development will require that the surface water run-off implications of the proposal have been fully considered and found to be acceptable.

One of the objectives of Policy CA21 of the made Lympstone Neighbourhood Plan requires that new building development must not be allowed to contribute to flood risk.

The application is accompanied by an addendum to the drainage strategy which helpfully sets out the main differences between the approved drainage scheme and the scheme which has subsequently been installed by the developer.

The previously approved drainage scheme intended for surface water runoff to drain into an attenuation tank which had a volume of 102.4 cubic metres with a controlled flow of 3.9 litres per second. It was proposed that the outfall of the tank would be via a surface water sewer requisition by South West Water to the east of the site which would have passed through the gardens of a number of neighbouring properties. The surface water from the site would have been connected to a surface water drain in Meadow Close which is understood to discharge into the Wotton Brook.

The drainage scheme that has been installed allows for the attenuation of the surface water from the site in a storage tank with an enlarged capacity of 150 cubic metres which discharges into the combined sewer in Longmeadow Road at a controlled rate of 1 litre per second.

This change in drainage strategy means that it is no longer required to requisition a sewer through the gardens of the neighbouring properties to the east. Most controversially the drainage strategy allows the surface water to be discharged into the combined sewer in Longmeadow Road as opposed to the surface water sewer in Meadow Close with an outfall into the Wotton Brook.

This application has generated a significant amount of objection from residents, the Parish Council and Ward Members who have raised concerns about South West Water's decision to allow the developer to discharge surface water from the site into the combined sewer and how this is going to impact on its capacity with fears that it might lead to the reoccurrence of incidents of sewerage backing up and flooding people's properties. Whilst the concerns of residents about how and why South West Water have allowed a change to the drainage of the site to allow outfall into the combined sewer are noted, SWW are the custodians of the sewerage network and should have been aware of its capacity, historic issues of flooding and whether it could accommodate any additional flow when making arriving at their decision.

South West Water are a statutory consultee and are the experts in this particular field. Officers have requested a more detailed explanation from South West Water about their change in position who have advised the following:

As part of any surface water connection, SWW supports the Planning Policy Guidance for Flood Risk & Coastal Change statement that developments should aim to discharge surface runoff as high up the hierarchy of drainage options as reasonably practicable.

The hierarchy is:-

1. Discharge into the ground (infiltration);
 2. Discharge to a surface waterbody;
 3. Discharge to a surface water sewer, highway drain or another drainage system.
 4. Discharge to a combined sewer.
- a. We understand that the site is not suitable for infiltration.
 - b. The nearest surface waterbody is an EA flood relief culvert which we understand the Environment Agency will not permit connection to. Also there is no obvious access to it.
 - c. At the time of planning and based on a desk top exercise we thought it was feasible for the developer to connect to our surface water sewer. The developer has subsequently made an application to us which has enabled us to undertake a detailed investigation and this has proven that it is not possible for the site to drain by gravity to the surface water network. We have looked at the possibility of pumping surface water but there is not room on the site to facilitate this.

- d. This only leaves the developer the option to content to the combined sewer. As this is not option we are keen on, we are restricting the flow from the site to 1 l/s (a very low rate) and the developer has been made aware of this.

On this basis we have had to allow the connection to the combined sewer.

The applicant has confirmed that the current position has been reached in discussion and with agreement from SWW.

As a statutory consultee, South West Water have raised no objections to the revised drainage strategy, the capacity of the attenuation tank, its outfall into the combined sewer at a restricted rate of 1 l/s and therefore whilst the local concern is noted, SWW have clarified that it hasn't been reasonably practicable to discharge surface runoff from the development as high up in the hierarchy of drainage options and therefore they have had to permit a connection to the combined sewer at a very low rate of 1 l/s. In the absence of any technical objections to the new drainage scheme, it isn't considered that this planning application could be refused on drainage grounds or successfully defended on appeal. On this basis, it is considered that planning permission should be granted and the drainage condition varied.

CONCLUSION

This application proposes amendments to the previous approved drainage strategy to provide a larger under-ground storage tank for surface water, plus discharge at a reduced rate of 1l per second into the combine sewer.

Whilst the concerns from residents, Parish Council and the Ward Member are appreciated, the local planning authority has to take it steer on these matters from South West Water as the custodians of the sewer network, the experts in terms of its capacity and the body that grants rights to use the sewer.

As SWW are raising no objection to the proposal (subject to the very low discharge rates), having been in discussions with the applicant to reach this position, the local planning authority could not justify a refusal of planning permission on the basis that the position of SWW is not agreed by local residents, the Parish Council or Ward Member.

It is appreciated that there are concerns regarding the discharge of surface water into the combined sewer, and that this could cause a repeat of historic sewer blockages or over use, but if SWW agree that the combined sewer can take the additional capacity of 1l/s, then the local planning authority are not in a position to be able to refuse planning permission.

The application is therefore recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on the 8th February 2017.
(Reason - To comply with Section 63 of the Act.)
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The windows on the eastern elevation of bedrooms 2 in plots 1 and 2 shall be fitted with obscure glazing and shall be non-opening up to a height of 1.7 metres above the floor level in the room in which they are installed, and shall remain so in perpetuity.
(Reason: To ensure the privacy of the occupiers of neighbouring dwellings and to comply with the provisions of Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework).
4. In relation to materials, the development hereby approved shall be carried out in accordance with the materials discharged under condition 4 of planning permission 15/2848/FUL dated 14th February 2017.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 -Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
5. In relation to landscaping, the development hereby approved shall be carried out in accordance with the details that were discharged under condition 5 of planning permission 15/2848/FUL dated 14th February 2017.
(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule 2 Part 1 Classes A or B for the enlargement, improvement or other alterations to the dwellings hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken.
(Reason - The space available would not permit such additions without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
7. In relation to finished floor levels, the development hereby permitted shall be carried out in accordance with the details discharged under condition 7 of planning permission 15/2848/FUL dated 14th February 2017.

(Reason - To ensure that adequate details of levels are available and considered at an early stage in the interest of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

8. Condition 8 of planning permission 17/0267/VAR is hereby varied to read:

The development hereby approved shall be carried out in accordance with the drainage strategy shown on drawing number 3001 REV A

(Reason - To ensure that the proposal does not lead to excessive run-off, or contribute to flood risk in Lypstone, and to comply with Policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development) of the Adopted East Devon Local Plan 2013 - 2031).

NOTE FOR APPLICANT

Informative:

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

The historical planning application is referenced under 17/0267/VAR for which the approved plans were as follows:-

Location Plan 17.12.15

15063-20 Proposed Site Plan 21.03.16

15063-21 Proposed Floor Plans 21.03.16

15063-22 Proposed Floor Plans 21.03.16

15063-23 Proposed Elevation 21.03.16

15063-30 Proposed Floor Plans 21.03.16

15063-31 Proposed Floor Plans 21.03.16

15063-32 Proposed Elevation 21.03.16

This decision notice for the variation should be read in conjunction with these previously approved plans.

Plans relating to this application:

3001 A	Layout	08.02.18
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List of Background Papers

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

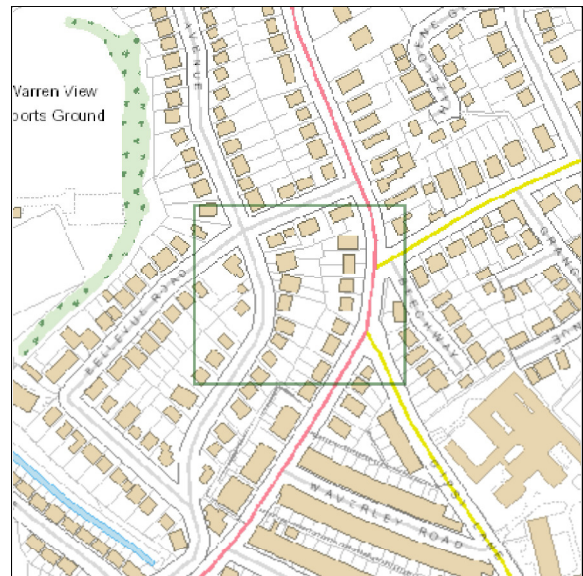
Ward Exmouth Halsdon

Reference 18/0849/FUL

Applicant Mr & Mrs Wright

Location 20 Halsdon Avenue Exmouth EX8 3DL

Proposal Construction of single storey rear extension



RECOMMENDATION: Approval - standard time limit



		Committee Date: 5th June 18
Exmouth Halsdon (EXMOUTH)	18/0849/FUL	Target Date: 18.06.2018
Applicant:	Mr & Mrs Wright	
Location:	20 Halsdon Avenue Exmouth	
Proposal:	Construction of single storey rear extension	

RECOMMENDATION: Approval - standard time limit

EXECUTIVE SUMMARY

This application is brought before the Development Management Committee for determination because the applicant is a close relative of a member staff.

The application seeks permission for a single storey extension to the rear of the property which is located within Exmouth. The extension is not readily visible from public view and there are no objections in terms of design or materials.

It is considered that the proposal would not harm the character or the appearance of the area or have any adverse impact on the amenities of neighbours.

The application is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

No Objection

Technical Consultations

County Highway Authority

Does not wish to comment

Other Representations

No third party comments received.

PLANNING HISTORY

There is no relevant planning history.

POLICIES

Policy D1 – Design and Local Distinctiveness

Site Location and Description

No 20 Halsdon Avenue is a semi-detached dwelling with a brick ground floor and rendered upper floor. The dwelling is located in an area dominated by semi-detached and detached houses located entirely within the built-up-area boundary of Exmouth.

Proposed Development;

Permission is sought for the construction of single storey mono-pitched roof extension extending from the rear and to the side of an existing utility room. Planning permission is required because it projects from the side and is more than half the width of the original dwelling. The proposed extension will extend 3.7 metres from the rear of the property and 4.6 metres from the side. The extension will have a total height of 3.7 metres and a height to eaves of 2.3 metres. The extension's external walls will have a white painted render to match the existing materials.

ANALYSIS

The principal issues for consideration in the determination of the application are:

- Design and impact on the character and appearance of the surrounding area
- Impact on residential amenity

With regard to design and impact upon the character of the area, the proposed extension is relatively small scale and located to the rear of the dwelling where there are no immediate public views of the site. The materials are proposed to match the existing building and will not look out of keeping and will not be harmful to the character or appearance of the area.

Given the semi-detached nature of the property, size and position of the proposed extension, and the respective relationship with surrounding properties, the proposal would not result in any significant detrimental impact on the amenities of the occupiers of any neighbouring properties in terms of overlooking, overshadowing or visual impact.

CONCLUSION

The application proposes a very modest single storey extension in matching materials.

The extension is of an acceptable design and will not be harmful to the character or appearance of the area. In addition, the single-storey nature of the proposal to the rear of this detached property will ensure no harm to the amenity of surrounding residents.

Taking into account the above considerations the proposal is considered to be acceptable and is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

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

NOTE FOR APPLICANT

Informative:

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

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

Plans relating to this application:

PL01	Location Plan	16.04.18
PL04 rev A	Proposed Combined Plans	10.04.18

List of Background Papers

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

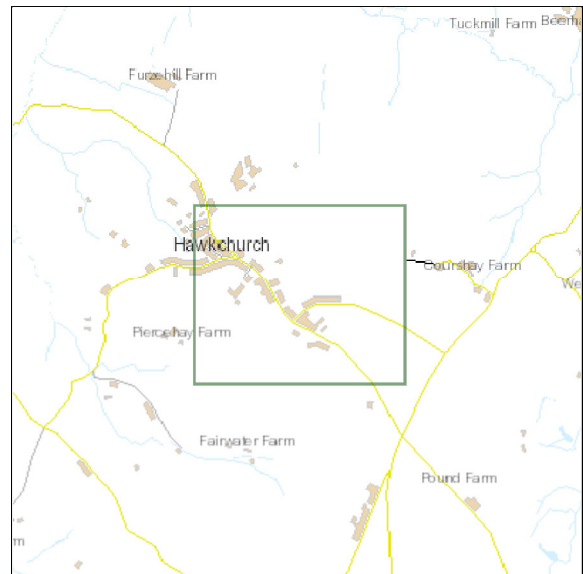
Ward Axminster Rural

Reference 18/0623/VAR

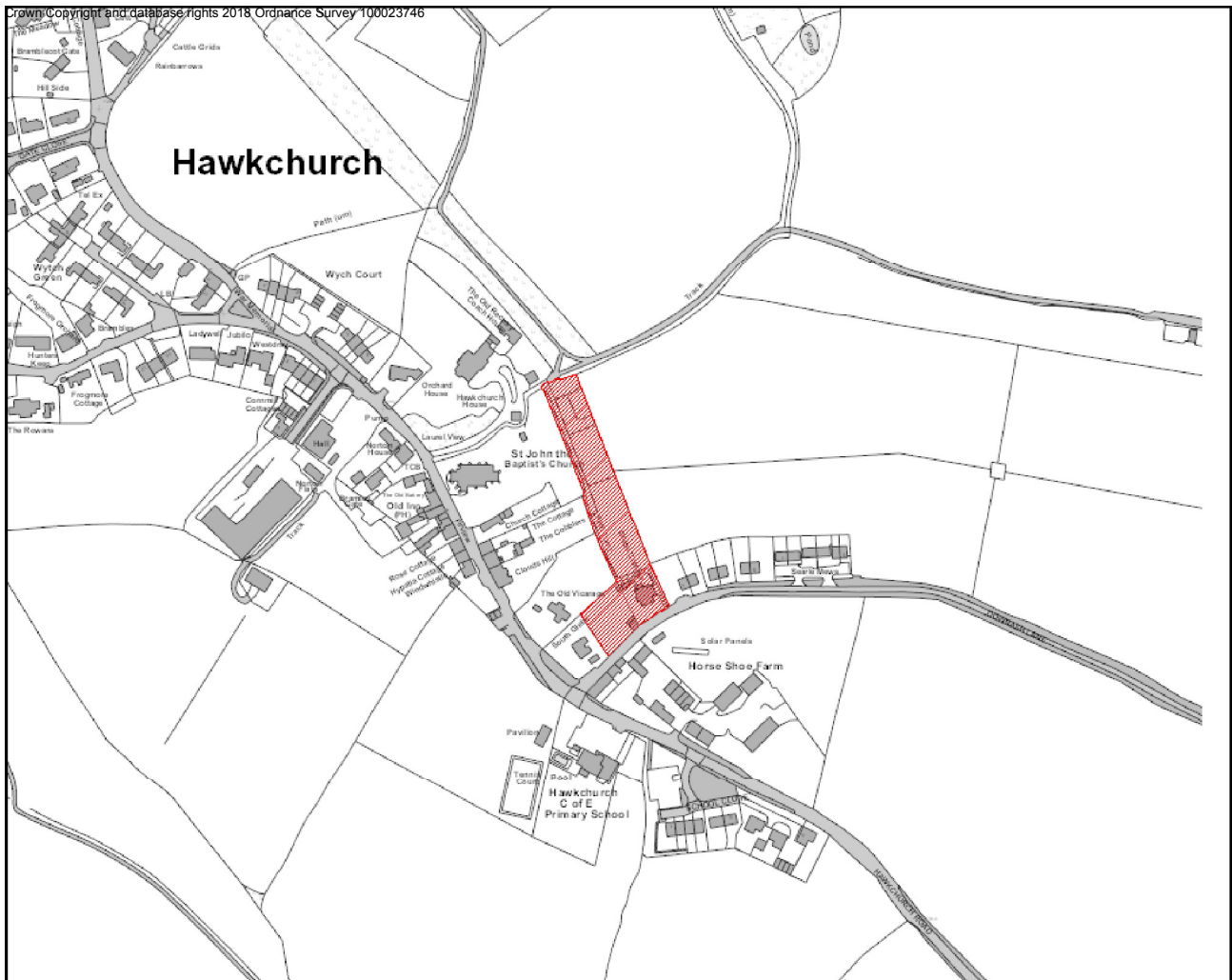
Applicant Mr & Mrs Campbell

Location The Glebe Cottage Hawkchurch Axminster
EX13 5XD

Proposal Removal of condition 2 of planning consent
07/0912/FUL (conversion and extension of
garage to create holiday accommodation) to
facilitate an unfettered independent residential
use



RECOMMENDATION: Refusal



		Committee Date: 5th June 2018
Axminster Rural (HAWKCHURCH)	18/0623/VAR	Target Date: 08.05.2018
Applicant:	Mr & Mrs Campbell	
Location:	The Glebe Cottage Hawkchurch	
Proposal:	Removal of condition 2 of planning consent 07/0912/FUL (conversion and extension of garage to create holiday accommodation) to facilitate an unfettered independent residential use	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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

Planning permission 07/0912/FUL granted planning permission for the conversion and extension of a garage to create holiday accommodation. Condition 2 of this planning consent secured the occupation of this accommodation for holiday purposes only.

This planning application seeks to remove this occupancy condition thereby allowing an unfettered dwelling, without a restriction on who may occupy. This unit of accommodation is within the open countryside (Hawkchurch is not listed as a sustainable settlement identified for future growth under the Local Plan) with limited services and facilities on offer. Future occupiers would be reliant on private modes of transport in order to reach these. As no economic benefits would arise from removal of this condition, and considering its rural location, there is clear conflict with the policies of the development plan.

The personal circumstances of the applicant are given as a means of outweighing this conflict. However, Planning is concerned with land use in the public interest and so only very limited weight can be given to these circumstances.

Accordingly a recommendation of refusal is made.

CONSULTATIONS

Local Consultations

Parish/Town Council

HAWKCHURCH PARISH COUNCIL wishes to OBJECT to this planning application, for the following reasons:

' Condition 2 of Planning Consent Notice 07/0912/FUL states - the unit of accommodation hereby permitted shall only be used as holiday accommodation operated in association with Glebe Cottage or as ancillary accommodation to Glebe Cottage and shall not be used for any independent residential purpose. Reason -The accommodation would not be suitable for independent residential use separate from Glebe Cottage as this type of use would create an unacceptable loss of privacy and amenity for the existing property.

It is the Parish Council's [PC] view that nothing has changed in the period following the grant of this consent in 2007; indeed, it could be argued that approving this application could worsen the situation that this condition sought to avoid, as the Planning Support Statement [PSS] - in respect of application 18/0623/VAR, clearly states that the applicants intend to live in this property and to sell Glebe Cottage, thus creating two separate freehold properties. It must surely follow, therefore, that the reasons and logic behind the original imposition of condition 2 are even more relevant now that it is intended to split the properties legally.

' It is the PC's view that a property of this minimal size and accommodation is not appropriate for a 4 person family unit and that there would be insufficient amenity space within the curtilage of the property, once adequate and appropriate parking and turning space arrangements have been provided. The PC also reiterates an earlier comment that the property is too close to the highway for full-time occupation.

' In its response to the original application (07/0912/FUL), the PC objected on grounds that there would be insufficient parking within the curtilage of the [combined] property and that this would lead to parking on the highway, which is very narrow at that point and would cause a possible hazard. These concerns were partly met by conditions 6 & 7 of the original consent notice [07/912/FUL]; however, time has proven the PC's view to be correct, as vehicles belonging to The Glebe are often parked in the road at this location and elsewhere in the village, especially when guests are staying in the holiday accommodation.

In respect of the present application, the PC has concerns and reservations regarding access, on-site parking and turning space. It is understood that the applicants' family comprises four persons including two adult children, which could, therefore, lead to 3-4 vehicles being present on the property, at any one time. As noted above, there is already an element of on-road parking associated with Glebe Cottage and Puffins, which significantly reduces the road width at that point and impacts on other road users, especially where width may be critical ' ie delivery lorries, tractors & farm machinery etc; therefore, in the PC's opinion, on-road parking at this location should be avoided.

Technically, the PC is concerned that there is insufficient frontage [between the applicant property and the adjoining neighbouring property] in which to provide the necessary visibility splays and sight lines to allow safe ingress and egress to and from the property, a matter which is not helped by the presence of a services/utilities pole which is located alongside the highway and may need repositioning [if technically possible?]. Within the curtilage of the property, there would need to be sufficient space to park 3-4 vehicles with space for turning, in order that vehicles enter and exit the property in a safe manner. The PC is unable to assess the levels difference [if any] between the highway and the property, which is presently concealed behind a high flint wall; however, any significant difference in levels may cause a 'ramping' effect which, in turn, could further impact on visibility and the safe usage of any new entrance.

' The PC has concerns that the PSS accompanying this application [18/0623/VAR] makes a number of erroneous claims:

o It states that the creation of small, less expensive, dwellings in Hawkchurch are beneficial to the local community ' it is not clear how this statement is relevant as, in this case, the dwelling is to be occupied [by the applicants and their family] and the larger [former] family home [Glebe Cottage] is to be sold at market value, as an [expensive?] home for another family. Where is the claimed 'gain' for creating small, less expensive dwellings?

o It states that EDDC's planning team have confirmed that a new access may be constructed off Downash Lane; however, has this, or any, access arrangement been approved by Highways?

o It makes certain arguments favouring this application in terms of associated planning issues/law; the PC believes that these arguments are not well made and are tenuous, at best. Furthermore, notwithstanding the stated 'precedents' ' this building was never a 'redundant farm building', so how can such a statement be justified?

o It states that this application, if approved, will provide a 'low-cost home' - unless the 'low cost' status is secured by way of some form of binding legal agreement attached to any planning consent, if approved, the PC believes that is no way that any 'low cost' status may be enforced; more likely, should the property ever be sold as an open market disposal, it will be at the prevailing market value and not at any form of discounted low cost.

o It states that vehicular movements will "likely be fewer" - how can this be true? As a holiday home, occupation is occasional ' ie not full-time, and most probably involves a single vehicle; as a family home, and, as already noted, there are likely to be two or more vehicles within the family group, journeys made to and from the property are likely to be far greater in number, especially given the lack of public transport available in the village.

For the reasons stated above, we respectfully request that this application be REFUSED.

Axminster Rural - Cllr I Hall

I as District Councillor in principal support this application on the understanding that the property in question is occupied for independent living for a maximum of two residents.

This would enable the applicant to continue to live in the local community with her 17 year old son.

I understand the views of Hawkchurch PC and unless there are sufficient planning reasons for refusal, I will therefore support the application.

Further comments:

I have now read the officers report and I can understand the conclusion of recommendation for refusal, this is along the same lines of the Hawkchurch Parish Council Planning Committees conclusion.

I have desire to keep communities together and support those who have fallen on difficult and unexpected events.

Those who have been part of the community and a benefit to neighbours and friends should have the support of their elected representative.

I will be unable to attend the DMC meeting, as I am at County Hall on Foster Panel duties - please give my sincere apologies.

I hope that the DMC committee come to a decision that is in the best interests of the Hawkchurch Community.

Other Representations

None received to date.

PLANNING HISTORY

Reference	Description	Decision	Date
07/0912/FUL	Conversion and extension of garage to create holiday accommodation	Approval with conditions	16.07.2007

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

TC2 (Accessibility of New Development)

Strategy 7 (Development in the Countryside)

E18 (Loss of Holiday Accommodation)

Neighbourhood Plans

Emerging Hawkchurch Neighbourhood Plan

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

The proposal seeks the removal of a holiday restriction tie imposed under planning consent 07/0912/FUL. Condition 2 of this consent reads;

The unit of accommodation hereby permitted shall only be used as holiday accommodation operated in association with Glebe Cottage or as ancillary accommodation to Glebe Cottage and shall not be used for any independent residential purposes.

(Reason – The accommodation would not be suitable for independent residential use separate from Glebe Cottage as this type of use would create an unacceptable loss of privacy and amenity for the existing property.)

The reasons for removing this tie as presented are due to ill health of the applicant. This has left the applicant struggling to look after both properties.

Planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan

There are a number of planning policies which this proposal would be measured against.

Strategy 27 (Development at the Small Towns and Larger Villages) of the East Devon Local Plan (LP) outlines 15 lower tier settlements which have a range of accessible services and which will have a Built-up Area Boundary designated through the East Devon Village Development Plan Document. These settlements, however, will not have specific allocations and where communities wish to promote development this will need to be through neighbourhood plans or other community led development that justifies why, in a local context, the development would promote the objectives of sustainable development.

However, the application site is not included with such a settlement. Hawkchurch was purposely left out the Strategy 27 list of lower tier settlements and therefore is not considered to in a location with an appropriate level of services and facilities nearby to support further residential growth. Accordingly for planning purposes the proposal takes place within the open countryside and therefore subject to restrictive rural policies.

Strategy 7 (Development in the Countryside) of the East Devon LP states that development in the countryside will only be permitted where it is in accordance with a specific LP policy that explicitly permits such development and where it would not harm the distinctive landscape qualities within which it is located. No other policy of the adopted local plan would support the proposal as a matter of principle due to its location. LP Policy TC2 (Accessibility of New Development) states that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car. Given the distance to such facilities and services the proposal is considered to conflict with Strategy 7 and policy TC2 of the adopted East Devon Local Plan.

Policy E18 (Loss of Holiday Accommodation) states that planning permission involving the loss of holiday accommodation will not be permitted unless the holiday use is no longer needed and the building has been marketed for at least 12 months without interest. No marketing evidence has been submitted with the application and there is no evidence that continued compliance with the condition, or use of the property as a holiday let, is no longer viable.

Hawkchurch Neighbourhood Plan is within its very early stages of production without any detailed policies and therefore can only be attributed very limited weight in the planning balance.

Accordingly there would not be any planning policy support for the proposal which would result in an open market dwelling within the open countryside. It therefore remains to be seen whether any material consideration outweighs this position.

Material Considerations

Planning is concerned with land use in the public interest. The National Planning Policy Guidance provides guidance as to how personal circumstances are to be considered within the planning framework;

"However, in general they [the courts] have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations." (NPPG ID 21b-008-20140306)

Therefore the personal circumstances of the applicant can only be attributed very limited weight within the planning balance. As the principle reason for allowing the conversion was to the benefit of the rural economy through tourism expenditure a personal consent removing such holiday accommodation would nullify any such benefits.

Due consideration has also been given to the merits of a personal or temporary consent. Arguably such a temporary condition would be beyond the scope of the condition which is the subject of this application. The NPPG states *'There may be exceptional occasions where granting planning permission for development that would not normally be permitted on the site could be justified on planning grounds because*

of who would benefit from the permission' (Paragraph: 015 Reference ID: 21a-015-20140306). However, there is not anything to suggest that case would constitute an exceptional occasion, in the sense that an unusual or rare scenario exists.

Other matters

The submitted plans indicate an indicative parking area to be provided to the new dwelling under permitted development rights.

Whilst there Parish Council concerns regarding this access are appreciated, the access does not form part of this application. Access would therefore remain as existing. If the indicative access were of concern, permitted development rights could be used to ensure that the access was the subject of a further planning application.

Any additional vehicle movements associated with an independent dwelling would be insignificant and as such there is no highway objection to the removal of the holiday restriction.

Conclusion

Whilst there is sympathy with the position of the applicant, the personal circumstances presented can be only be given very limited weight within the planning balance. As no other justification has been submitted for removing the holiday occupancy, and the property has not been marketed for continued holiday use in accordance with Policy E18, the proposal is contrary to local plan policy and is unacceptable.

RECOMMENDATION

REFUSE for the following reasons:

1. The removal of the holiday occupancy condition would result in the unjustified loss of holiday accommodation and would result in the creation of a dwelling in a location remote from services and facilitates where the occupiers would be most likely to be reliant of private modes of transport. The personal circumstance of the applicant do not outweigh the harm identified and conflict with planning policy. The proposal is therefore contrary to Strategy 7 (Development in the Countryside), Policy E18 (Loss of holiday Accommodation) and policy TC2 (Accessibility of New Development).

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:

1457.001	Location Plan	13.03.18
A7685/02 A	Proposed Combined Plans	13.03.18

List of Background Papers

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

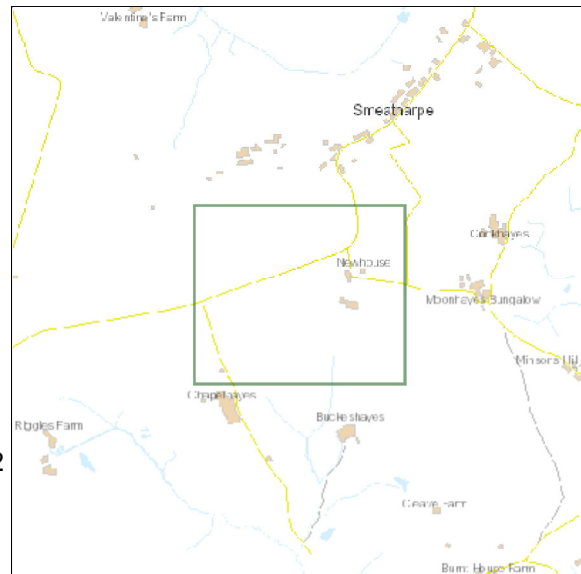
Ward Otterhead

Reference 18/0413/FUL

Applicant MGM Utility Contractors

Location Buckeshayes Farm Upottery Honiton EX14 9RQ

Proposal Use of land as a construction compound, including for storage of materials, vehicles, portable administration buildings, and siting of portable workers' accommodation for up to 30 workers (with associated welfare facilities) for 2 years (retrospective application).



RECOMMENDATION: Approval with conditions

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		Committee Date: 5th June 2018
Otterhead (UPOTTERY)	18/0413/FUL	Target Date: 03.05.2018
Applicant:	MGM Utility Contractors	
Location:	Buckshayes Farm Upottery	
Proposal:	Use of land as a construction compound, including for storage of materials, vehicles, portable administration buildings, and siting of portable workers' accommodation for up to 30 workers (with associated welfare facilities) for 2 years (retrospective application).	

RECOMMENDATION: APPROVE subject to conditions

EXECUTIVE SUMMARY

The application is before Members as the proposal represents a departure from the policies within the Local Plan.

The application seeks permission retrospectively for the change of use of land to site a construction compound, including accommodation for approximately 30 workers, in connection with the installation of rural broadband infrastructure in surrounding rural areas. The proposed use is for a temporary period of 2 years.

The site is in a remote location in the countryside near Smeatharpe, and is within the AONB. Development of this type in the countryside is not supported by any specific Local Plan policy and is therefore contrary to the requirements of Strategy 7.

The Parish Council and the Economic Development Officer support the proposal, however the AONB partnership do not, indicating the harm which the development causes to the character and appearance of the AONB. Local concerns are also raised in relation to this and also in relation to traffic disturbance, harm to the highway, the remoteness of the site from facilities, its unsuitability for residential occupation and impact on an historic airfield site.

There is strong national and local policy support for the provision of rural broadband infrastructure. Through facilitating the provision of improved rural internet connections, the proposal would indirectly support the rural economy and the provision of rural employment in parts of the East Devon District area. Although there would be an impact on the character of the AONB, this is considered to be minor, when the temporary nature of the proposal is taken into

account and this minor harm is considered to be outweighed by the significant positive impacts of the proposal. There being no other significant adverse impacts identified, the proposal is considered to be acceptable as a temporary use of land.

CONSULTATIONS

Local Consultations

Parish/Town Council

Upton Parish Council have reviewed the documents and the revised wording and unanimously support the application.

Otterhead – Cllr D Key

I fully support the application. The workmen come mainly from Peterborough and so this enables them to avoid travelling. The whole area have been crying out for better broadband connections and this is exactly what is taking place. The time of the application is for two years when it will all be removed, not like a permanent dwelling which would be there forever.

Technical Consultations

Environmental Health

23/3/18

I have considered the application and do not anticipate any environmental health concerns.

3/5/18

No environmental health concerns appropriate to the planning process, but the existence of this temporary caravan site and facilities has been brought to the attention of the council's private sector housing team.

23/5/18

(The comment below is a response to a planning officer query regarding potential noise impacts associated with use of generator out of hours traffic.)

From a planning perspective I don't think either of these things are best controlled through planning in this instance. The people accessing and leaving the site are likely to do so in a regular shift pattern which might change and the times of arrival and leaving will vary according to how far away the current work site is. The occupants have been on site for a while and we have not received complaints regarding noise. If we do so then we can visit and come to an agreement about the generator if we determine that any noise from it is unreasonable at residences. The nearest residents are a little distance away and a noisy generator would actually affect occupiers of the caravans more severely.

Contaminated Land Officer

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

Economic Development Officer

The current Phase 2 rollout of the CDS programme is most beneficial to our rural areas, the more densely populated eligible settlements across the Heart of the South West LEP geography having been covered in Phase 1. It's worth looking at the rollout info provided at <https://www.connectingdevonandsomerset.co.uk/> for specifics if required. CDS Rollout is fluid to some degree in that if delivery can't be achieved in one area, the path of less resistance is taken and delivery of improved superfast broadband infrastructure will simply go elsewhere.

The following Devon LA briefing is informative <https://www.connectingdevonandsomerset.co.uk/wp-content/uploads/2018/03/CDS-Devon-County-Council-briefing-March-27-2018.pdf> . It highlights the economic benefit of increased digital connectivity with clear implications for improved productivity.

By our team's most recent estimate, East Devon is behind by approximately 36% in our Local Plan target of delivering 1 new job per new dwelling (comparing BRES and Homes delivery data 2013-16). This application, and the improved capability afforded to new and developing business making use of the resultant enhanced digital connectivity, will have a material impact on our ability to redress this imbalance.

We strongly recommend that this application for a temporary compound delivering lasting economic benefit to the district is supported.

Blackdown Hills AONB Project Partnership

Great weight should be given to conserving landscape and scenic beauty in AONBs (NPPF para 115), and the AONB Partnership supports its local planning authorities in the application of national and local planning policy in order to ensure that any development in the AONB conserves and enhances the natural beauty of this nationally designated landscape.

In support of this, the Blackdown Hills AONB Management Plan 2014-19 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policies of particular relevance to this proposal:

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

PD 1/C Protect the AONB from inappropriate and unnecessary development, including promoting the use of existing buildings to accommodate new uses where appropriate and compatible with current planning policies and the special qualities of the AONB.

The open, 'bleak' character of the plateau landscape is one of the AONB's defining features and the airfields are an inherent element of this landscape. Smeatharpe is particularly undeveloped and, except for the stadium and the flying club container, the few buildings and structures on the airfield and surrounding farmland are either

agricultural or remains of WW2 infrastructure and further encroachment of built form around the airfield should be resisted in order to safeguard its character.

The AONB Partnership appreciates the short-term need to find a temporary site to store materials and equipment for a mobile work force, and recognises that the location and hard surfacing at Smeatharpe may be seen as advantageous in this regard. However, this compound together with the assorted accommodation and administrative units appear as incongruous features in the open countryside, introducing an isolated industrial, urban feature affecting the open and exposed character of the plateau. The impact of this development is exacerbated by the daily comings and goings of the construction vehicles and workforce. It does not appear that the application has given much consideration to the significance of the AONB location, and such uses are better suited to urban locations outside the AONB.

EDDC Trees

No objection on tree grounds, fencing to stay as is

County Highway Authority

The site is based on the C25 with good visibility, as this is a retrospective application I have looked at the collision data we have available and no recorded collisions are as a result of this compound use.

Therefore the County Highway Authority (CHA) has no objection to this proposed development.

Recommendation:

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

Other Representations

2 objections have been received raising the following issues relevant to the application:

- the site is unsuitable for human occupation being near a slurry lagoon;
- traffic associated with the use of the site in early mornings and evenings 7 days a week disturbs residents and a further 2 years is a long time to have to endure this, on top of previous contractor use of the site;
- the traffic is damaging the highway;
- the natural beauty of the AONB is harmed by the development which is not in keeping with it;
- facilities for the site are not on hand and there are more suitable facilities available, such as the Travelodge in Honiton;
- use as a workman's commune affects the unique historic presence of the old Uppottery Airfield.

PLANNING HISTORY

None relevant.

POLICIES

Strategy 7 Development in the Countryside

Strategy 28 - Sustaining and Diversifying Rural Enterprises:

Strategy 31 - Future Job and Employment Land Provision

Strategy 30 – Inward Investment, Communication Links and Local Benefits

Strategy 46 Landscape Conservation and Enhancement and AONBs

Strategy 49 – The Historic Environment

D1 - Design and Local Distinctiveness

D2 - Landscape Requirements

D3 - Trees and Development Sites

EN14 - Control of Pollution

E4 - Rural Diversification

E5 - Small Scale Economic Development in Rural Areas

TC2 - Accessibility of New Development

TC7 - Adequacy of Road Network and Site Access

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Other Documents

No draft of the Uptonery Neighbourhood Plan is currently available.

Blackdown Hills AONB Management Plan 2014- 2019

Site Location and Description

The site is approximately 900m to the southwest of the settlement of Smeatharpe. It is outside of any Built-Up Area Boundary and is therefore in the countryside in planning terms. It lies on land which is partly grassed but also has large areas of hardstanding remaining from a previous use as part of an airfield, although in planning terms, the site is now classed as being in agricultural use.

The site is on the southern edge of a flat plateau of land within the Blackdown Hills Area of Outstanding Natural Beauty (AONB). Access to the highway is via a hardsurfaced private access leading north from the site to its junction with a C classified road. According to the Council's records, the land comprising the site is potentially contaminated. The nearest dwellings lie 180m to the east of the site, and other than these, adjoining agricultural buildings to the east and the public highway to the north, the site is surrounded by agricultural land.

Proposal

Permission is sought retrospectively for the siting of a construction compound (the contractor being MGM) for a temporary period of 2 years in relation to work to install high speed internet connection for rural communities. The installation covers an area which is broadly depicted on a plan within the Design and Access Statement and is referred to as the 'Lot 5 roll out area'. The compound is surrounded by 2m high fencing and includes 2 portable accommodation units for around 30 workers and portable buildings for use as offices, welfare facilities (e.g. showers) and stores. It also contains areas for plant and materials storage.

ANALYSIS

The key issues for consideration in connection with this proposal are the principle of development, visual impact (including any impact upon the AONB), economic and employment impacts, residential amenity and highways related impacts.

Principle

The development proposed is not supported by any specific Local Plan or Neighbourhood plan policy and the proposal is therefore contrary to the requirements of Strategy 7 and unacceptable in principle. Whether there are any other material considerations that outweigh this in-principle objection are covered later in the report.

Visual Impact

Although not immediately adjacent to the public highway or any public right of way the compound (including the vehicles, plant and portable structures within it) is visible from the public highway over a distance of approximately 85m and is visually read as a construction compound, particularly when mobile plant or lorries are present there in addition to the portacabin structures.

The applicant indicates that this site was chosen for the compound due to the ready availability of hardstanding and the site's convenient location in relation to the work sites (i.e. the 'Lot 5 rollout' sites). It should be borne in mind that had an alternative site been selected which generated a need for the installation of temporary hardstanding, and if such a site were considered acceptable in all other respects, the removal of hardstanding and the restoration of the site could have been conditioned. Therefore whilst the ready availability of hardstanding may be a convenience for the operator, it is not considered to be a planning justification for the use of this site. Neither is it considered, from an assessment of the spread of sites within the Lot 5 roll-out area (using the limited information provided), that the site is particularly central within the spread of those sites. Non AONB areas in the proximity of Honiton appear to be more centrally located, though it is acknowledged that the site does lie within the roll-out area. It is therefore not considered that the site's location with the AONB is fully justified.

The AONB at this location has a largely natural, open, and undeveloped character although it is acknowledged that there are agricultural buildings and paraphernalia and small groups of dwellings within a 330m radius of the site. The compound and its

contents do not blend with its surroundings and appear incongruous, albeit at a distance from the road. The activity at and near the site associated with traffic arriving and departing from the site also potentially harms the largely quiet undeveloped character of this part of the AONB. The above concerns are raised by an objector and the AONB partnership, who also raise the issue of the impact of the development on the disused airfield. With regard to activity, much of the incoming and outgoing traffic associated with the proposed use is likely to occur in pulses, rather than continuously, as workers/plant are transported to and from sites in shifts. The disturbance impact is therefore considered to be relatively low overall. The visual impact is however continuous and is considered to cause a moderate level of harm to the AONB's character and appearance. There is no heritage designation for the airfield. The concerns raised in relation to the impact on it have been taken into account so far as they relate to the airfield's contribution to the character of the area, which is considered above.

Having identified an impact on the character and appearance of the AONB, this assessment turns to whether that impact can be mitigated and the conditions required to secure that. It is not considered practical to screen the site with planting (even if this were appropriate in this open landscape) and it is not considered that solid hoarding around the compound would be effective mitigation, due to the height of some of the plant and structures within it. However the temporary presence of the compound, for a period not exceeding 2 years, is itself considered to be a mitigating factor. With a condition imposed on any permission granted to require the removal of the compound and restoration of the site to its former condition after 2 years, it is considered that the moderate visual harm identified above can be considered to be reduced to a minor level.

Economic and Employment Impacts

High speed rural broadband plays an important role in supporting rural businesses, as these can be isolated. Information provided with the application indicates that the provision of high speed internet to rural communities is a policy priority of local and national government and is supported and funded by both Connecting Devon and Somerset (CDS) and Broadband Delivery UK (BDUK) which is part of the Department for Digital, Culture, Media and Sport. In general terms, the Local Plan supports rural business, including business start-ups and expansions, through Strategy 28 (Sustaining and Diversifying Rural Enterprises) and Policies E4 (Rural Diversification) and E5 (Small Scale Economic Development in Rural Areas), whilst Strategy 30 (Inward Investment, Communication Links and Local Benefits) specifically supports improvements to electronic media links to improve connections, attract inward investment into East Devon and provide more and better paid jobs. The comments of the Economic Development Officer in relation to East Devon providing too few jobs in relation to new housing and the role that enhanced digital connectivity would play in addressing this imbalance, are noted. Given the considerations above, the proposal is considered to play an important role in supporting the rural economy and this respect it is considered to be indirectly supported by the Local Plan strategies and policies listed above.

Notwithstanding that work primarily takes place at various locations in surrounding areas, the compound is, in effect, employment land, since work take place within it

and employees' welfare facilities are provided there. Strategy 31 requires that any proposal for providing employment land should take into account existing available and unused or underused employment sites. In the supporting information provided, the applicant indicates that they did not consider that alternative local plan employment allocations were available or suited to their need in geographic terms. Planning Officer assessment indicates that the Honiton area is central to the applicant's spread of sites within the Lot 5 roll-out area, however there is a known shortage of designated employment land in that town. Taking all the above into consideration, it is considered reasonable that a designated employment site was not selected for the location of the compound and thus the proposal is not considered to conflict with Strategy 31.

The accommodation of employees at the site also brings a potential benefit the local economy through those employees spending at local shops and facilities.

Residential Amenity

The traffic movements associated with the use of the compound and the use of a generator have the potential to disturb local residents. Objectors indicate that early morning and evening traffic 7 days a week is disturbing. The Environmental Health Officer has been made aware of these specific concerns and has suggested that planning conditions are not necessary in this case, due to the lack of complaints received by them during the time that the compound has been operating without planning permission (which is understood to be a period of at least 5 months) and the likely fluctuations in the hours during which traffic movements take place, over time. Therefore whilst it is acknowledged that the use of the compound has some impact on residential amenity, it is not considered to be unacceptable in this case or to necessitate the imposition of conditions. If particular nuisance problems were to arise, residents would be able to make a complaint directly to Environmental Health in the normal way.

Highways and travel impacts

The Highway authority raise no objection with regard to the impact of traffic on the highway network of the safety of the access, hence it is considered that the proposal is acceptable in these respects.

The rural location of the compound, remote from good public transport links, together with the scattered spread of the work sites, generates a need to travel in motor vehicles. Given the peripatetic nature of the work and the need to use mobile plant, a need to travel to the various work sites would be generated irrespective of where the mobile plant is located or where workers live i.e. even workers living close to one work site would need to travel to others. Information submitted with the application indicates that the compound is for workers' use only (i.e. not their families), and that the workers' main homes are located elsewhere. Whilst workers living at the site would need access to shops and the facilities needed for daily life, (there being minimal provision within the compound), given that their permanent homes are located elsewhere and their travel to work is by minibus their need to travel is not considered to be excessive.

Overall therefore the proposal is considered to be acceptable in relation to highway and travel issues.

Other issues

The Contaminated Land Officer has been consulted on this application and raises no objection.

The Environmental Health Officer has been made aware of an objector's comment regarding the suitability of the site for use as temporary worker's accommodation on health grounds, however no concerns have been raised by her in relation to this, in relation to the planning application.

CONCLUSION

Whilst the erection of a stand-alone construction compound in the countryside is not supported by planning policy, the retention of the compound in this case would facilitate the ongoing installation of rural internet infrastructure, which is itself supported both nationally and through the Local Plan, in recognition of the benefits this brings to the rural economy and rural employment.

Whilst comments are awaited in relation to the issue of contaminated land, it is considered that the compound would not have a harmful impact in relation to highway safety, need to travel or residential amenity. Whilst there would be harmful impact on the AONB, this is considered to be minor, given the temporary nature of the proposal, and that minor harm is considered to be outweighed by the significant benefit to the rural economy and employment associated with the proposed use.

Subject to no insurmountable objection being raised in relation to contaminated land, the proposal is considered to represent sustainable development.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Within 2 years of the date of this permission, the construction compound hereby permitted, together with all contents relating to the use hereby approved, shall have been removed from the site and the land within the site shall have been restored in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority. (Reason: To reflect the temporary nature of the proposal and because the visual impact of the compound would not be acceptable in the longer term, in accordance with Strategy 7 Development in the Countryside and Strategy 46 Landscape Conservation and Enhancement and AONBs of the East Devon Local Plan).

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

3. The construction compound hereby permitted shall be for the use of MGM Utilities in relation to the installation of high speed internet infrastructure within the lot 5 rollout area only. (Reason: The special circumstances which outweigh the minor

impact on the AONB only arise in relation to the work of MGM Utilities Ltd as described in the application, in relation to their work installing high speed internet infrastructure, and in accordance with Strategy 7 Development in the Countryside and Strategy 46 Landscape Conservation and Enhancement and AONBs of the East Devon Local Plan).

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Location Plan	20.02.18
with key	Block Plan	08.03.18

List of Background Papers

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

Ward Ottery St Mary Town

Reference 18/0309/FUL

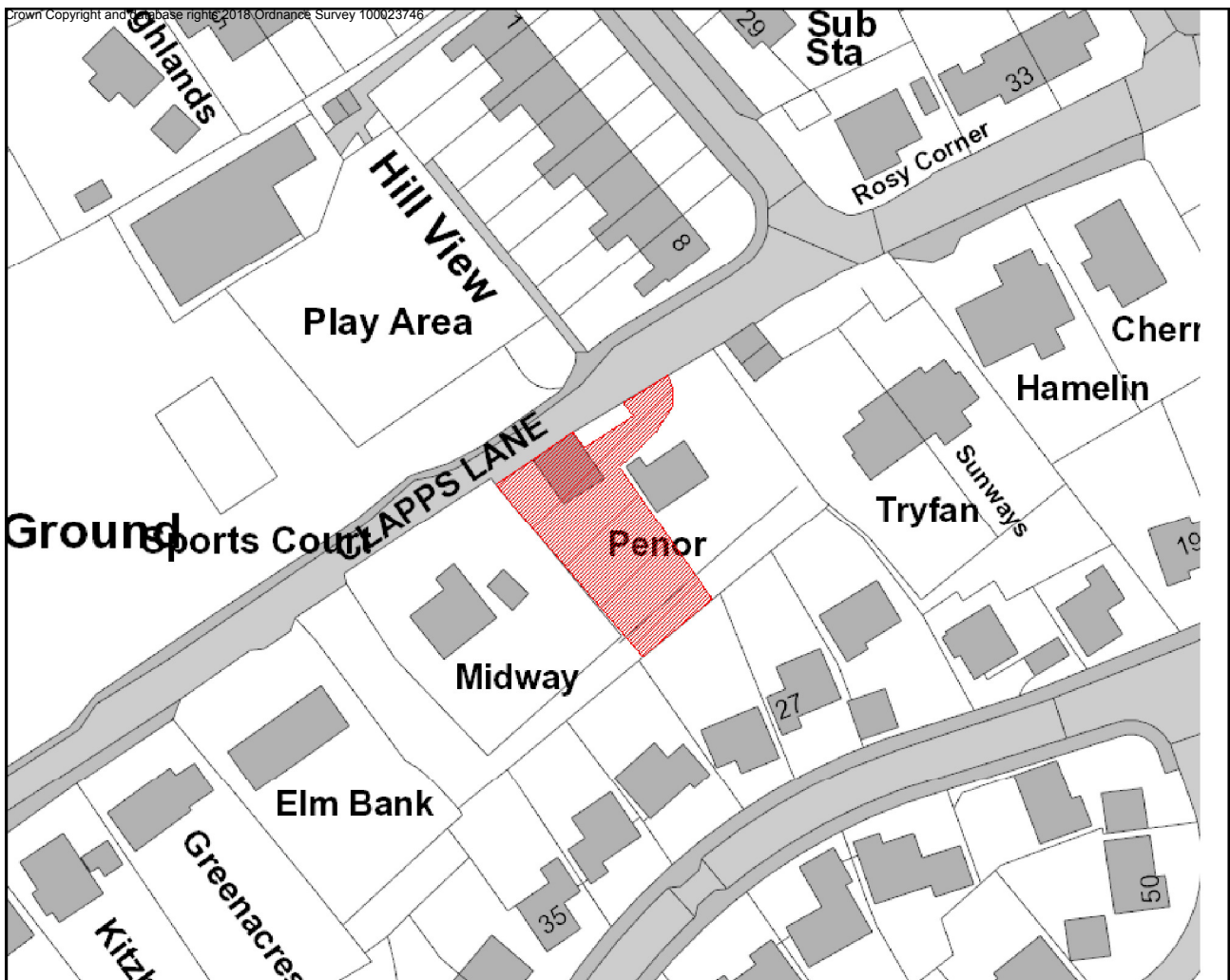
Applicant MSM Partnership

Location Penor Winters Lane Ottery St Mary EX11 1BA

Proposal Proposed detached garage and car port for dwelling approved under reserved matters application 17/1766/RES.



RECOMMENDATION: Approval with conditions



		Committee Date: 5th June 2018
Ottery St Mary Town (OTTERY ST MARY)	18/0309/FUL	Target Date: 08.06.2018
Applicant:	MSM Partnership	
Location:	Penor Winters Lane	
Proposal:	Proposed detached garage and car port for dwelling approved under reserved matters application 17/1766/RES.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The application proposes the construction of a garage and carport in association with a detached house that is yet to be constructed. As the main house has not yet been constructed, the application is classed as a minor (not householder) application.

The garage and car port would be located forward of the approved two storey dwellings principle elevation. The timber structure would have a pitched roof finished in interlocking concrete tiles. The site gently rises from east to west resulting in the adjacent property of Midway being slightly elevated above the site. The garage and car port would be largely screened to the north west by existing planting, and by the landscaping introduced through application 17/1766/RES, therefore it is anticipated the garage would not be detrimental to the streetscene.

Whilst it is appreciated the garage would be situated close to the boundary with Midway, the sites lower level and existing boundary treatment is considered to provide enough screening to mitigate against potential impacts upon the amenity enjoyed by residents of Midway. Additionally the orientation of the pitched roof sloping towards the boundary and location adjacent to the detached garage to Midway further mitigates against any potential detrimental impacts.

Sufficient space is retained around the garage and car port to allow for future maintenance. A retaining wall is proposed to the rear of the garage and car port to address concerns raised regarding subsidence and the change of levels.

The proposal is not therefore considered to result in any detrimental visual impact or detrimental impact upon the amenity of adjoining residents and is supported.

CONSULTATIONS

Local Consultations

Parish/Town Council

-) The Town Council supports this application on the conditions that:
-) The proposed garage will be repositioned with a larger gap between the rear of the garage and the fence.
-) The neighbours' suggestions are taken on board
-) The garage should be square to the fence, rather than to the hedge

Further comments:

Ottery St Mary Town Council supports this application and the amendments made to it.

Ottery St Mary Town - Cllr R Giles

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

I am concerned about the closeness of the garage to the property to the west. The proposal is for the garage to be extremely close to the boundary between the two properties. This would severely impede - or make impossible - access to the proposed boundary wall. Access to the wall is particularly important because the garage is being dug in, and as a result, there will be a three feet difference in levels between the two properties, and might well be issues of soil stability.

If the garage were to be positioned further to the east/away from the boundary, I would have no objections.

Ottery St Mary Town – Cllr P Faithfull

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

I do not object to the principal of the garage but am concerned about access for maintenance. The retaining wall appears to be too close to the timber to allow any maintenance of the the garage. I would like to see either 600mm access between the garage and the wall, or if possible that the retaining wall be incorporated into the back wall of the garage to leave 600mm between the garage and the fence at any point.

Technical Consultations

County Highway Authority

Does not wish to comment

Other Representations

1 third party representation stating the need for a retaining boundary wall, access for maintenance

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

Strategy 7 (Development in the Countryside)

Site Location and Description

This application proposes the construction of a detached garage and car port at Penor, Winters Lane. The site has permission for a single two storey dwelling obtained permission under application 17/1766/RES. Construction of this dwelling has not yet commenced.

The site front onto Winters Lane, a single width road in a predominately residential area.

Proposal

The application proposes the construction of a single-storey detached garage and car port to serve the new dwelling.

The garage and car part are proposed to the front corner of the site near to the boundary with the adjacent detached dwelling named Midway. The garage and car port would be of timber construction/finish with a pitched roof finished in interlocking concrete tiles.

Following the receipt of amended plans, the application now includes the construction of a small retaining wall at the rear of the proposed garage and car port to address a small levels difference between the application site and Midway.

ANALYSIS

Concerns with the proposal from the neighbouring property and the Ward Member related to the maintenance of the rear of the garage/car port and to the need for a retaining wall. Further matters for consideration are the visual impact of the development and any potential impact on neighbouring amenity.

The garage would be largely screened from the street by existing planting and by new landscaping introduced through the application for the detached house. In any case the design of the structure is such that it would not appear out of keeping and would have an acceptable visual impact upon the streetscene.

Whilst it is appreciated the garage would be situated close to the boundary between the site and the property of Midway, the sites lower level and existing boundary treatment is considered to provide enough screening to mitigate against potential impacts upon the amenity enjoyed by residents of Midway. Additionally the orientation of the pitched roof further mitigates against any potential amenity issues upon the property to the south west.

With regard to maintenance of the rear of the garage and car port, there is a small gap that will allow some maintenance to be carried out. Should more substantial access be required in the future from the adjoining property, this will be a civil matter for agreement between the landowners.

Finally, with regard to the change in levels and need for a retaining wall, this has now been agreed by the applicant with a small retaining wall now proposed. This is considered to address the comments from the neighbour on this matter.

Conclusion

The proposal is considered to be of a suitable scale and design and will not cause any harm to the visual amenity of the area or the streetscene.

There will be no detrimental impact upon the amenity of adjoining occupiers.

The inclusion of the retaining wall addresses one of the comments made by the adjoining residents and Ward Member and, whilst tight, there is space to the rear of the garage and car part for carrying out future maintenance.

In light of the above the application 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.)

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

Plans relating to this application:

318.1.b	Proposed Combined Plans	03.04.18
318.2.a	Proposed Combined Plans	03.04.18

List of Background Papers

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

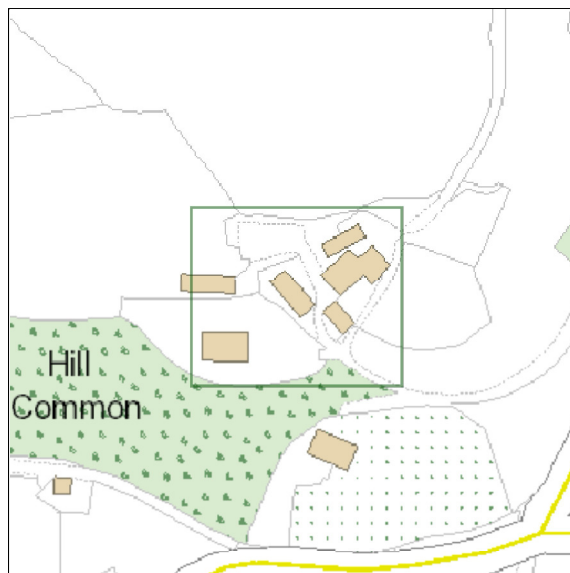
Ward Yarty

Reference 18/0394/VAR

Applicant Mrs Susan Avis

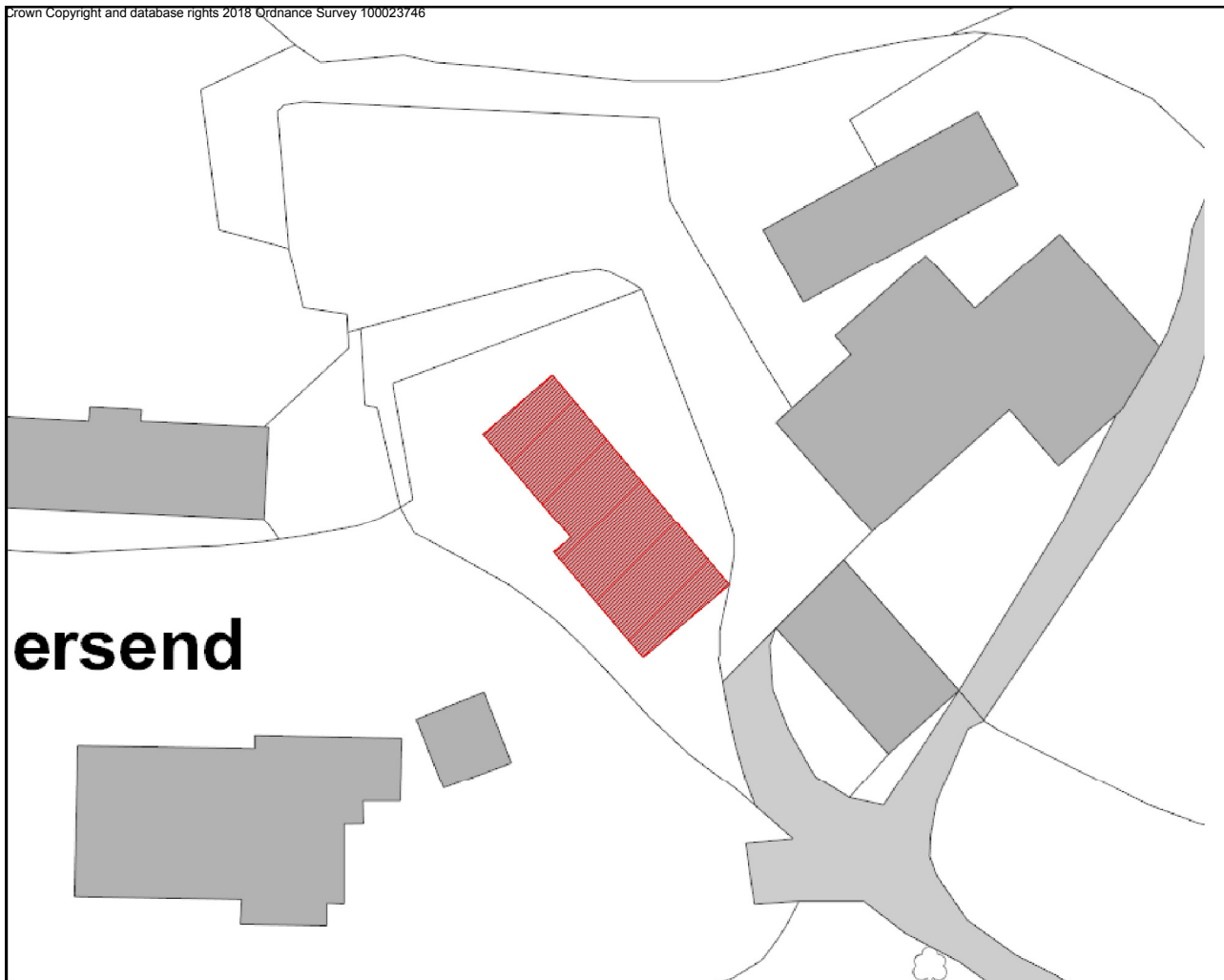
Location Lea Hill Membury Axminster EX13 7AQ

Proposal Removal of condition 2 of application 01/P2189 (change of use from hotel bedrooms to 2 no. self catering units) to allow unrestricted residential use



RECOMMENDATION: Refusal

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		Committee Date: 5th June 2018
Yarty (MEMBURY)	18/0394/VAR	Target Date: 20.04.2018
Applicant:	Mrs Susan Avis	
Location:	Lea Hill Membury	
Proposal:	Removal of condition 2 of application 01/P2189 (change of use from hotel bedrooms to 2 no. self catering units) to allow unrestricted residential use	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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

Following the refusal of planning application 17/1385/VAR, which sought permission for the removal of a holiday tie imposed on two properties at Lea Hill, near Membury, the applicants have submitted additional evidence to support their case in the form of this planning application.

The proposal relates to a pair of holiday units at Lea Hill, which is situated in the open countryside, and within the Blackdown Hills Area of Outstanding Natural Beauty (AONB). The site has poor access, and is remote from services.

The applicants state that the units in question are not viable, and are not well used. However, information submitted with the proposal indicates that the units are among the most used at Lea Hill (there are also other holiday units on the site), and that they brought in a combined profit of just over £10,000 in the most recent year for which accounts are available. This is notably different to other sites within East Devon where similar applications have been approved.

It is claimed that the use of the properties as independent residential units would lead to benefits for the local economy as the occupiers would use local services and work locally. Whilst this could be the case, there can be no guarantee that it would be the case. Therefore, it is considered that this argument holds little weight.

Given this, and as the approval of this application would lead to the creation of two open market properties in a highly unsustainable location without adequate marketing to demonstrate that continued use is not viable, it is considered that

the proposal is unacceptable. Accordingly, it is recommended that this application is refused.

CONSULTATIONS

County Highway Authority
Does not wish to comment

Parish/Town Council

Membury Parish Council has no objections and fully supports planning application 18/0394/VAR to remove condition 2 of planning application 01/P2189 (change of use from hotel bedrooms to two self catering units) to allow unrestricted residential use.

Planning application 17/1385/VAR for the variation of condition 2 of planning application 01/P2189 (change of use from hotel bedrooms to two self catering units) to allow the use of two self catering units as two unrestricted dwellings was refused permission by the district council in September 2017 as the proposal would constitute unsustainable development in the countryside which conflicted with Strategy 7 (Development in the Countryside) of the adopted East Devon Local Plan 2013-2031 and guidance contained in the National Planning Policy Framework.

The district council stated in the Refusal Variation of Condition Notice that there were no overriding material circumstances, in terms of the detailed long term negative viability of these two holiday units or an up to date marketing effort, to demonstrate that no other person would want to continue the business to justify removing the holiday tie which would outweigh this policy consideration. The unjustified loss of economic gain to the rural economy should therefore be resisted. With the latest submitted application (18/0394/VAR), the applicant has given extensive evidence of why the letting of the two self catering units is no longer financially viable. In fact, the adopted East Devon Local Plan Strategy 33 (Promotion of Tourism in East Devon) acknowledges that hospitality businesses in East Devon are having to meet challenges in an ever changing visitor market. Long holidays have declined in popularity in recent years with fewer families visiting East Devon which has had a significant impact on the bookings of the two self catering units at Lea Hill. Visitors are now taking short breaks and activity breaks and prefer staying in all-inclusive visitor accommodation in locations nearer to those activities. The changing tourism market means many visitors no longer wish to stay in remote locations.

Over recent years several accommodation providers in the Membury area have applied successfully to have this condition removed, from the granting of planning permission for part of their residence to be used as holiday accommodation, due to viability issues. The two self catering units at Lea Hill are not generating enough income and can no longer be viably run for such purposes. Therefore, it is reasonable to consider alternative uses.

The applicant has provided evidence to support their view that the existing restriction on the occupation of the two self catering units is unviable and unsustainable. In the Planning Support Statement at 7c the applicant has given enough evidence to support the argument that allowing the full time occupation of Nuthatch and Woodpecker

Cottages would not harm the economic benefits which the two holiday units bring to the area. In fact, the full time occupation of the units would bring far greater economic benefits to the parish of Membury and the wider area by supporting various local facilities and amenities which holiday visitors would not and would add to the viability and vitality of the village. These units are totally uneconomical to run. By allowing the removal of condition 2 to allow unrestricted residential use of the two units would enable them to be occupied all year round which would bring far greater economic benefits to the local area and make far better environmental use of the two units which require heating and maintenance when empty to prevent them from falling into disrepair. Lea Hill is located close to a range of accessible services and facilities with Membury being within 1 kilometre to the north and having a school/shop/post office/church/village hall/licensed meeting place and Axminster is only 4 kilometres to the south east. Furthermore, when let on an Assured Long/Short Term Tenancy the tenant is responsible for the Council Tax and all bills making it a much more viable proposition than trying to maintain them as holiday units.

Planning application 17/1385/VAR was refused last year as it conflicted with Strategy 7 (Development in the Countryside), Policy D8 (Re-Use of Rural Buildings Outside Settlements) and Policy TC2 (Accessibility of New Development) of the adopted East Devon Local Plan and guidance contained in the National Planning Policy Framework. Policy D8 specifically permits residential conversions where the conversions will enhance its setting, where the building is no longer required for diversification purposes and it is located close to a range of accessible services and facilities. The informative paragraph 21.15 of Policy D8 makes it clear that residential uses are appropriate where justified. Paragraph 55 of the National Planning Policy Framework refers to the re-use of redundant or disused buildings which leads to an enhancement of the immediate setting when considering residential dwellings in the countryside.

Policy E18 (Loss of Holiday Accommodation) of the adopted East Devon Local Plan protects the loss of holiday accommodation in the seaside resorts of Exmouth, Budleigh Salterton, Sidmouth and Seaton. Lea Hill does not lie within any of these areas.

Consultations as part of the Membury Neighbourhood Plan have indicated a public desire for a small level of additional dwellings including conversions to allow the parish to continue to evolve to meet the changing rural conditions.

It is therefore considered that the removal of condition 2 of planning application 01/P2189 is supported by both the adopted East Devon Local Plan 2013-2031 and the National Planning Policy Framework.

As mentioned above, from a viability point of view the residential holiday units have seen a drop in occupancy and profitability over the past few years. This is not viable and from a sustainability point of view it would be far better to see Nuthatch and Woodpecker Cottages occupied as full time dwellings which would contribute much more to the local economy and provide additional housing, hopefully affordable, in this rural area. The Membury Neighbourhood Plan supports development where it re-uses redundant or disused sites or buildings. A Housing Needs Survey and Neighbourhood Plan Consultation showed a desire from respondents to see conversions and affordable housing for young families. This application would meet this need.

For the reasons above Membury Parish Council supports planning application 18/0394/VAR to remove condition 2 of planning application 01/P2189 (change of use from hotel bedrooms to two self catering units) to allow unrestricted residential use of both Nuthatch and Woodpecker Cottages at Lea Hill, Membury. The granting of permission for this application would allow the units to be occupied as full time dwellings which would contribute much more to the local economy and consequently parish sustainability as well as some much needed affordable additional housing in this rural location.

Yarty - Cllr P Diviani

I see from the latest correspondence, we now have very valid reasons for overturning my previous objections on economic grounds for COU and I therefore now support the applicant's request. This is also in line with Officer Recommendations in adjoining parishes.

Other Representations

No third party representations have been received.

PLANNING HISTORY

Reference	Description	Decision	Date
77/C1800	CHANGE OF USE OF BARN TO BEDROOM/LOUNGE FOR HOTEL USE	Approval with conditions	07.03.1978
81/P1572	Extension To Hotel & Use Of Barn As Annexe.	Approval with conditions	17.11.1981
83/P1468	Conversion Of Existing Building Into Two Units For Use As Hotel Accommodation	Approval with conditions	21.10.1983
87/P1979	Conversion Of Existing Barn To 4 Hotel Rooms With Bathroom	Approval with conditions	19.11.1987
87/P1980	Conversion Of Barn To 4 Hotel Bedrooms With Bathrooms.	Approval - standard time limit	19.11.1987
01/P2189	Change Of Use From Hotel Bedrooms To 2 Self Catering Units	Approval with conditions	19.12.2001

16/0843/VAR	Variation of condition 2 of planning application 01/P2189 (change of use from hotel bedrooms to self catering units) to allow unrestricted residential use of one of the units	Refusal	15.12.2016
17/1385/VAR	Variation of condition 2 of permission 01/P2189 (change of use from hotel bedrooms to 2 no. self catering units) to allow use of 2 no. self catering units as 2 no. unrestricted dwellings	Refusal	05.09.2017

POLICIES

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

D1 (Design and Local Distinctiveness)

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

EN8 (Significance of Heritage Assets and their setting)

E18 (Loss of Holiday Accommodation)

TC2 (Accessibility of New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

Lea Hill is located in a rural location, within the Blackdown Hills Area of Outstanding Natural Beauty (AONB), to the south of the village of Membury. Access is by way of a private drive leading off minor a narrow minor road. The site consists of a collection of buildings, some of which are listed, which are currently used as holiday accommodation and planning history indicates that they once formed part of a hotel.

Proposed Development

The proposal seeks to remove holiday ties on two properties known as Nuthatch and Woodpecker. These units are part of a detached building. It is set amongst other

holiday accommodation units at Lea Hill Farm. Condition 2 of planning consent 01/P2189 stated;

"The building the subject of this grant of planning permission, shall be used to provide 2 units of holiday accommodation only and shall not be used for any other residential purposes."

Removing this condition would allow the dwellings to be occupied as open market dwellings.

In 2016, planning permission was refused for the removal of the holiday occupancy tie, under application number 16/2079/VAR. This proposal sought to swap the holiday tie with another adjacent property - thereby not resulting in a net loss of holiday units. However, as no legal mechanism was submitted to achieve this, and no marketing or evidence that demonstrate that the holiday accommodation was not marketable as a going concern, was submitted, the planning application was refused.

More recently, application 17/1385/VAR, which also sought the removal of the above-mentioned condition, was refused. This was for the following reason:

"The removal of condition 2 of planning consent 01/P2189 would result in unrestricted dwellings within an isolated location which is remote from services and facilities and would therefore give rise to increased traffic movements from private vehicles. There are no overriding material circumstances, in terms of the detailed long term negative viability of these two holiday units or an up to date marketing effort, to demonstrate that no other person would want to continue the business to justify removing the holiday tie which would outweigh this policy consideration. The unjustified loss of economic gain to the rural economy should therefore be resisted. The proposal would therefore constitute unsustainable development in the countryside which conflicts with Strategy 7 (Development in the Countryside), D8 (Re-Use of Rural Buildings Outside Settlements) and TC2 (Accessibility of New Development) of the adopted East Devon Local Plan; and guidance contained in the National Planning Policy Framework."

ANALYSIS

Consideration and Assessment

The applicants have put forward that there are increased costs, reduced income and a net drop in profitability meaning that such holiday accommodation is no longer viable and therefore does not contribute to the rural economy. Accordingly, short term letting of the units would bring more to the rural economy.

The proposal, if allowed, would have the effect of creating unrestricted dwellings in an area which lies outside of any Built-up Area Boundary and is thus defined as countryside in planning terms. The principle planning policy consideration in the countryside is Strategy 7 of the Local Plan, which permits development only where it is explicitly permitted by another Local or Neighbourhood Plan policy. In this case the site does not fall within any area allocated for housing according to the Local Plan and

a Neighbourhood Plan for the area has not yet been 'made'. As the Council currently has a 5 year housing land supply the Council's housing policies can be given full weight, in accordance with paragraph 49 of the NPPF and given the above, the proposal derives no support from housing policy.

The conditional use of the premise for holiday accommodation enables it to make a small contribution to the local rural economy. Paragraph 28 of the NPPF supports a prosperous rural economy, in which tourism in Devon plays a prominent role. As the present use does make a contribution to the rural economy and according removal of the condition would result in a significant reduction of this economic benefit.

The applicants have stated that 'full time' dwellings would contribute 'much more' to the local economy and the vitality of the area, through use of the shop, school and other facilities in Membury. The Parish Council has indicated that it shares a similar view. However, no evidence of this has been submitted, and no such approach has been adopted within the development plan. Furthermore, there is no way that it could be guaranteed that the occupants of the units, would use the local facilities. The applicants also state that, in their opinion, the occupiers of the properties would work locally and, consequently, contribute to the local economy. Again, however, there is no way that it could be guaranteed that any future occupants would work locally.

The cessation of the use of the building for its permitted use as holiday accommodation would theoretically lead to the building becoming unused and so the provisions of Policy D8, (Re-use of Rural Buildings Outside of Settlements) are also relevant. This policy potentially supports the unrestricted residential use of the building subject to it no longer being required for agricultural diversification, the conversion enhancing the setting of the building and the development being located close to a range of accessible services and facilities to meet the everyday needs of residents.

In this instance, the holiday accommodation was not agricultural diversification and so the first criteria is not relevant. The second criterion requires that residential development enhances the building's setting. However, it is considered that the building and its setting have an acceptable appearance which is in harmony with the rural character and appearance of its surroundings and it is therefore not considered that scope for enhancement exists. Furthermore, it is likely that a permanent residential use (as opposed to a holiday use) could result in an increase in domestic paraphernalia around the site and that this may have a minor harmful visual impact on the setting of the building. With regard to the third criterion, (which is also echoed by Policy TC2), the site lies a long distance from Axminster where a suitable range of services and facilities are available which would meet the everyday needs of residents. The route is via narrow country lanes, with varying gradients, which are unlit. These factors makes the route uninviting on foot. Overall it is considered that, whilst the proposal goes some way towards meeting the requirements of Policy D8 in relation to residential re-use, it fails to offer a suitable location for an unrestricted dwelling and the proposal is, therefore, not supported by Policy D8.

Whilst the proposal would provide two open market dwellings for sale or rent, the Council is able to demonstrate a 5 year supply of housing land, and thus a reasonable supply of dwellings in sustainable locations is likely to be provided within East Devon. Paragraph 55 of the National Planning Policy Framework (NPPF) suggests that new

homes in rural villages can help to support and maintain rural services such as schools, shops, pubs etc. but as the site is some distance from nearest villages with such facilities, there is, as described above, no guarantee that these would be regularly used or that such benefits would be realised. The Framework advises against new isolated homes in the countryside unless specific circumstances are met under paragraph 55, none of which apply in this case. It is, therefore, not considered that the proposal offers significant social sustainability benefits.

Given the above the policies of the development plan seek to support in a prosperous rural economy by resisting the unwarranted loss of holiday accommodation. Further, unrestricted dwellings should be situated in a location in proximity to services/facilities which the siting of the proposal is not.

Economic performance

Policy E18 establishes that holiday accommodation loss will not be permitted unless the holiday use is no longer viable or in the case of a change of use having been marketed for a period of 12 months at a realistic price without interest. The applicant has submitted details of how the holiday units were marketed (to be let for holidays), and the various agencies involved in that process. This is noted, and it is not doubted that this has taken place. However, with regard to the marketing of the properties for sale as a separate commercial enterprise, the applicants state, in part 2b of their statement, that they do not wish to sell off the units as they wish to continue residing at Lea Hill, and also because various services are shared between the house and the units. Whilst the desire to remain resident at Lea Hill is understood, it is not considered that the proposal could be deemed acceptable on this basis alone. Furthermore, it is considered that matters such as the shared services could be overcome by, for example, the installation of meters in different locations. No evidence of any marketing of the units as a separate concern has been supplied.

The applicant claims that policy E18 only restricts the loss of holiday accommodation within the seaside resorts of Exmouth, Budleigh, Seaton and Sidmouth. However, the supporting text to the policy states 'The loss of holiday accommodation to non-tourism uses will generally be to the detriment of the tourism appeal of East Devon and therefore loss will be discouraged'. This wider use of policy E18 for the policy emphasis on resisting holiday loss beyond the seaside resorts was endorsed in appeal decision APP/U1105/W/15/3137366 - Harcombe House, Harcombe. Accordingly policy E18 is relevant.

The NPPF makes it clear that viability should consider 'competitive returns to a willing landowner and willing developer to enable the development to be deliverable'. Adapting this approach to this planning application the main question is whether competitive returns are still being made to enable the development to deliver economic benefits to the rural economy. Generally ongoing cost or expenditure or change in economic conditions of the market could increase to provide a situation where the two units are unviable.

It is understood that the existing business provides for a niche market aiming at visitors with dogs which also results in more wear and tear on the properties resulting in higher operating costs. Patterns of bookings are skewed to last minute bookings for shorter

periods during cheaper periods. Although bookings have not been provided to evidence this. It is also stated that there is an oversupply of holiday accommodation in relation to the demand, however quantitative data is not submitted in support of this. Overall there is a lack of information on how the business plan has adapted to the changing market.

Financial accounts has been received for the years 2011 to 2016. These show a combined profit for the two units in question of just over £10,000 in the final year of information supplied. Unfortunately, the accounts provided relate only to the units in question, rather than the business as a whole.

Occupancy rates for the period of 2004-2014 have been submitted for the two units. These figures are the same as those provided for the 2017 application, for which details of occupancy of all the units were provided.

Details submitted with the application clearly shows that Nuthatch and Woodpecker are two of the most occupied holiday units, comparative to the other four units. There would appear to be a decline following the economic crash of 2008, but the general trend lines for the two units point to a slow recovery over the following years. The two worst years in terms of financial performance were 2012/13 and 2014/15 for the business overall; a fact shown in the accounts and visitor numbers. However, in terms of the two holiday units these outperformed the other units during these most difficult years in terms of occupation. Data supplied by the applicants indicates that, between 2013 and 2017, bookings have reduced by 15%. Unfortunately, though this data only relates to Woodpecker and Nuthatch. Therefore, it is not possible to gauge whether this is also the case with the other units. However, assuming that it is, then Nuthatch and Woodpecker would still be the best performing of the units. Accordingly, to remove these two units from the business could significantly hinder ongoing performance of the overall enterprise. Moreover, if it is conceded that Nuthatch and Woodpecker are unviable this would likely mean that none of the other units, which are worse performing, are also viable. In terms of competitive, returns it is not stated what the income means to the owners; for example, is this their main source of income? Is this enterprise part of a wider portfolio or linked to any other businesses? Are these returns below average for such an enterprise or average within the south west? There is an indication, in part 1 of the applicants statement, that they may run other holiday units, but it is not clear whether this reference is to the other units at Lea Hill, or to another site altogether. This lack of information weighs against supporting the proposal.

Given the above, if the holiday occupancy tie was removed, the revenue generated by the two most popular units on the site would cease. As Nuthatch sleeps 4 people and Woodpecker sleeps 2 people, it would be reasonable to assume that their loss would significantly impact the enterprise given the overall profit levels provided and the comparative popularity of these units.

Accordingly, without evidence to suggest otherwise, to release the units from the imposed holiday occupancy ties would result in cessation of existing economic gains to the rural economy.

Impact on the Listed Buildings

No changes are proposed to the building's exterior. The level of parking associated with residential use could be similar to that associated with the holiday unit, although there is the potential for more domestic paraphernalia to be placed around the building if it becomes an unrestricted dwelling. However, the Conservation Officer raises no objection to the proposal.

Other matters

The applicants state that the site is in a remote location and, consequently, it is not attractive to potential customers. It is this remote and rural location which also partly counts against the proposal; the site is remote from services and considered to be unsustainable in planning terms. Therefore, any proposal which would result in the creation of a new residential unit in such a location is contrary to policy.

The applicant has provided a log showing the level of owner input required to run the units. Whilst this is noted, and not doubted, it is presumed that such input is normal for the successful running of a holiday business.

Comparisons by the applicant have been made to a recent planning application at High Watchcombe Farm, Shute which in turn referenced an appeal in Norfolk (APP/K2610/A/2224322). Under this planning application accounts showed marginal profit between £2k to £7K which is materially different to the approximate £10-£12k profits made in three of the five years for these buildings. Moreover, under that appeal the scheme demonstrated only marginal profit with significant losses over the first five years noted. Whereas under this application the only one year resulting in a loss over the five year period presented.

The other applications brought to the Council's attention in the applicant's submission also appear to have related to units which were running at a loss or a profit less than that at Lea Hill.

Therefore, direct comparisons with financial performance of other sites do not weigh in favour of the scheme.

CONCLUSION

Overall the development plan indicates that the loss of holiday accommodation should be resisted. The economic argument put forward, that the holiday accommodation is not viable, is not sufficiently detailed enough to demonstrate that the wider benefits to the rural economy are limited enough to outweigh this policy stance or that a reasonable return will not be made in the future.

Accordingly the proposal is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The removal of condition 2 of planning consent 01/P2189 would result in unrestricted dwellings within an isolated location which is remote from services and facilities and would therefore give rise to increased traffic movements from private vehicles. There are no overriding material circumstances, in terms of the detailed long term negative viability of these two holiday units or an up to date marketing effort, to demonstrate that no other person would want to continue the business to justify removing the holiday tie which would outweigh this policy consideration. The unjustified loss of economic gain to the rural economy should therefore be resisted. The proposal would therefore constitute unsustainable development in the countryside which conflicts with Strategy 7 (Development in the Countryside), D8 (Re-Use of Rural Buildings Outside Settlements), E18 (Loss of Holiday Accommodation) and TC2 (Accessibility of New Development) of the adopted East Devon Local Plan; and guidance contained in the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

Location Plan	16.02.18
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List of Background Papers

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