

Agenda for Development Management Committee

Tuesday, 3 July 2018; 10:00am



[Members of the Committee](#)

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

[View directions](#)

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01395 517542, Issued 21 June 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 Monday 25 June up until 12 noon on Thursday 28 June by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

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

- 1 Minutes of the Development Management Committee meeting held on 5 June 2018 (page 4-10)
- 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 11-12)
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.

14/0330/MOUT (Major) (Page 13-75)

Woodbury and Lympstone
Land at Goodmores Farm
Dinan Way, Upper Lovering, Exmouth, EX8 5BA

18/0760/COU (Other) (Page 76-84)

Raleigh
Compound East 7
Greendale Business Park, Woodbury Salterton, EX5 1EW

18/0607/FUL (Minor) (Page 85-98)

Sidmouth Sidford
48 Temple Street
Sidmouth, EX10 9BQ

18/0520/FUL (Minor) (Page 99-113)

Woodbury and Lympstone
Rydon Farm
Rydon Lane, Woodbury, EX5 1LB

18/1316/PDP (Other) (Page 114- 123)

Tale Vale

Land to the Rear of the Granary

Awliscombe, Honiton, EX14 3PJ

Please note:

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

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

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

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

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 5 June 2018

Attendance list at end of document

The meeting started at 10.00am and ended at 3.10pm

***1 Minutes**

The minutes of the Development Management Committee meeting held on 1 May 2018 were confirmed and signed as a true record.

***2 Declarations of interest**

The Chairman noted, on behalf of all committee members, that East Devon District Council is the landowner of application 18/0376/MFUL.

Cllr Brian Bailey; 18/0376/MFUL; Personal interest; Exmouth Town Councillor

Cllr Paul Carter; 18/0309/FUL; Personal interest; Ottery St Mary Town Councillor

Cllr Geoff Jung; 18/0376/MFUL; Personal interest; attended meetings of the 'Save Exmouth Seafont' group

Cllr Geoff Jung; 18/0462/VAR and 18/0319/VAR; Personal interest; member of Lympstone Flood Alleviation Group

Cllr Mark Williamson; 18/0376/MFUL; Personal interest; Director of the Queen's Drive Exmouth Community Interest Company

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution Cllr Howe (on behalf of the Committee) advised of lobbying in respect of application 18/0376/MFUL and 18/0749/FUL.

Cllr Ben Ingham and Cllr Mike Howe advised that they had been lobbied in respect of applications 18/0462/VAR and 18/0319/VAR. Cllr Bruce de Saram, Cllr Jim Knight and Cllr David Key advised that they had been lobbied in respect of application 18/0394/VAR.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution Cllr Mark Williamson withdrew from the debate and the vote with respect to application 18/0376/MFUL.

***3 Appeal statistics**

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

The Development Manager drew Members' attention to the appeals of applications 17/2321/FUL, 17/1986/FUL and 17/1026/COU, which had been allowed and advised that the Inspectorate is becoming increasingly flexible and that for extensions to dwellings to be refused, the harm caused has to be severe before the Inspectorate will dismiss an appeal. The Development Manager drew Members' attention to the lodged appeal of application 15/2886/LBC, which had been invalid. The applicant submitted a listed building consent with a related planning application, however the Inspector concluded that the building was

not curtilage listed and therefore an application for listed building consent was not required; consequently making the appeal invalid.

In response to a question from Cllr Carter, the Development Manager clarified that the applicant of the invalid application submitted the listed building consent at the time of application, which was agreed by planning officers. However the Inspector felt that the building was not curtilage listed and as such made the appeal invalid. The Development Manager also clarified that the Inspectorate currently has a build-up of applications and that often a number of decisions are released together.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 1 2018/2019.

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

Peter Burrows

Paul Carter

Bruce de Saram

Ben Ingham

Geoff Jung

David Key

Jim Knight

Helen Parr

Mark Williamson

Officers present for all or part of the meeting

Richard Cohen, Deputy Chief Executive

Henry Gordon Lennox, Strategic Lead – Governance and Licensing

Chris Rose, Development Manager

Alison Hayward, Senior Manager – Regeneration and Economic Development

Linda Perry, Regeneration Officer

Stephen Sartain, West Team Enforcement Officer

Tabitha Whitcombe, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

Megan Armstrong

Alan Dent

Paul Diviani

Peter Faithfull

Ian Hall

Rob Longhurst

Andrew Moulding

Pauline Stott

Apologies:
Committee Members
Councillors
Steve Gazzard

Chairman Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Tuesday 5 June 2018; Schedule number 1 – 2018/2019

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:
<http://eastdevon.gov.uk/media/2504905/050618combineddmcaagenda.pdf>

Exmouth Littleham
(EXMOUTH)

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 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.

RESOLVED: APPROVED as per officer recommendation with the Habitat Regulations Appropriate Assessment outlined within the Committee Report being adopted.

Woodbury and
Lypstone
(LYMPSTONE)

18/0462/VAR

Applicant: Mr David Matthews

Location: Land on the West Side of Exmouth Road, (Longmeadow Road), Lypstone

Proposal: Variation of condition 7 (drainage strategy) of planning permission 17/0053/FUL (construction of detached dwelling and garage) to allow revised drainage scheme.

RESOLVED: DEFERRED to seek the following further information:

- Written confirmation from the Environment Agency that they will not permit surface water to drain to the nearest surface water body (Wotton Brook);
- A copy of the detailed investigation from South West Water that shows it is not possible for the site to drain via gravity to the surface water network;
- Confirmation, and reasoning, from South West Water why Options A, B and C shown on their drawing numbers 0001P1, 0002P1 and 0003P1 are not feasible or acceptable;
- Confirmation from Devon County Council Flood Risk Team that the size of the attenuation tank is adequate to deal with the projected volume of water and discharge at a rate of 1 l/s.

Woodbury and
Lympstone
(LYMPSTONE)

18/0319/VAR

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.

RESOLVED:

DEFERRED to seek the following further information:

- Written confirmation from the Environment Agency that they will not permit surface water to drain to the nearest surface water body (Wotton Brook);
- A copy of the detailed investigation from South West Water that shows it is not possible for the site to drain via gravity to the surface water network;
- Confirmation, and reasoning, from South West Water why Options A, B and C shown on their drawing numbers 0001P1, 0002P1 and 0003P1 are not feasible or acceptable;
- Confirmation from Devon County Council Flood Risk Team that the size of the attenuation tank is adequate to deal with the projected volume of water and discharge at a rate of 1 l/s.

Exmouth Littleham
(EXMOUTH)

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.

RESOLVED:

APPROVED as per officer recommendation but with an additional recommendation that the Tree Officers be asked to consider placing a TPO on the tree on the site to ensure its future protection.

Exmouth Halsdon
(EXMOUTH) 18/0849/FUL

Applicant: Mr and Mrs Wright

Location: 20 Halsdon Avenue, Exmouth, EX8 3DL

Proposal: Construction of single storey rear extension.

RESOLVED: APPROVED as per officer recommendation

Yarty
(MEMBURY) 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.

RESOLVED: REFUSED as per officer recommendation.

Axminster Rural
(HAWKCHURCH) 18/0623/VAR

Applicant: Mrs Caroline 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.

RESOLVED: DEFERRED to seek further legal advice regarding the possibility of granting a personal permission to the applicant to enable their occupation, but for the property to revert to holiday accommodation when the applicant no longer occupies the holiday let unit.

Otterhead
(UPOTTERY) 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 worker's accommodation for up to 30 workers (with associated welfare facilities) for 2 years (retrospective application).

RESOLVED: APPROVED as per officer recommendation.

Ottery St Mary
(OTTERY ST MARY) 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.

RESOLVED: APPROVED as per officer recommendation.

East Devon District Council
List of Planning Appeals Lodged

Ref: 18/0469/V106 **Date Received** 23.05.2018
Appellant: Draycott Chartered Surveyors
Appeal Site: 84 High Street Honiton EX14 1JW
Proposal: Application to Vary S106 agreement to planning permission
11/1771/FUL
Planning Inspectorate Ref: APP/U1105/Q/18/3202380

Ref: 16/2267/FUL **Date Received** 06.06.2018
Appellant: Mr John Duncan
Appeal Site: Hartgrove Hill Farm Trinity Hill Road Musbury Axminster
EX13 8TB
Proposal: Retention of timber huts for use by seamstresses employed
on the site for teaching purposes
Planning Inspectorate Ref: APP/U1105/W/18/3204398

Ref: 17/2850/MFUL **Date Received** 11.06.2018
Appellant: Churchill Retirement Living
Appeal Site: 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.
Planning Inspectorate Ref: APP/U1105/W/18/3204680

Ref: 17/2244/FUL **Date Received** 12.06.2018
Appellant: Mr McCarthy
Appeal Site: Rath Na Ri Clyst Honiton Exeter EX5 2HR
Proposal: Change of use of land for stationing of a residential caravan
Planning Inspectorate Ref: APP/U1105/W/18/3204746

East Devon District Council
List of Planning Appeals Decided

Ref: 17/1168/FUL **Appeal Ref:** 17/00079/REF

Appellant: John Lomax

Appeal Site: Heathfield Longmeadow Road Lympstone Exmouth EX8 5LF

Proposal: Change of Use from workshop and garage to single dwelling (resubmission of application 16/2740/FUL)

Decision: **Appeal Dismissed** **Date:** 31.05.2018

Procedure: Written representations

Remarks: Delegated refusal
The appeal was dismissed on the basis of the lack of a suitable undertaking to secure habitat mitigation (EDLP Strategy 47).

BVPI 204: **Yes**

Planning Inspectorate Ref: APP/U1105/W/17/3192810

Ref: 17/2467/FUL **Appeal Ref:** 18/00005/REF

Appellant: Mr I Holland

Appeal Site: Upmead Kersbrook Budleigh Salterton EX9 7AA

Proposal: Construction of detached dwelling house, detached garage and package treatment plant.

Decision: **Appeal Dismissed** **Date:** 13.06.2018

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/18/3193940

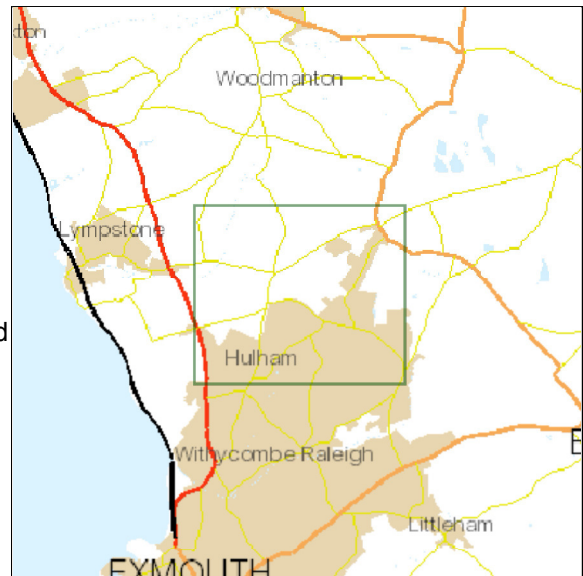
Ward Woodbury And Lymstone

Reference 14/0330/MOUT

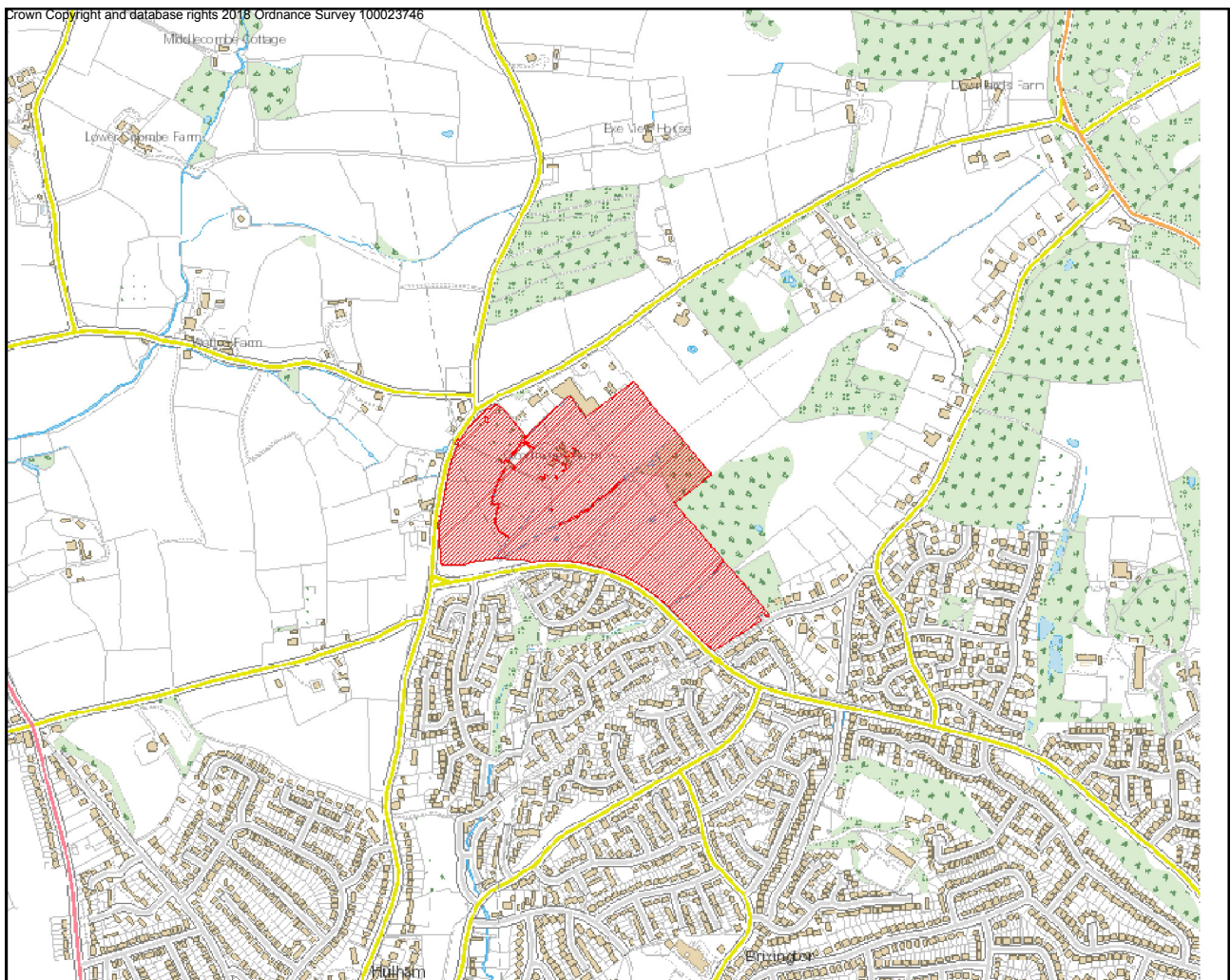
Applicant Eagle Investments Ltd

Location Land At Goodmores Farm Dinan Way Upper Loversing Exmouth EX8 5BA

Proposal Outline application for residential development (up to 350 dwellings) with associated roads and open space. The provision of land for mixed-use employment; land for commercial and community uses and land for the provision of a primary school. All matters reserved with the exception of the proposed vehicular access points onto Dinan Way.



RECOMMENDATION: Approval with conditions



		Committee Date: 3 rd July 2018
Woodbury And Lympstone (LYMPSTONE)	14/0330/MOUT	Target Date: 16.05.2014
Applicant:	Eagle Investments Ltd	
Location:	Land At Goodmores Farm Dinan Way	
Proposal:	Outline application for residential development (up to 350 dwellings) with associated roads and open space. The provision of land for mixed-use employment; land for commercial and community uses and land for the provision of a primary school. All matters reserved with the exception of the proposed vehicular access points onto Dinan Way.	

RECOMMENDATION:

1. That the Habitat Regulations Appropriate Assessment outlined within the Committee Report be adopted.
2. That the application be APPROVED subject to conditions and a S106 Agreement

EXECUTIVE SUMMARY

This application is before Members as the officer recommendation is contrary to the views of Ward Members and the Tow and Parish Councils.

Strategy 22 of the EDDC Local Plan outlines the vision for how Exmouth is envisaged to grow during the plan period and with specific reference to the application site states the following under the land allocation section of the strategy:

'Goodmores Farm - mixed use development for 350 homes and around 5 hectares of land for mixed use employment (3 ha) and community and commercial facilities (2 ha)'

Accordingly, as the proposal seeks permission of up to 350 houses, 1.53 hectares for a primary school and its playing fields, 2.14 hectares of employment area, 0.34 hectares of commercial/community space and an area for neighbourhood open space the proposal is considered to align with the allocation as set out in Strategy 22 of the Plan. Following the introduction of CIL, the land for the school can no longer be secured through a legal agreement although the land can be

conditioned to be used as a school only. Contributions towards the Primary School and Dinan Way extension from the development are covered via its contribution to CIL. Although the contribution to CIL from the development will not cover the cost of the school and Dinan Way extension, the application is providing its full CIL contribution and as such any shortage towards the school and road will need to be funded from the wider CIL receipts should a successful bid for the money be received by East Devon from Devon County Council.

As part of the original submission, a viability appraisal was submitted indicating that due to abnormal costs of site preparation, the undulating nature of the site and the need to provide land for a primary school to be built on, the scheme could not afford any affordable housing on site. This appraisal has been tested by the District Valuer and more recently by the Council's former Enabling Officer with updated values and costs. On each occasion the appraisal has been found to be sound. However, the developer is willing to reduce their expected profit levels to accommodate 5% affordable housing for the local community and include some needed 1-bed units.

Furthermore, the developer has indicated, through their viability appraisal, the floor area of each dwelling type and the number of units of that type to be built and is content to pin down this floor space in a legal agreement together with an overage clause to ensure that a percentage 'super profit' is re-cooped into providing additional affordable housing. In discussions with the applicant and their agent, it has been agreed that a review of viability would take place at the end of each agreed phase of development and any monies from any such 'super profit' would enable additional affordable houses to be built on site (rather than through a commuted sum to be built elsewhere in the town/district) in the final phase of development. All of which would need to be agreed in a suitably worded clause in a section 106 agreement.

Matters of flooding, drainage, impact on trees, impact on ecology and impact on highway safety have been found to be sound in principle, though much of the detail regarding these matters would need to be considered in detail at the reserved matters stage(s).

CONSULTATIONS

Local Consultations

Lympstone Parish/Town Council

06.03.14

Objected to for the following reasons -

- 1) No proper identification of which area of the site falls within the Lympstone boundary and therefore which facilities (eg number of properties) were under discussion. It is considered that the development is too large for the site
- 2) Traffic figures 2001 are 13 years out of date and do not give a fair indication of pressure on local and surrounding roads especially Wotton Lane and Summer Lane.

- 3) If this development is not specifically linked to the Dinan Way extension it will put more pressure on Wotton Lane and Summer Lane both of which are singled track for much of their distance.
- 4) There is no evidence that a primary school is needed.
- 5) The reduced rain absorption on this site will cause additional pressure on the Withycombe Brook which has already caused serious flooding issues in Withycombe village over the past 2 years

Further comments 25.08.16:

The Council sees no reason to change its previous objection that was made to the original application. Appendix N to the Lympstone Neighbourhood Plan which related to that portion of the site that was in Lympstone Parish should also be taken into account.

- "1) No proper identification of which area of the site falls within the Lympstone boundary and therefore which facilities (eg number of properties) were under discussion. It is considered that the development is too large for the site
- 2) Traffic figures were for 2001 and so were 13 years out of date and did not give a fair indication of pressure on local and surrounding roads especially Wotton Lane and Summer Lane.
 - 3) If this development is not specifically linked to the Dinan Way extension it will put more pressure on Wotton Lane and Summer Lane both of which are singled track for much of their distance.
 - 4) There is no evidence that a primary school is needed.
 - 5) The reduced rain absorption on this site will cause additional pressure on the Withycombe Brook which has already caused serious flooding issues in Withycombe village over the past 2 years"

RESOLVED: that the objection be continued but that EDDC be informed that the proposed access points onto Dinan way are acceptable.

Parish Councillors have concerns that part of the land in Lympstone is allocated for employment uses and would like to draw your attention to Appendix N of the Lympstone Neighbourhood Plan which sets out the Parish Council's views:

Strategy 22 - Strategic Land Allocations at Exmouth a) Goodmores Farm

Lympstone Parish Council has already endorsed the development of Goodmore's Farm, however we would remind EDDC that a proportion of the proposed development is within the curtilage of Lympstone Parish and this should be used exclusively for housing. Additionally:-

1. CIL/Section 106 funds appropriate to this section of land should revert to Lympstone Parish.
2. Affordable housing within this section of land should be considered as Lympstone when allocated.
3. The developed housing within this land must be considered part of Lympstone Parish in respect of rates and precept.
4. Lympstone Parish Council is aware that the Brixington Community desire a "Community Centre" to be incorporated within the development and we would support this wish including a few small local shops - if so desired.

5. Lympstone Parish Council would however be averse to any substantial retail development on this land. The map shows "5Ha Employment Land" - we believe that this must be allocated to small business units for the benefit and employment of the local community.

6. Lympstone Parish Council does not support this land being used for a relocation of the Hospital, Claremont Surgery, Police Station or Postal Sorting Office

Exmouth Town Council

07.03.14

OBJECTION

The Council did not object in principal to a development on this site with infrastructure. However, it did object to 14/0330/MOUT in its current form.

Specifically:

Vagueness: The application represented little more than coloured sectors on a map, with insufficient detail of the buildings that were to be built or the layout. The area scheduled for a school was blank, as was the area for the community use. Commercial/community was a strange mixed classification which gave no clue to the reader as to what might actually be proposed.

Highways: The only specific detail in this application was the three proposed access routes off of the Dinan Way. The Town Council was dismayed that a development which is considered the key to the construction of the Dinan Way extension relied upon ordinary left/right turns off of what will intentionally become the busiest road in Exmouth. How were vehicles to turn right across oncoming traffic? Where was the speed control? The junctions should each be mini roundabouts - the Hulham Road junction should be a full-sized roundabout with the Dinan Way extension spur included. The Town Council believed that any traffic forecasts should be based on what the Dinan Way will be like when it is finished and the design of junction built to meet that forecast.

Flooding and land Drainage: SUDS should apply to the whole development - the use of permeable surfaces for roads and driveways, use of open space and hedgerow ditching.

Failure to listen to public concerns: The inclusion of a primary school within the design despite the very real concerns that such an allocation was unnecessary and negatively impinged on the amenity of the development through reserving ground which could be used for important community purposes such a new community hospital. The community engagement exercise clearly identified reservations from the public questioning the need for a school. The oral hearing on the local plan will hear that the rationale for a school on this site is based on vague school population figures for all of East Devon, not specific Exmouth figures. The Exmouth Area Community Learning Alliance (of headteachers and governors) had written objecting to the inclusion of a school within this development.

The Council regrets that the developers had been seen fit to bring this outline application forward to coincide with the Oral Hearing. It was therefore vital that this

application be decided by DMC after the oral hearing had reported and not before, as to do otherwise would subvert the democratic process of approval of the Local Plan. The Council therefore asked for a DEFERMENT of any decision until after the Inspector had reported.

Prevision of Affordable Housing

The recommendation of 40% affordable housing had been ignored and a provision of only 25% had been made.

Pylons

The Committee were concerned on the grounds of amenity and health that dwelling are being proposed so closed to pylons and would like to see power lines underground.

Sustainability of Employment

Exmouth is in need of 'affordable' small business units to help new 'start up' businesses with the ability to progress to larger units if the business is sound and has an increasing customer base. Exmouth has a need for people to be employed locally and reduce the need to commute to Exeter, Cranbrook or further afield as it will reduce the traffic on the A376 and 'Sandy Gate' roundabout. People of working age are increasing within the Exmouth area with development taking place and the proposed expansion in the emerging Local Plan, the raising of the retirement age and the need for older people to continue to work after retirement.

Pedestrian Access across Dinan Way

No provision made pedestrians and disabled access across what will intentionally become the busiest road in Exmouth.

South West Water

The Committee noted the comments made by SWW regarding the foul sewer network and that it was unlikely to have sufficient capacity without causing surcharge with resulting flooding. Any improvements identified would not be funded by SWW and would need to be at applicants cost. S106 planning obligations would need to be imposed.

Further comments 25.08.16:

No Objection in principle to the proposal but the objection still remained to the application in its current form. Principally on the grounds of the lack of evidence and justification for the provision of a primary school when evidence supported the availability at Brixington Primary School for expansion within its grounds to accommodate children from the development. Land identified for the school was needed for other community uses such as sports pitches for Brixington School and general community open space, a doctor's surgery, shops or employment land.

A response had not been received from DCC Highways in respect of the 3 proposed access roads off Dinan Way and the dangers associated with right turns.

Woodbury & Lympstone – Cllr R Longhurst

19.05.18

Chris, this has grown old and has hairs!!

Its origins lie in 2012/13/14 when I and a number of other Councillors were not members of EDDC. Like wise the membership of Lympstone Parish Council is very different. I think this therefore calls into question some of the assumptions made particularly in relation to consultation comments.

I would like to make the following initial comments but reserve the right to add to these in the light of local consultations.

2. The principle of development is accepted and indeed supported.
 3. The layout is seen to be "still to be decided"
 4. DCC Education are now opposing the development!!
 5. In 2012 DCC were looking for a new primary school and favoured Brixington School where land is available
-) The Goodmore's School was thrown in at the last moment without any consultation - even the Inspector picked up on this.
 -) No factual adjustment to their position has been made in the last 6 years - is there still a primary school crisis? Can evidence be produced to demonstrate this school is needed/can be funded/is the best option available
 -) Would funds not be better directed to Exmouth Community College
 -) Brixington School is part of group trust - what are their views?
 -) These are serious questions that need to be answered

5. LPC Have always favoured a sports pitch - specifically football on the covenanted land - this would be a straight transfer of an asset as funds are available for development- build the primary school at Brixington and sort part of your playing pitch strategy at the same time.

These are initial comments - I believe that there are a number of other issues that are time expired and need to be re-addressed in the light of the status quo (Dinan Way extension/detailed layout/CIL Allocation/Section 106 etc) - but none get away from 350 new houses, a principle which I will support subject to

Woodbury & Lympstone - Cllr B Ingham

17.03.14

I am especially concerned with this planning application because I question how well it fits in terms of the NPPF's requirements for sustainability. I believe prior to decision, the following criteria must be satisfied:

Does the application promote sustained use of the centre of Exmouth?

Does the application provide the infrastructure needed to support the needs of Brixington or exhaust it?

Does the application promote commuting to Exeter or support restrictions to commuting (by a coherent infrastructure)?

Does the application take into account the soil type and land structure/formation and the rate of surface water generated into the Wotton Valley or does it fail deal with

those issues coherently, which would increase the load within a fragile flood plane (Wotton Brook in Lympstone)?

Are there more appropriate sites for these 350 houses?

Exmouth Brixington - Cllr C Nicholas

15.08.16

During original discussions for this application there was no mention of a primary school. Brixington ward was originally built without proper infrastructure and there are no playing fields/sports pitches within the ward as a result. DCC have added the primary school without first consulting ward members. We asked for possibly a doctor's surgery, employment land, sports field with a community hall/changing rooms, a shop/shops. Not once was a new school mentioned! Brixington Academy is not too far away and I believe that there could be further capacity there since the school stands on a large site. If DCC insist surely they should provide the money and also the land. It should be a separate issue and not part an parcel of this planning application. Brixington Ward needs playing fields/sports fields!!!

Exmouth Brixington - Cllr M Chapman

18.02.14

Subject: Goodmores farm , is in Brixington & Lympstone nowhere near Woodbury . The public requested community use as have had 4 development with no infrastructure at all & already have a school which has room and grounds to enlarge

Technical Consultations

Environment Agency

26.02.14

Environment Agency Position

We consider that this proposal will be acceptable if a condition is included on the subsequent planning permission to ensure the construction and maintenance of a sustainable drainage system to control surface water. Our suggested wording for such a condition together with advice regarding surface water drainage is provided below.

Condition

No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- details of the drainage during the construction phase;
- details of the final drainage scheme;
- provision for exceedance pathways and overland flow routes;
- a timetable for construction;
- a construction quality control procedure;
- a plan for the future maintenance and management of the system and overland flow routes.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason

To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

The whole development site is located in Flood Zone 1 " Low Probability " of flooding from rivers or the sea and accordingly there are no objections in principle to the proposed development from the flood risk aspect. The application is accompanied by a Flood Risk Assessment (FRA) V2 dated 4th February 2014 that properly promotes the use of Sustainable Drainage techniques for the safe management of surface waters and in a manner that will mimic greenfield performance (paras 1.2.1 and 2.1). We recommend that any permission be granted subject to a suitably worded condition requiring the submission of a detailed surface water management scheme that conforms with the FRA in due course.

It is also important that the detailed site layout and habitable floor levels respect the numerous minor ditch courses that cross the site and which can give rise to deep flooding of the lowest part of the site should the culvert under Dinan Way become blocked or flows exceed culvert capacity.

Further comments 10.06.16:

Thank you for your consultation dated 5 August 2016 regarding the amended plans which have been received in respect of this application.

Environment Agency Position

We have nothing to add to our previous response for this application (dated 26 February 2014).

Environmental Health

19.03.14

I have considered the application and have no objection from an environmental health perspective - the site layout is well designed to separate the commercial elements from the residential. If this application is approved we would require noise management proposals to be submitted with the reserved matters application for the commercial uses. We would also require a CEMP to be provided to cover the whole development. In order that the applicant is fully aware of what is required I recommend the following conditions be applied:

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.

Prior to the commencement of the development the applicant must provide an Environmental Management Plan to the satisfaction of the Local Planning Authority detailing the way in which environmental impacts will be addressed and incorporated into the design, layout and management of the site. The Plan shall consider the impacts of noise (including low frequency noise), traffic, odour, smoke, air pollution and light on the local environment and air quality, and the way in which these impacts will be mitigated. The Plan shall also include details of the foul and surface water drainage systems, and arrangements for the prevention of pollution of any nearby watercourse.

Reason: To protect the amenity of local residents and to ensure compliance with Local Plan Policy EN14.

Further comments 24.08.16:

I have considered the additional information submitted and the original Environmental Health comments are still appropriate.

Contaminated Land Officer

24.08.16

I have considered the application and the Stage 1 contamination assessment submitted with it. This land is previously undeveloped beyond the farm buildings but there is potential for the land to have been spread with sludges containing heavy metals, as well as potential for localised surface contamination of farm waste and inert materials. I therefore recommend that standard condition CT3 is included in any approval to ensure that the site is comprehensively evaluated and any potential contaminants removed. Any topsoil stored must be tested for heavy metal contamination before re-use.

South West Water

21.02.14

I refer to the above application and would advise that the public foul sewer network is unlikely to have sufficient capacity to serve the proposals without causing the public sewer network to surcharge, with resultant flooding.

This has been made known to and acknowledged by the applicant/their consultants in the utility statement accompanying the application previously, together with the fact

that the sewer network will require detailed investigations to establish the level and cost of improvements which may be necessary to accommodate the foul flows generated by their particular development.

Such investigations as are required will not be funded by South West Water and will need to be at the applicant/developer's full cost, as would any improvements identified as necessitated by the proposal.

Should your Council be minded to approve the planning application, I would emphasise that suitable planning conditions/s106 planning obligation terms will need to be imposed (eg requiring no development to proceed on site until such time as a detailed sewerage evaluation, as noted above, has been carried out and funding provided for improvements identified as necessary. It will be crucial that no building shall be occupied, and no connection to the public sewerage system take place, until all improvements to the public sewerage network, rendered necessary by the development, have been completed to your Local Planning Authority's satisfaction).

Further comments 10.08.16:

No objections – there is no longer a deficiency in sewerage capacity in this area and therefore no additional financial contributions would be required

Housing Strategy Officer

25.02.14

We welcome this opportunity to provide much needed affordable housing in Exmouth.

As this appears to be a departure from current Planning Policy, we will be seeking an on-site affordable housing provision of at least 40% (140 units) as opposed to the 25% stated in the applicants Design and Access Statement.

If planning is secured, all affordable homes are to be constructed to the current Homes and Communities Agency Design and Quality Standards and to the relevant Code for Sustainable Homes at that time. We expect that all the affordable homes will be tenure blind, and arranged in small clusters throughout the proposed development. The affordable housing will be transferred to, and managed by, a Preferred Registered Provider.

Housing needs evidence indicates a substantial need for affordable housing in Exmouth, and in particular smaller homes. Consideration should be given to providing affordable one bedroom properties, including disabled / wheelchair accessible accommodation. However, the greatest need is for family sized accommodation, comprising two / three bedroom houses, as well as a number of larger four bedroom homes.

In accordance with East Devon Exeter and Torbay Housing Market Assessment 2007 (East Devon update 2011) we expect to see a tenure mix of 70 / 30% in favour of rented accommodation, the remaining as shared ownership or similar affordable housing product as defined in the National Planning Policy Framework document.

Furthermore, we also expect that a nomination agreement be in place that enables the Local Authority or the Preferred Registered Provider to nominate individuals in housing need from the Common Housing Registers. Priority should always be given to individuals who have a local connection to Exmouth.

Further comments 19.08.16:

This site is allocated in the new Local Plan for mixed use development and now falls within the development boundary for Exmouth. We will therefore be seeking 25% affordable housing (87.5 units).

We expect to see a tenure mix of 70/30% in favour of rented accommodation the remainder as shared ownership or similar affordable housing product as defined in the National Planning Policy Framework document. Housing needs evidence indicates a substantial need for smaller housing for single people and couples together with larger housing suitable for families. Consideration should also be given to providing wheelchair accessible accommodation.

Once completed the affordable homes should be transferred to and managed by a preferred Registered Provider. All affordable homes should be constructed to Building Regulations M4(2) or the relevant standards at the time of determination. A nomination agreement should be in place that enables the Local Authority or a preferred Register Provider to nominate individuals from the Common Housing Register, preference going to those with a local connection to Exmouth, then cascading to the district.

Any deviation from the amount of affordable housing sought must be evidenced by a viability assessment. Without submitting a viability assessment the council will not be in a position to enter into discussions regarding the affordable housing element. In addition, an overage clause will be sought in respect of future profits and affordable housing provision, where levels of affordable housing fall below policy targets.

Further comments 13.06.18

The below highlighted in yellow would be preferable. The rented units should ideally be the flats and 2 bed houses with maybe 1 x 3 bed house. The shared ownership a mixture of 2 and 3 bed houses is fine.

The Applicant would be prepared to adjust the affordable housing content and now suggest including two blocks of 4 x 1 Bedroom Flats, one building to be delivered in Phase 1 and one in Phase 2, thus the revised overall AH delivery would be 8 x 1 Bed Flats, 6 x 2 Bed terraced units and 4 x 3 Bed semi-detached units delivered over the 6 phases as follows:

Phase 1: 4 x 1 Bed Flats

Phase 2: 4 x 1 Bed Flats

Phase 3: 2 x 2 Bed

Phase 4: 2 x 2 Bed; 2 x 3 Bed

Phase 5: 2 x 2 Bed

Phase 6: 2 x 3 Bed

Total 18 units

Natural England

13.05.14

Planning consultation: Outline application for residential development (up to 350 dwellings) with associated roads and open space. The provision of land for mixed-use employment; land for commercial and community uses and land for the provision of a primary school. All matters reserved with the exception of the proposed vehicular access points onto Dinan Way.

Location: Land At Goodmores Farm Dinan Way Upper Lovering Exmouth EX8 5BA

Thank you for your consultations on the above dated 17 February 2014 and 07 May 2014 which were received by Natural England on the same day.

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

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (AS AMENDED)

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

European wildlife sites - Further information required

The application site is in close proximity to 2 European Wildlife Sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their ecological interest. European wildlife sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Exe Estuary Special Protection Area (SPA) and Ramsar site¹ and East Devon Pebblebed Heaths Special Area of Conservation (SAC)/East Devon Heaths Special Protection Area (SPA) which are European wildlife sites. These sites are also notified at a national level as Sites of Special Scientific Interest (SSSI).

¹ Listed or proposed Ramsar sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

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² Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be

found on the Defra website. <http://guidanceanddata.defra.gov.uk/habitats-regulations-assessments/>

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.

Natural England notes that the Habitat Regulations Assessment (HRA) has not been produced by your authority, but by the applicant (Letter from Code 7 consulting to EDDC, 6 May 2014: Habitat

Regulations Assessment SAC/SPA Screening and Appropriate Assessment). As competent authority, it is your responsibility to produce the HRA. We provide the advice below on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard for Natural England's advice.

The HRA concludes that your authority cannot rule out the likelihood of significant effects arising from the proposal, either alone or in-combination. The appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity. Natural England advises that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out and that your authority should not grant planning permission at this stage. Further assessment and consideration of mitigation options is required, and Natural England provides the following advice on the additional assessment work required:

The applicant is currently suggesting 2 alternative methods of mitigating the impacts of this development on the Exe Estuary SPA and the East Devon Pebblebed Heaths SAC/SPA:

- (i) A financial contribution of £350 per house toward strategic mitigation measures or
- (ii) A 20ha "SANGS" site (Big Wood, Exmouth)

Whether the final mitigation is to be delivered via a financial contribution to strategic measures, as a bespoke SANGS, or as some combination of these 2, there are currently deficiencies with both approaches which require further clarification before a permission can be granted:

Financial contribution of £50 per Dwelling:

Alone this contribution would not be sufficient to mitigate the impacts upon both European sites. The "Joint Interim Approach" was established to avoid impacts upon

the Exe Estuary SPA and Dawlish Warren SAC only, so a contribution of £350 per dwelling would be considered sufficient to mitigate for impacts upon those 2 sites but not the East Devon Pebblebed Heaths.

The East Devon Pebblebed Heaths SAC/SPA is less than 1km from the application site. Evidence submitted with your "Submission Draft Local Plan" - the Habitats Regulations Assessment (Nov 2012) and the draft "South East Devon European Sites Mitigation Strategy" (June 2013) - both indicate that it would not be possible to reach a conclusion of "no likely significant effect" for housing in this location, in combination with other residential development close to the SAC/SPA, in the absence of appropriate mitigation. The conclusion of the Local Plan HRA is that the Plan, and the housing allocations within it, "is reliant upon the forthcoming detailed mitigation and delivery strategy that is a joint initiative with Exeter and Teignbridge."

In the absence of an agreed/adopted strategic approach to mitigation for recreational impacts on the Pebblebed Heaths SAC/SPA Natural England advise that you seek agreement from the applicant on delivery or funding of a package of mitigation measures for this European site, which will enable you to reach a conclusion of no Adverse Effect on Integrity, before granting permission.

Proposed Suitable Alternative Natural Green Space:

In principle, a SANGS of this size could provide appropriate mitigation for the likely predicted impacts of this development on one or both of the European sites. However, before the proposed site could be agreed as mitigation by EDDC you would need to have additional detailed information upon which to assess the suitability of the proposed SANGS.

The applicant makes it clear in their letter that further work would be needed to develop the case for this area as a suitable SANGS. Currently little information is given about the quality of the site offered, beyond that it is primarily secondary broadleaved woodland with tracks and glades.

Natural England guidelines on the creation of SANGS³ set out a series of attributes which are considered to be necessary in order for a site to meet SANGS standards. Given the information available it is difficult to see how this site could meet several of the required criteria, e.g.: being able to get from the car park to the SANGS safely with a dog off-lead, a circular walk of a minimum length from that car park. No car park is proposed and, if one were to be provided, it would need to be sufficiently distant from the SAC/SPA that it was not used as a "new" car park for accessing the SAC/SPA. There are no existing footpath links to existing or proposed housing from the proposed SANGS, intended access point(s) are not clear, length and variety of walks is limited, there appears to be little diversity of habitats, it does not appear to meet criteria relating to openness or perceived safety.

3 Guidelines for the creation of Suitable Alternative Natural Green Space (SANGS), Natural England 12/06/08

To function successfully as a SANGS in this location the site would need to be attractive to dog walkers and walkers arriving by car as well as on foot. (Evidence

underpinning the SEDESMS suggests that at least 45% of visits to the Exe are made by car and 80% to the Pebblebeds and that the majority of these visits are for dog walking or walking.) The applicant would need to provide further information to overcome these concerns before the site could be considered suitable for creation of a SANGS.

The letter also suggests that 20ha is a considerable 'over-provision' of SANGS for the proposed development however it is not clear from the letter whether it is intended as mitigation for one or both of the European sites. Also the emerging SEDESMS proposes mitigation of 3 types: Cross-site measures, on-site measures/monitoring and off-site measures (including SANGS). Therefore a 20ha SANGS, if it is intended to replace any/all financial payment toward the wider cross-site and on-site measures for both European sites would not seem to represent an over provision of mitigation. This should also be clarified by the applicant.

Exe Estuary SSSI and East Devon Pebblebed Heaths SSSI

Natural England advises that there will be no additional impacts on the features of interest of these SSSI sites resulting from the proposed development beyond those already identified with regard to the European sites above.

Protected Landscapes

No Natural England Comment - Advise consultation with AONB partnership

Having reviewed the application Natural England does not wish to comment on the potential impacts of this development proposal on protected landscapes.

The development however, is close to the East Devon Area of Outstanding Natural Beauty. We therefore advise you to seek the advice of the AONB Partnership. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

Protected Species

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

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

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

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

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

For any queries relating to the specific advice in this letter only please contact me on the email or telephone number below. For any new consultations, or to provide further information on this consultation please send your correspondence to consultations@naturalengland.org.uk.

Further comments 10.08.16:

Planning consultation: for a residential development of 350 dwellings on land at Goodmores Farm, Dinan Way, Upper Lovering, Exmouth (amended Plans)

Location: land at Goodmores Farm, Dinan Way, Upper Lovering, Exmouth

Thank you for your consultation on the above proposal which was received by Natural England on 05 August 2016.

Natural England is a non-departmental public body.

Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The amended plans which form this new consultation do not appear to address any of the points made in the advice provided on this application in our letter of 14 May 2015. That letter still stands.

We have since provided advice to the developer to help them mitigate the effects of the development on the Exe Estuary SPA/Ramsar and East Devon Heaths SAC/SPA. It is disappointing that no new information has been provided to you more than a year later.

We expect to be consulted again on this application over your Habitats Regulation Assessment.

For any queries relating to the specific advice in this letter only please contact me on the number below. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Landscape architect

24.08.16

INTRODUCTION

This report forms the EDDC's landscape response to the outline planning application for residential development (up to 350 dwellings) with associated roads and open space, the provision of land for mixed-use employment; land for commercial and community uses and land for the provision of a primary school. All matters reserved with the exception of the proposed vehicular access points onto Dinan Way - nr. 14/0330/MOUT.

The site is located on the northern edge of Exmouth within the built-up area boundary of the town. The site consists of a number variously shaped fields separated by hedgerows, streams/drains and fences. Approximately 1km to the east of the site lays the East Devon AONB. To the south the site abuts Dinan Way. The topography of the site rises up from Dinan Way towards the AONB in a north-easterly direction. The cross fall generally varies between 1:20 to 1:25 with a steeper section within the western part of the site. The area is relatively well enclosed due to the various blocks of woodland and hedgerows within the nearby surroundings.

As part of the planning application the applicant, Eagle Investments Ltd, submitted a Design and Access Statement; a Landscape Character and Visual Impact Assessment, various parameter plans and plans showing the proposed vehicular access points of Dinan Way. This report includes reviews of this landscape related information and how it responds to the site in relation to the other submitted technical information (e.g. Flood risk strategy, arboricultural report, etc.). The reviews should be read in conjunction with the submitted information and are followed by a recommendation outlining the reasons for the recommendation based on adopted policy, guidance and professional judgment.

RECOMMENDATION

The base line study is limited and does not value the landscape in relation to the county and district-wide landscape character assessments. Key landscape features are not considered within their historic context or their potential to link into Exmouth's Valley Parks. The zone of visual influence considered in the LVIA is too narrow. The visual assessment fails to acknowledge the proximity of the East Devon Way and underrates the impact on certain views. The scheme proposal is not very well defined, no clear mitigation measures have been included in the LVIA and the proposals do not consider the management guidelines set out in EDDC and DCC's Landscape Character Assessments or the and the ambitions for Exmouth Valley Parks as set out in EDDC policy EN2. Due to the aforementioned the final assessment of the overall effect of the scheme cannot be judged to be of a moderate extent and only low unfavourable. Clearly defined mitigation measures, a design code and a green infrastructure framework are needed to ensure any future reserved matters application integrates well into the existing landscape and visual context and responds appropriately to the existing landscape features.

Prior to granting approval, the applicant should address the following site design concerns:

- The location of the employment land and how it will be accessed
- Lack of detail on the re-grading of the site.
- The lack of links to the Valley Parks

- The approach to existing hedgerows and how their longevity can be assured
- The location of the school
- The drainage strategy and its potential to incorporate existing landscape features
- The lack of certainty about the quality of the reserved matters design

Sport England

06.03.14

Thank you for consulting Sport England on the above application.

The site is not considered to form part of, or constitute a playing field as defined The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184), therefore Sport England has considered this a non-statutory consultation.

It is understood that the application proposes significant housing growth in Exmouth.

Sport England has assessed the application against its adopted planning policy objectives. The focus of these objectives is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to meet the needs of local communities. The occupiers of any new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should be required to contribute towards meeting the demand they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence

base such as an up to date Sports Facility Strategy, Playing Pitch Strategy or other relevant needs assessment.

This requirement is supported by the Governments National Planning Policy Framework, which states:

Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. (Principle 12 is) that planning should:

Take account of and support local strategies to improve health, social, and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. [Paragraph 17]

To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses, and places of worship) and other local services

to enhance the sustainability of communities and residential environments

- Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. [Paragraph 70]

The population of the proposed development is approximately 700. This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with Government policy, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.

You may be aware that Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. The SFC is available to use from our website <http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/sports-facility-calculator/>

The application is outline so no details regarding the provision of on site sport including playing pitches including maintenance have not been developed and submitted. Neither has the off-site obligation to provide to sport off-site for example a financial contribution to swimming pool provision.

In light of the above, Sport England is unable to support this application and wishes to object to this application.

Thank you once again for consulting Sport England. We would be grateful if you would advise us of the outcome of the application by forwarding a copy of the decision notice.

Further comments 19.08.16:

Sport England notes the amendments to the scheme including a new primary school with adjacent playing fields. Depending upon a number of factors including the specification, construction and laying out of the playing field and access to the wider community this may have a positive contribution to the residents of the development. The indoor space if designed for flexible wider community use may also have a contribution to sport and recreation. These facilities would need to be secured for community use by planning condition.

It is not clear what wider sport and recreation facilities and spaces the development will be providing for both indoor and outdoors, on-site or via S106 off-site.

Sport England expresses its concerns at the scheme if granted planning permission in its current form without providing for the needs of the residents for sport and recreation.

Active Design

Sport England along with Public Health England have recently launched our revised guidance 'Active Design'. Sport England believes that being active should be an intrinsic part of everyone's life pattern.

- o The guidance is aimed at planners, urban designers, developers and health professionals.
- o The guidance looks to support the creation of healthy communities through the land use planning system by encouraging people to be more physically active through their everyday lives.
- o The guidance builds on the original Active Designs objectives of Improving Accessibility, Enhancing Amenity and Increasing Awareness (the '3A's'), and sets out the Ten Principles of Active Design.
- o Then Ten Active Design Principles have been developed to inspire and inform the design and layout of cities, towns, villages, neighbourhoods, buildings, streets and open spaces, to promote sport and physical activity and active lifestyles.
- o The guide includes a series of case studies that set out practical real-life examples of the Active Design Principles in action. These case studies are set out to inspire and encourage those engaged in the planning, design and management of our environments to deliver more active and healthier environments.
- o The Ten Active Design Principles are aimed at contributing towards the Governments desire for the planning system to promote healthy communities through good urban design.

The developer's checklist (Appendix 1) has been revised and can also be accessed via www.sportengland.org/activedesign

Sport England would encourage the proposed development be designed in line with the Active Design principles to secure sustainable design. This could be evidenced by use of the checklist.

EDDC Trees

06.10.16

The application is supported by a BS5837:2005 arboricultural survey that was revised in 2014. Consequently the submitted arboricultural information is not in accordance with the current British Standard. Given over two years has elapsed since the revision of the standard and the submission of the application; the scale, significant and likely ongoing time frame of the project, the Arboricultural information should fully accord with the new version of the standard.

The arboriculturalist was not been supplied with a full topographical survey of the site (the section to the north and west of the site base on best estimations regarding tree position). This will inevitably lead to plotting errors and potential problems further along in the process.

The tree constraints plan does not show spot heights and the base of trees nor is this information available within a topographical survey. This is a requirement of the BS5837:2012 (Para 4.2.4) and it is unclear how moving forward issues relating to tree constraints and ground level can be considered.

No site specific details relating to soil assessment have been included (other than type, pH, desiccation etc have been established as required in BS5837:2012 (Para 4.3.1)

Understandably (difficulty in actually measuring trees due to bramble, dense undergrowth and ivy and the number of trees) there looks to have been use of estimations on stem diameter stem diameter. This will need to be addressed at the reserved matters application with measured stem diameters or precautionary over estimates to secure appropriate level of RPA.

Looking at the submitted indicative site layout there are potential issues with juxtaposition of buildings and trees in terms of above ground constraints (ultimate tree size and shading). This could be more clearly addressed if the TCP followed the recommendations within BS5837:2012 and included current and ultimate tree height, spread data and the plotting of shade paths of trees. The arboricultural report has produced a developable zone plan, this is not within a format recognized within the British Standard and open to considerable interpretational. The TCP plan as outline above should follow BS5837:2012 and provided a TCP which provide the information set out in paragraphs 5.2 and 5.3 of the standards.

Additional to tree matters I have been asked by the Landscape Officer to assess two sections of Devon Hedgebank (Image 1) for woody species (Schedule 3 of the Regulations) and to advise if these are considered important under the Regulations. H1 only contains three woody species Blackthorn, Hawthorn and Dog rose and is not considered important. Hedgerow H2 was assessed in two section, the north contained 7 woody species (Oak, Blackthorn, Hazel, Dog Rose, Wild cherry Hawthorn and Elm); the southern section contained 6 species (Oak, Ash, Hawthorn Dog rose, Blackthorn and Elm) and it contained three additional features as required under paragraph 4 of the Regulations((a) earth bank, (b) gaps not exceeding 10% and (g) a ditch along at least half its length). Hedgebank H2 would be considered important under the Regulations.

Conclusion

The submitted information does not accord with the current British Standard and the stated developed density looks to place built structures in conflict with above ground tree constraints.

It is not clear from the submitted details that the proposed development density could be achieved without deviation for BS5837:2012. Consequently as submitted, the developable density looks to be at odds to the adopted local planning policy D3 Trees and development sites.

Moving forward any outline planning approval would need (to be subject to condition requiring the submission of a full BS5837:2012 survey including TCP, AIA (to demonstrate the site layout has fully taken account of tree constraints (above and below ground)) and outline AMS and TPP (demonstrating how trees will be protected during development.

DCC Planning

07.05.14

1. Transportation

1.1. Transport Assessment Comments

1.1.1 The bus stop facilities on Dinan Way, in the vicinity of the site, are basic with no hard standing on the northern side of Dinan Way. Furthermore, there is no shelter or easy access raised kerb provision. An improvement to bus stops in the vicinity of the site would facilitate access to/from the site by bus and make the option of using the bus more attractive, this is considered essential for the success of the Travel Plan objectives.

1.1.2 DCC considers it likely that the development at Littleham Plumb Park would have some traffic impact upon the whole of Dinan Way, however, an assessment of this impact is unlikely to change the fundamental advice provided by DCC as part of this response.

1.1.3 The reason for using a ghost island right turn facility on Dinan Way at only one of the site access junctions is not fully explained. It would be helpful to understand why this facility is proposed at one site access junction and not at either of the other two on Dinan Way; this could have a bearing on the internal layout at a later date during the detailed/reserved matters stage in the planning process.

1.1.4 To allow the Highway Authority to add a ghost island right turn lane at the other site access junctions, it would be necessary to dedicate sufficient land as highway maintainable at public expense through a deed of dedication, or similarly effective process. Without such an agreement/process it may become impossible or difficult to create any improvement in future. Devon County Council Highways Officers will be happy to discuss potential amendments to the application with regards to these and any other transport related comments in this letter.

1.1.5 In order to achieve the aim of encouraging walking and cycling as part of the Travel Plan, and in keeping with policy aims, the site masterplan should show internal walking and cycling links. The masterplan shows a street network developed using 'Manual for Streets' principles, however the circuitous nature of some of these routes could be unattractive. Some additional walking & cycling links would reduce the distance people have to travel by these modes to reach their destination thereby making it more attractive to walk and cycle. Such additional links should include additional pedestrian and cycle access points onto Dinan Way and a pedestrian and cycle link should be created along the eastern edge of the proposed sports area to improve permeability. If all access matters are to be dealt with in detail, these improvements and details should be included within the Planning Application and its supporting documents such as the Transport Assessment.

1.1.6 Improvements to facilities off-site are required, as mentioned in this response. It is important to recognise that off-site facility improvements may not be exclusively funded through CIL. In fact, it is likely that a s106 agreement, s278 agreement or

combination thereof would be required to deliver off-site improvements ahead of the introduction of CIL or even following it.

1.2. Issues and Mitigation Advice

Public Transport

1.2.1 Issue: Location of site means that it is not easily accessible to direct public transport services towards Exeter. This is an issue given that the A376 is at/approaching capacity at peak times and constraints at M5 Junction 30 make it difficult to see how additional commuter trips to Exeter can be sustainably accommodated by private car trips without mitigation. The strategy for the 'A376 Exmouth - Exeter corridor' is to increase capacity through improvements to rail and bus, either to directly

accommodate trips generated by new development, or off-set their impact by encouraging modal shift elsewhere to provide adequate capacity. In addition, the bus stop facilities near to the site are basic and do not comply with access legislation, thus reducing the attractiveness of more sustainable modes of travel.

1.2.2 Mitigation: Adaptation of existing bus routes to improve public transport accessibility is required. The preferred approach is the enhancement of service 58 which has been developed through LSTF funding to provide a link to employment areas around Exeter and suburban residential areas around Exmouth. Alternatively, if this proves unfeasible, then improvements to bus services towards the town centre along with

improvements to public transport interchange within the town centre would help to achieve the same objective. As part of the vehicular access and footway construction, appropriate bus stop facilities should be included such as raised kerb and footway access and practical proximity to a crossing refuge. In order to achieve the above, a contribution from the development will be needed.

1.2.3 In addition, in order to promote more sustainable modes of travel on the Exmouth to Exeter corridor, it is anticipated that this development should also contribute towards the Exmouth town centre public transport interchange and platform lengthening on the Avocet Line.

1.2.4 Contributions:

£110,000 x 5 years (£550,000) to provide diversion to service 58.

Improvements to local bus stops to improve accessibility, including raised kerbs and where appropriate, pedestrian crossing refuges. This should be undertaken through s278 of the Highways Act 1980 - that is, directly by the developer.

£20,000 contribution towards town centre public transport interchange and railway station facility and capacity improvements to partially off-set impact upon A376, this includes platform lengthening to accommodate longer peak time trains post 2016.

Walking & Cycling

1.2.5 Issue: Local facilities around the northern edge of Exmouth are sparse and the town centre is beyond reasonable walking distance. Dedicated cycle routes are piecemeal and incoherent and existing footways/paths are too narrow to be used as shared use without some widening and improvement. Improvements are required in order to improve access to local facilities, and encourage people to undertake such short trips without resorting to using the car.

1.2.6 Mitigation: it is proposed that the addition of formal cycle parking be provided by the developer at local shops and facilities such as those identified in the Transport Assessment. Also, the conversion of sections of footway to shared use walking and cycling paths should be undertaken where feasible to realise the aim of bringing facilities within accessible reach of the development by cycle. This could be achieved through the widening of footways into verge areas to achieve suitable width along sections of Dinan Way, or creation of new cycle routes to link towards the town centre and key facilities such as employment areas, secondary school and Exe Estuary Trail.

1.2.7 Contribution:

£100,000 based on creating approx. 3km of footway to shared use status to improve links to town centre, education facilities and /or employment areas around Salterton Road, or creation of 1km of new shared use path to connect to Exe Estuary Trail if feasible to allow onward link to town centre on existing traffic free route.

Local Junction Capacity

1.2.8 Issue: The junction of Hulham Road and Exeter Road exceeds capacity, the new development will therefore compound an existing problem. The use of Wotton Lane, Summer Lane and Featherbed Lane is unsustainable and these routes are not appropriate for serving strategic housing and employment sites. The collision record at A376/Summer Lane 'Courtlands Cross' also gives rise to concern. The junction of Dinan Way and Hulham Road exceed capacity in the 2019 plus development scenario.

1.2.9 Solution: The extension of Dinan Way to connect Hulham Road with the A376 would reduce the reliance upon less appropriate routes and create additional capacity for traffic movements around Exmouth, including a reduction in pressure on the Hulham Road/Exeter Road junction which would be vital to the employment element as the only appropriate route for HGVs. The Dinan Way/Hulham Road junction would be improved as part of the Dinan Way Extension scheme.

1.2.10 Contribution:

Substantial contribution towards the extension of Dinan Way based upon local contribution element of Local Transport Board funding bid. This figure needs to consider the current scheme cost estimate of £8.4m which includes contingency and is subject to change following survey work in 14/15 which will help refine and potentially reduce this estimate. The Highway Authority would wish to be closely involved in negotiations and viability discussions with the applicants.

Junction Modelling

1.2.11 Issue: The LINSIG Assessment of the A376 and Wotton Lane Junction assumes a high capacity on the A376. Typically, we would expect the capacity to be no more than 1800 vehicles. The modelling does not appear to include any pedestrian calls on the crossing.

1.2.12 Solution: Junction improvements may not be appropriate, but the other mitigation measures (including sustainable transport solutions) would help address issues on the A376 corridor.

5. Surface Water Flooding

5.1.1 Some areas within the application area are identified as being at risk of surface water flooding. It is not considered that this will significantly affect the deliverability of the site, however East Devon District Council are advised to ensure that the flood risk assessment takes this into account and proposes suitable mitigation.

5.1.2 It is expected as per the requirements of the national planning policy framework paragraph 103, that the flood risk in the area and surrounding area is not increased as a result of the development. The use of sustainable urban drainage systems is also recommended, in accordance with the county councils guidance, which is available at http://www.devon.gov.uk/dcc_suds_guidance.pdf

5.1.3 We are also working in close partnership with the Environment Agency and concur with their comments made regarding flood risk on this site, so have no further specific comments to add to these2. Local Education Provision (including early years)

2.1.1 Devon County Council is the Local Education Authority and therefore has a statutory duty to ensure that all children have a school place which they can attend. The manner in which the county council undertakes school place planning is set out in our Education Infrastructure Plan, which is available here:

2.1.2 In Exmouth, there is an acute shortage of primary school places, due in large part to a high birth-rate in the area in recent years. As such, in discussion with the heads of local schools, as well as the wider community, it has been agreed that the preferred approach to create additional school places within the town is to expand current primary schools (a programme which is ongoing) and also to build a new primary school including early years provision.

2.1.3 The county council pupil place planning team have been involved in pre-application discussions with the applicants and as a result, the proposal for a 1.5 hectare site for the provision of a school forms part of the application. It is anticipated that this site should be provided at minimal cost to the county council as a serviced site at an early phase of the delivery of the development as permitted by the application. However, it is recognised that this area of land is larger than that required to mitigate the impact of this application - but is needed to provide a school of sufficient scale to be sustainable.

2.1.4 In addition to the site, it is considered that financial contributions will be required to deliver the primary school facilities. The amount requested below has been

calculated in accordance with the county councils education s106 policy, which is available here:

<http://www.devon.gov.uk/education-section-106-policy-jan-2013>.

2.1.5 Contribution:

Taking into account planning permissions that have been granted but not yet implemented, there is forecast to be no spare capacity in Exmouth primary schools. Therefore, in accordance with Devon County Council's s106 policy, a contribution of £3,332 per dwelling of two or more bedrooms is required.

In terms of secondary schools, the secondary provision in Exmouth is provided at Exmouth Community College. This is an academy school and therefore pupil admissions are governed by the school rather than by Devon county Council. However, the school has a programme of expansion to ensure that it can accommodate new developments proposed in Exmouth, on the assertion that contributions from development will be secured. Therefore, a contribution towards secondary provision will be required, which has been calculated in accordance with Devon County Council's education s106 policy, of £2,740 per dwelling of two or more bedrooms is requested.

It is important to note that these contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the

agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

3. Youth Services

3.1.1 The county council is currently undertaking a review of its youth services to create a more targeted service that provides for young people most in need. A public consultation has recently been undertaken, which can be accessed from <http://new.devon.gov.uk/youthreview>.

3.1.2 It is therefore not possible to provide a detailed response to the planning application with regards to youth services at this time. However if any delay occurs in the determination of the application, and the county council has, by this time, determined a future course of action for youth services, we reserve the right to negotiate contributions in accordance with the position at that time.

4. Library Services

4.1.1 Exmouth library is currently located at 40 Exeter Road, and is situated in an historic building that presents a number of problems in terms of trying to deliver a

modern and fit for purpose library service within the town. Specifically, the building is undersized, offers poor access and is of an inflexible design.

4.1.2 The county council has committed to replacing the library in Exmouth and it is considered most likely that this will be through the provision of a new community hub or 'Devon Centre' building, which, alongside a modern, high quality library offer, would offer a range of other community based services, potentially including adult learning, services for adults with learning disabilities, work hubs, the community and voluntary sector, the police, district councils and health services.

4.1.3 It is considered that development in the town will generate additional library users and it is also therefore considered that development should pay fairly to mitigate the impact of these additional users on the library service.

4.1.4 Contribution:

It is felt that the most appropriate manner for this mitigation to be provided would be through the provision of a financial contribution from the developer of this site. The amount requested is £69,000. This is based on the standard space requirements for libraries as set out in the Museums, Libraries and Archives Council (MLA)¹. The MLA set that every 1000 people require approximately 30m² of library space. The development of 350 dwellings is anticipated to generate 767 people, this based on Department for Communities and Local

1 MLA space standards are available here:

http://cultureandsportplanningtoolkit.org.uk/fileadmin/user_upload/Public_libraries_archives_and_new_development-a_standard_charge_approachFINAL.pdf

Government dwelling occupancy figures for the East Devon, which is that each dwelling houses 2.19 persons². 767 people require 23m² of floor space.

2 CLG household size figures are available in table 427 of the live tables on household projections:

<https://www.gov.uk/government/statistical-data-sets/live-tables-on-household-projections>

In Devon, the cost of providing library services has been assessed as £3,000 per square metre, therefore the total cost is calculated as 23m² x £3,000 = £69,000

Further comments 20.12.17

RE - Outline application for residential development (up to 350 dwellings) with associated roads and open space. The provision of land for mixed-use employment; land for commercial and community uses and land for the provision of a primary school. All matters reserved with the exception of the proposed vehicular access points onto Dinan Way. (Application reference number 14/0330/MOUT)

Further to our previous response, this letter includes Devon County Council's updated response regarding the application detailed above. The comments in this response supersede in whole the response dated 28 September 2016.

Thank you providing the opportunity to comment on this planning application. This response provides the formal views of Devon County Council in relation to:

- o o Local transport provision
- o o Local education provision (including early years)
- o o Library services
- o o Waste planning
- o o Potential historic environment impacts
- o o Surface water flooding
- o o Health and wellbeing

Local Transport Provision

Since the application was submitted, the East Devon Local Plan 2013-2033 has been adopted and the proposed site is now allocated in the plan under Strategy 22 - Development, Land Allocations at Exmouth (a) Goodmores Farm. Part 5 (Infrastructure) (b) of the same policy also highlights the completion of Dinan Way, commonly known as the Dinan Way Extension, and that this highway completion is likely to require developer contribution funding.

Site location and the Dinan Way Extension

The County Council's Highway Development Management team has had discussions with the applicant's agent regarding the scale and the positions of the proposed access from the development onto Dinan Way. This has included further details of the proposed internal roads which have provided a synopsis of the likely gradients of the roads in the masterplan. However, these are indicative and have only been produced to inform the suitability of the proposed accesses at the locations set out in the application.

Developer Contribution for the Dinan Way Extension

The current cost estimate for the Dinan Way Extension is approximately £10m. The costs are envisaged as being funded from:

- DCC: £500,000
- LTB Growth Fund: £7m
- Developer Contributions: £2.5m

Since the submission of the application, CIL has been adopted in East Devon and the Dinan Way Extension falls within the 'strategic transport' heading featured on the published Regulation 123 List. As such, the County Council as the Local Highway Authority will require a CIL contribution of £2.5m from East Devon District Council in order to progress the design, construction and completion of the scheme and mitigate the impacts of this development. The County Council would welcome discussions with the District Council to set out suitable arrangements with regards to CIL funding to ensure the timely delivery of the road.

Access Locations and Design

DCC as the Local Highway Authority was consulted at an early stage regarding the positions of the three proposed accesses to the site. These are broadly categorised into: the westernmost access that will serve the employment and community uses, and the central and easternmost accesses that will serve the residential areas. However, these junctions are not exclusive as there will be interconnecting roads within the

development. At all locations, priority 'T' junctions are considered by the Local Highway Authority to be the most appropriate solution.

Pedestrian footways and crossing locations on Dinan Way have also been proposed at the site perimeter and at locations that serve the existing Dinan Way footway and existing junction connections and desire lines. All junctions will have footway provision on both sides of the road. The proposed westernmost access has a dedicated right turn lane primarily to accommodate larger vehicles and peak traffic movements to the school, community and mixed-use employment land at the western end of the site without causing congestion or delay on Dinan Way. The other central and easternmost accesses are aimed primarily for the residential development and it is not anticipated that they will require dedicated right turn lanes. However, because of the interconnecting roads within the site, provision has been made so the central access can be converted to have a dedicated right turn lane if necessary once the extension is opened.

Recommended Conditions

The Head of Planning, Transportation and Environment on behalf of Devon County Council as the Local Highway Authority recommend that a number of conditions shall be incorporated in any grant of permission. These are set out within Annex 1 of this response.

Local Education Provision (including early years)

Devon County Council is the Local Education Authority and therefore has a statutory duty to ensure that all children have a school place. The manner in which the County Council undertakes school place planning is set out within our Education Infrastructure Plan, which is available here: <https://new.devon.gov.uk/planning/planning-policies/pupil-place-planning>.

Primary Provision

In Exmouth, there is forecast to be a shortage of primary school places. As such, in discussion with the heads of local schools, as well as the wider community, it was agreed that the preferred approach to create additional school places within the town is to expand current primary schools which has in the main now been completed but also to build a new primary school including early years provision. This requirement has been recognised in part 5 (d) of Strategy 22 in the adopted Local Plan.

Discussions with one school who previously did not wish to expand suggest that there may be the potential to expand existing facilities, however such a proposal would require replacement and rationalisation of the school site costing far in excess of the contributions which would be secured for this planning application. Therefore, the provision of a new school site must be retained.

The County Council Pupil Place Planning Team have been involved in pre-application discussions with the applicants and, as a result, the proposal for a 1.5ha site for the provision of a school forms part of the application. It is anticipated that this site should be provided at minimal cost to the County Council (in the context of CIL funding) as a serviced site at an early phase of the delivery of the development.

In addition to the site, it is considered that financial contributions will be required to deliver the primary school facilities. The amount requested below has been calculated in accordance with the County Council's current education S106 policy (as linked above).

Taking into account planning permissions that have been granted but not yet implemented, there is forecast to be no spare capacity in Exmouth primary schools. Therefore, in accordance with Devon County Council's S106 policy, the following contribution is sought towards primary provision.

The proposed 350 family type dwellings will generate an additional 87.5 primary pupils (0.25 pupils per dwelling). Based on the 2015 DfE new build rate of £16,019 per pupil for Devon, our primary contribution request is £1,401,662. It should be noted that this cost does not include the provision of the land. The CIL requirement could be adjusted depending on the provision of the land and the value ascribed to it.

Secondary Provision

In terms of secondary schools, the secondary provision in Exmouth is provided at Exmouth Community College. As highlighted in a recent bid for CIL funds, there is no capacity to support housing development in the town. The school in partnership with Devon County Council has developed a development plan for the school which includes the delivery of two teaching blocks and a contribution to enhance sports facilities at an adjacent sports club, the former securing planning permission from East Devon. The first teaching block has been delivered and the second teaching block (identified within the East Devon IDP as Priority 1 infrastructure) is ready to be commenced which will mitigate the impact of both the demographic growth and the housing development. In order for the project to progress, a contribution is sought in accordance with Devon County Council's S106 policy. As highlighted above, contributions were secured on the other strategic site in Exmouth through a S106.

The proposed 350 family type dwellings will generate an additional 52.5 secondary pupils (0.15 pupils per dwelling). Based on the 2015 DfE extension rate of £21,921 per pupil, our secondary primary contribution request is £1,150,852. This will be required to progress the project to deliver the required secondary capacity within Exmouth.

Early Years Provision

In accordance with the Education Infrastructure Plan, a contribution to early years is required to ensure the delivery of provision for 2,3 and 4 year olds. Based on the standard rate of £250 per dwelling, the contribution sought is £87,500. This will be used to provide additional early years provision for pupils likely to be generated by the proposed development.

Since the introduction of CIL in East Devon, securing funding for critical education infrastructure to allow the County Council to fulfil its statutory has become significantly challenging. Therefore, there is a risk that, without the commitment of CIL contributions towards the education infrastructure identified, that the County Council would be unable to fulfil its statutory duty as Local Education Authority. A previous application for 350 dwellings at Buckingham Close had previously secured in excess of £1.5m (index linked) towards education infrastructure through a Section 106 agreement. This application has recently been resubmitted under the CIL regime and as such, the

availability for forward funding against a signed S106 has been removed. Approval of a further 350 homes would result in 700 homes in Exmouth without a clear commitment for proceeds from development supporting education.

Library Services

The current public library at Exmouth is significantly smaller than the standard set out by the Museum, Library and Archive Council (MLAC) and the inflexible design of the building makes it hard to respond to current demand. An increase in the population of the library catchment area will require additional provision to meet the increased need.

The MLAC Standard Charge approach recommends a minimum standard space of 25m² per 1000 population (0.025m² per person) for library provision. It also sets out a standard cost of £3,514 per m² of additional library provision¹.

1 Reference: Public Libraries, Archives and New Development: A Standard Charge approach. 2010:

http://cultureandsportplanningtoolkit.org.uk/fileadmin/user_upload/Public_libraries_archives_and_new_development-a_standard_charge_approachFINAL.pdf

Using the average occupancy rates published by DCLG, it is expected that the development will result in an increase in the population of 770 people (No. of dwellings (350) x average occupancy (2.2)). Using the size and cost standards referenced above, there is a need for an additional 19.25m² at a cost of £67,645. This amount is requested from CIL.

Discussions will need to be held between the County and District Council's to align the requirements and delivery of suitable provision in order to ensure effective use of potential community building and library funds to support the relevant services.

Waste Planning

Policy W4 of the Devon Waste Plan (adopted December 2014) requires that planning applications for major development must include a waste audit statement demonstrating how the demolition, construction and operational phases of development will minimise the generation of waste and provide for the management of waste in accordance with the waste hierarchy. Such a statement is required to explain:

- o a) the sustainable procurement measures that will minimise the generation of waste during the construction process;
- o b) the types and quantities of waste that will be generated during the construction phase and the measures to ensure that all waste is managed in accordance with the waste hierarchy; and
- o c) the types and quantities of waste that will be generated when the development is occupied and measures for its management, including provision of sufficient segregated storage facilities.

In light of the above, the County Council as the Waste Planning Authority objects to this planning application for failing to meet the requirements of Waste Plan Policy W4. This objection can be overcome through the submission of a waste audit statement in accordance with the guidance outlined in Devon County Council's Waste Management

and Infrastructure SPD available at <https://new.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>.

In addition, Chapter 4 (Planning Policy Context) of the Planning Statement submitted with this application fails to acknowledge the Devon Waste Plan as part of the Development Plan under which this application should be assessed. It also fails to address any relevant policies within the Waste Plan. The planning statement also fails to identify paragraph 8 of the National Planning Policy for Waste (NPPW) as a material consideration.

Historic Environment

The Historic Environment Record does not record any known archaeological sites within the proposed development site. However, the development site occupies a large area, c.14ha, within a landscape where little in the way of formal archaeological investigation has been undertaken but where prehistoric activity is recorded in the wider landscape. An examination of historic maps or documents alone would be unable to determine whether the site contains prehistoric or Romano-British archaeological features and deposits. While Goodmores Farm is recorded on the mid-19th century Tithe Map, the date of the establishment of the farmstead is not known and development of the site has the potential to expose and destroy archaeological evidence associated with the post-medieval or earlier settlement and activity here.

We do not regard there to be a requirement to undertake any archaeological work in support of this planning application, however we would recommend that, for the above reasons, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and consent the authority may be minded to issue should carry the condition as worded below, based on model condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

To ensure that an appropriate record is made of archaeological evidence that may be affected by the development and in accordance with Policy EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological and Historic Interest) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012).

We would envisage a suitable programme of work as taking the form of the excavation of a limited number of archaeological evaluative trenches to allow the presence of any heritage assets within the application area to be determined along with their significance and extent. The results of this initial stage of work would allow the requirement and scope of any further archaeological mitigation to be understood and implemented either in advance or during construction works. The results of the

fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

The County Council will be happy to discuss this with the district, applicant or their agent and can provide the applicant with a brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

Surface Water Flooding

At this stage, the County Council objects to the application as there is no certainty that the application satisfactorily conforms with Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant is therefore required to submit additional information, as outlined below, to demonstrate that all aspects of the surface water drainage management plan have been considered.

The submitted Flood Risk Assessment (Report Ref: WB02516/FRA/R003, dated January 2014) should be updated to present the drainage strategy which is in accordance with the revised masterplan (Drawing No. 06, dated May 2016). Two drainage strategies are presented in the submitted FRA and the allocation of above ground SUDs in either option is not fully representative in the revised masterplan.

The use of below ground storage cannot be considered as a truly sustainable means of drainage because they do not provide the required water quality, public amenity and biodiversity benefits, which are some of the underpinning principles of SUDs. Consequently, above ground attenuation features should be utilised unless the applicant can robustly demonstrate that they are not feasible; in almost all cases, above and below ground features can be used in combination where development area is limited.

Section 5.1 and 5.5.1 of the FRA should be amended to reflect changes in legislation and the removal of the SUDs Approval Body (SAB).

Section 5.3 of the FRA should provide calculations to support the derivation of the greenfield runoff rates used. Devon County Council's Flood and Coastal Risk Management Team requires the greenfield runoff rate to be calculated in accordance with the methods outlined in CIRIA's SUDs Management Manual (C753).

Following the publication of the 'Flood Risk Assessments: Climate Change Allowances' document (19th February 2016) by central government, the applicant will be required to use a climate change uplift value of 40% when sizing the proposed surface water drainage management system for this development.

Where infiltration is not used, long term storage must also be provided in order to store the additional volume of runoff caused by the increase in impermeable area, which is in addition to the attenuation storage required to address the greenfield runoff rates. Long term storage should therefore be included within the surface water drainage management plan to ensure that each element is appropriately sized, and this should discharge at a rate not exceeding 2 litres/second/hectare.

The proposals indicate the use of 1:2 design side slope for the initial design of the ponds; this is relatively steep. The design of ponds should follow industry best practice as presented in the CIRIA's SUDs Manual (C753) and should incorporate comments made by EDDC Landscape Architect; this may result in additional areas being made available to accommodate above ground SUDs features within the masterplan.

We would be happy to provide a further response on these matters should the applicant formally submit the additional information requested above.

Health and Wellbeing

The following comments are provided on behalf of NHS England and Northern, Eastern and Western Devon Clinical Commissioning Group (CCG).

The population growth as a result of this development will place additional pressure on existing GP practices in the area which are already at capacity. It is therefore necessary to increase the capacity available at one of the existing practices in the town in order to address this impact. It is envisaged the necessary expansion would cost £60,000. The funding for such an expansion should be paid for by development. We note that 'health centres' are included on the East Devon CIL 123 list and therefore we would seek funding from this source to mitigate development impacts.

Legal Costs

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the S106 agreement which will most likely be required.

The financial contributions requested in this response should be index linked to adjust for inflation on the date of payment, where relevant, in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

I hope these comments are useful in determining the above application. If you have any questions please do not hesitate in contacting me.

Yours faithfully,

Mike Deaton Chief Planner

Annex 1 - Highway Conditions

1. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk.

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

(a) the timetable of the works;

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

2. No development shall take place until details of the layout and construction of the access including appropriate visibility splays for the posted speed limit on Dinan Way have been submitted to and approved in writing by the County Planning Authority. The approved details shall be implemented before the development is brought into use.

REASON: To ensure the layout and construction of the access is safe in accordance with the NPPF.

4. No part of the development hereby approved shall be commenced until details of the treatment of the visibility splays required by condition 3 above and the means of defining the boundary between the visibility splay and the remainder of the application site have been submitted to and approved by the Local Planning Authority.

REASON: To ensure that the visibility splays are provided to a standard acceptable to the Local Planning Authority

5. The site access shall be constructed, laid out and maintained thereafter in accordance with the attached diagram F.

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

6. The site accesses shall be constructed, laid out and maintained thereafter in accordance with the attached diagram Appendix 8.1 and Appendix 8.2 in the Transport Assessment.

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

7. The existing accesses shall be effectively and permanently closed in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the new access is capable of use

REASON: To prevent the use of a substandard access and to minimise the number of accesses on to the public highway

8. No other part of the development hereby approved shall be commenced until the access, parking facilities, commercial vehicle loading/unloading area, visibility splays, turning area, parking space and garage/hardstanding, access drives and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

REASON: To ensure that adequate facilities are available for the traffic attracted to the site

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

REASON: For the avoidance of doubt

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

REASON: For the avoidance of doubt

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

REASON: To ensure the proper development of the site.

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

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

13. No part of the development hereby approved shall be commenced until:
An agreed access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

Further comments 05.02.18

I refer to my letter dated 19 December 2017 that provided the comments of Devon County Council on the above planning application. Devon County Council first commented on this development in May 2014 where it was anticipated that key contributions were to be made to Dinan Way to alleviate traffic issues on local residential roads and school provision which is at capacity for both primary and secondary pupils.

The table below summarises the requested developer finance contributions for transport; education provision; library service and, health and wellbeing:

Scheme Financial Contribution
Construction of Dinan Way £2,500,000
Primary Provision £1,401,662 (not including acquisition of 1.5ha school site)
Secondary Provision £1,150,852
Early Years Provision £87,000
Library Service £67,645
Health and Wellbeing £60,000
Total £5,267,159

With reference to the above table I am particularly concerned that the secondary education facilities need to be in place prior to the occupation of any new houses that will be constructed should planning permission for this development be granted. As you know the recent bid for CIL funding for the expansion of Exmouth Community College has not been approved by East Devon District Council.

If this development is to go ahead without a commitment to the delivery of Dinan Way and forward funding for education provision there will be long term additional traffic issues and insufficient school capacity for the learners generated by this development.

This undermines our original response and will result in the County Council being unable to fulfil its statutory duty as Local Education and Highway Authority.

Strategy 22 of the adopted East Devon Local Plan relates specifically to Exmouth and seeks in part 4. Social and Community and Leisure Facilities (including medical

services, educational facilities and libraries) and in part 5. b) the completion of Dinan Way and in 5.d) provision of a 210 primary school at Goodmores Farm.

At this stage there is no degree of certainty, or even clarity, that the financing and timely provision of the required infrastructure set out in the table above will be provided from developer contributions. Given this, Devon County Council has revised its view on this planning application and objects to it on the grounds that without the required infrastructure provision the proposal is contrary to Strategy 22 (Development at Exmouth) and Strategy 4 (Balanced Communities) of the adopted East Devon Local Plan.

This is not a position that I would wish to be in but I consider that it is vital that residents and councillors should be aware that the position has changed since my original response which was based on required infrastructure is provided at the appropriate time and the current operation of the CIL regime by East Devon makes this unlikely.

Devon County Education

06.06.18

I can confirm that Devon requests that a primary school site is secured as a part of the planning permission to ensure that the needs from this and other development in the town can be fully mitigated in the future. However, we will continue to work with local schools on other options to expand primary provision, in particular Brixington Primary school. However the expansion proposals are likely to require the replacement of existing buildings and are therefore currently considered unaffordable and as such the primary school site needs to be safeguarded at Goodmores. Contributions from development, in this case through East Devon's CIL, will be required to provide additional primary provision.

Devon's preference is that the land is secured through East Devon's CIL but is prepared to secure the use of the land for education.

I assume you are aware Devon has objected to this application?

Devon County Archaeologist

07.03.14

I refer to the above application. The Historic Environment Record does not record any known archaeological sites within the proposed development site. However, the development site occupies a large area, c.14ha, within a landscape where little in the way of formal archaeological investigation has been undertaken but where prehistoric activity is recorded in the wider landscape. An examination of historic maps or documents alone would be unable to determine whether the site contain prehistoric or Romano-British archaeological features and deposits. While Goodmores Farm is recorded on the mid-19th century Tithe Map, the date of the establishment of the farmstead is not known and development of the site has the potential to expose and destroy archaeological evidence associated with the post-medieval or earlier settlement and activity here.

I do not regard there to be a requirement to undertake any archaeological work in support of this planning application, however I would recommend that, for the above reasons, in accordance with paragraph 141 of the National Planning Policy Framework (2012) any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

To ensure that an appropriate record is made of archaeological evidence that may be affected by the development and in accordance with Policy EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological and Historic Interest) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012).

I would envisage a suitable programme of work as taking the form of the excavation of a limited number to archaeological evaluative trenches to allow the presence of any heritage assets within the application area to be determined along with their significance and extent. The results of this initial stage of work would allow the requirement and scope of any further archaeological mitigation to be understood and implemented either in advance or during construction works. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. I can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

Other Representations

Twenty six representations have been received raising the following concerns:

-) Greenfield site;
-) Brownfield sites such as Rolle College should be considered for residential before this site;
-) Site is in a green wedge;
-) Site is a conservation area;
-) Flooding from increased surface water into existing culverts;
-) Light pollution on wildlife and local area;
-) Where are all the jobs for the inhabitants going to come from?
-) Play areas needed for children;

-) Overlook existing residential area as the site is elevated, impacting on living conditions of existing houses;
-) Haven for all types of wildlife, some protected species;
-) No guarantee school will be delivered;
-) No demand for an industrial estate in this location;
-) Construction impact especially dust and noise;
-) Loss of trees;
-) Mitigation needed to protect hedges and wildlife;
-) Broadband speeds should be increased to encourage home working;
-) Long way from the town centre;
-) Excessive burden on infrastructure such as hospitals and doctors;
-) The impact upon birds needs consideration and suitable mitigation.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5 (Environment)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN5 (Wildlife Habitats and Features)

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

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off implications of New Development)

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

EN14 (Control of Pollution)

EN16 (Contaminated land)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Lympstone Neighbourhood Plan

Policy CA1 – Goodmore’s Farm

Site Location and Description

The application site lies within the built up area boundary of Exmouth, although its northern most part lies within Lympstone Parish. It currently comprises agricultural land, with some evidence of equestrian use, bound by mature hedges and trees, there are also a network of mature hedges within the site together with a woodland.

On its southern boundary the site borders onto Dinan Way up to its junction with Hulham Road. On the opposite side of Dinan Way lie established housing estates.

The site generally follows the gradient of Dinan Way albeit at a higher level than the road, save for the north western most part of the site which slopes steeply from both Dinan Way and Hulham Road down to a valley.

Proposed Development

This application seeks outline planning permission with all matters except for three accesses off Dinan Way reserved for subsequent approval.

Permission is sought for up to 350 houses, 5% (up to 18) of which would be affordable, 1.53 hectares for a primary school and its playing fields, 2.14 hectares of employment area, 0.34 hectares of commercial/community space and an area for neighbourhood open space.

A financial viability appraisal has been submitted with the application.

Assessment

The main considerations in the determination of this application relate to

- The principle of the proposed development
- Appropriate Assessment
- Affordable housing/viability
- Housing mix
- School site

- Impact on highway safety
- Flooding/surface water drainage
- Foul drainage
- Illustrative plans
- Trees
- Ecology
- On site play

Principle

The site lies within the built up area boundary of Exmouth where residential and mixed use residential developments are acceptable in principle, subject to conformity with other policies contained in the development plan.

Furthermore, Strategy 22 outlines the vision for how Exmouth is envisaged to grow during the plan period and with specific reference to the application site states the following under the land allocation section of the strategy:

'Goodmores Farm - mixed use development for 350 homes and around 5 hectares of land for mixed use employment (3 ha) and community and commercial facilities (2 ha)'

Accordingly, as the proposal seeks permission of up to 350 houses, 1.53 hectares for a primary school and its playing fields, 2.14 hectares of employment area, 0.34 hectares of commercial/community space and an area for neighbourhood open space, the proposal is considered to align with the allocation as set out in Strategy 22 of the EDDC Local Plan and is acceptable in principle.

Appropriate Assessment

Natural England has advised that an Appropriate Assessment must be carried out as the site lies within close proximity of the Exe Estuary and Pebblebed Heaths that are covered by a wide range of habitat designations. This assessment must consider whether the proposal will adequately mitigate any likely significant effects of the aforementioned areas. This report represents the Appropriate Assessment.

East Devon work in partnership with Teignbridge District Council and Exeter City Council to mitigate the impact that housing development, in isolation and in combination, can have upon the Exe Estuary and Pebblebed Heaths. The joint authorities, in association with Natural England, have agreed that in order to mitigate any increased usage of the estuary and heaths, Suitable Alternative Natural Green Space (SANGS) will be provided. This will be secured through CIL and via financial contributions that will be used to provide SANGS and to provide on-site mitigation on the estuary and heaths.

The delivery of SANGS is therefore critical within East Devon, Exeter and Teignbridge; they are required to deliver a genuine alternative to visiting the Exe Estuary and Pebblebed Heaths for local residents to exercise, walk dogs, etc.

In protecting land for SANGS, it is critical to ensure that it is deliverable and provides the best use of resources. Work has taken place on delivery of such SANGs across

the three authorities. The joint strategy between the authorities proposes 4 SANGS across the area these being at the following locations:

- o Dawlish Warren
- o South West Exeter
- o Cranbrook
- o Exmouth

The delivery of the mitigation strategy is overseen by the South East Devon Habitat Regulations Partnership which includes representatives from East Devon, Exeter and Teignbridge Councils. Significant progress is being made with delivery of the first two of these spaces with monies having been identified for purchase of these sites and in the case of the Dawlish Warren SANGS work is understood to be underway for its delivery. Negotiations are on-going with the Cranbrook consortium regarding the third SANGS area but it is envisaged that the necessary SANGS area will be delivered as part of the expansion areas. This just leaves the Exmouth SANGS, however Natural England are content that the required mitigation is being delivered across the wider area through the partnership and acknowledge that the Exmouth SANGS can come forward later in the plan period. It is considered to be the least significant of the 4 in mitigation terms because of the relatively modest levels of housing development proposed in the Local Plan for Exmouth compared to the other areas where SANGS are required. This is not however to diminish its importance in terms of delivery of the overall strategy.

The site itself is not considered to be a suitable area for SANGS due to its restricted size and interconnectivity with other such areas.

Given that SANGS is being provided within the area to mitigate development, and given that the development will contribute financially to the provision of these area through CIL payments, it is considered that the proposal adequately mitigates any impacts upon the Pebblebed Heaths and Exe Estuary and will not result in any likely significant effects.

Affordable housing/viability

In accordance with Strategy 34 of the Local Plan, as the site exceeds 10 houses, at least 25% on-site affordable housing should be sought.

The Council's adopted guidance on Planning Obligations provides clear commentary on applications where there is a viability concern, especially at the outline stage:

'CIL regulations requires calculation of CIL liability to be based on actual net floor area. This poses a difficulty for any outline application where the actual net floor area is either not provided, or provided in relation to an indicative plan only. As it is the actual (and not an indicative) figure that would be needed to undertake the calculations in relation to CIL, exact costs for calculating CIL, and indeed for developing the scheme remain unknown at outline stage. In these cases the amount of net floor area for the development will not be pinned down until the reserved matters application. This gives rise to issues in relation to proving viability when relying on an indicative scheme at outline stage. This highlights a clear tension around accepting reduced contributions

due to viability on outline applications. There are two ways that this issue could be addressed:

1) Accept the use of viability appraisals at outline stage, and require the details of the scheme that justify the viability conclusions to be pinned down. For example, if a scheme was for 9 three bed houses with a total floor space of 891 square metres, would have a viability appraisal prepared on this basis and the outline would pin this down. The completed scheme would then still need to be subject to viability appraisal on completion to assess whether or not any overage payment was due under a section 106 obligation.

2) Accept that at the moment the indicative viability indicates that there may be a viability issue with the scheme but this could only be confirmed at reserved matters stage, when full details of the scheme are known. A Section 106 agreement would be required that sets out the mechanisms by which the current viability appraisal would be tested, adjusted, or redone, as required at reserved matters stage. The Section 106 agreement would also then set out the requirement for a viability appraisal of the completed scheme, and how the assessment of any overage payment would be undertaken.'

As part of the original submission, a viability appraisal was submitted indicating that due to abnormal costs of site preparation and construction, due to the undulating nature of the site and need for retaining structures, inclusion of employment units and the need to provide land for a primary school to be built on, the scheme could not afford any affordable housing on site. This appraisal has been tested by the District Valuer and more recently by the Council's former Enabling Officer with updated values and costs. On each occasion the appraisal has been found to be sound. However, the developer is willing to reduce their expected profit levels to accommodate 5% affordable housing for the local community, which is seen as a significant benefit to the scheme.

Furthermore, the developer has indicated, through their viability appraisal, the floor area of each dwelling type and the number of units of that type to be built and therefore, it is reasonable to take the approach outlined in paragraph 1 above and pin down this floor space in a legal agreement together with an overage clause to ensure that a percentage of any 'super profit' is re-cooped into providing additional affordable housing.

In discussions with the applicant and their agent, it has been agreed that a review of viability would take place at the end of each agreed phase of development and any monies from any such 'super profit' would enable additional affordable houses to be built on site (rather than through a commuted sum to be built elsewhere in the town/district) in the next phase of development. All of which would need to be agreed in a suitably worded clause in a section 106 agreement.

Accordingly, it is considered that the proposed development would be in accordance with the Council's adopted Planning Obligations SPD and Strategies 22 and 50 of the East Devon Local Plan together with guidance in the NPPF and NPPG.

Part of the site is within the Lympstone Neighbourhood Plan area, Policy CA1 of the neighbourhood plan supports development on this allocation providing that CIL monies are spent within their parish from the part of the site developed in their parish. This would be a matter for the parish to decide upon once the CIL monies have been apportioned out from any approval.

Lympstone Neighbourhood Plan Area would be due 25% of any CIL received from housing development proposed on the site and falling within their Parish. Exmouth would receive 15% for the dwellings in their administrative area as they do not currently have a 'made' Neighbourhood Plan.

Housing mix

Given that the floor areas for dwelling are to be fixed in line with the financial appraisal to ensure that the viability remains as tested (and if there is an upturn in the market and overage clause would take effect), the following housing mix would be provided:

Open market dwellings – 42 x 2 bedroom terraced houses
90 x 3 bedroom semi-detached houses + single garage
95 x 3 bedroom detached houses + double garage
105 x 4 bedroom detached houses + double garage

With regard to the affordable units, the following mix was originally proposed:

Affordable dwellings - 12 x Affordable rent @ 50% of open market GDV
8 x 2 bedroom terraced houses
4 x 3 bedroom semi-detached houses

6 x shared equity @ 62.5% of open market GDV
2 x 2 bedroom terraced houses
4 x 3 bedroom semi-detached houses

However, there is a high need for 1-bed units in Exmouth and as such the applicant has agreed to provide a number of 1-bed units in place of the 3 and 4-bed units. As such the revised offer is as follows and agreed by the Housing Officer:

Two blocks of 4 x 1 Bedroom Flats, one building to be delivered in Phase 1 and one in Phase 2, thus the revised overall AH delivery would be 8 x 1 Bed Flats, 6 x 2 Bed terraced units and 4 x 3 Bed semi-detached units delivered over the 6 phases as follows:

Phase 1: 4 x 1 Bed Flats
Phase 2: 4 x 1 Bed Flats
Phase 3: 2 x 2 Bed

Phase 4: 2 x 2 Bed; 2 x 3 Bed
Phase 5: 2 x 2 Bed
Phase 6: 2 x 3 Bed
Total 18 units

Subject to this change this mix of open market houses and affordable housing split/tenures is considered acceptable.

It is also important to consider Strategy 36 which considers that on residential developments of schemes for 10 dwellings or more, developers should demonstrate that all of the affordable housing and around 20% of open market units will meet part M4(2) of the Building Regulations, Category 2: accessible and adaptable dwellings unless viability evidence indicates that this is not possible. In this instance, whilst recognising that there is a viability constraint, it will be a matter for the developer to demonstrate at the reserved matters stage(s) and there is no reason to believe that this cannot be complied with. It is considered reasonable to include an informative on any permission reminding the applicant of this requirement.

School site

In Exmouth, there is forecast to be a shortage of primary school places. As such, in discussion with the heads of local schools, as well as the wider community, it was agreed that the preferred approach to create additional school places within the town is to expand current primary schools which has in the main now been completed but also to build a new primary school including early years provision. Part of the vision for Exmouth as described in Strategy 22 of the EDDC Local Plan is to provide additional infrastructure to support the growth in housing numbers, one such piece of infrastructure is a 210 pupil primary school (1.5 ha site), including a nursery (at the Goodmores Farm site). The illustrative masterplan submitted with the planning application indicates a 0.709ha site for the school and a 0.827ha site for the playing fields (totalling 1.536 ha) which would accord with Strategy 22. Furthermore, the viability appraisal takes account of the need to provide such land.

Devon County Education have confirmed that whilst discussions have taken place with Brixington Primary School regarding its expansion to take the projected increase in primary pupils, they have also confirmed that the costs of this are currently prohibitive. As such, Devon County Council still require the land on the application site to provide a new school.

Following the introduction of CIL, contributions towards education provision from the development will be covered by CIL and as such any planning permission cannot also secure the provision of the land for the school. Doing so would in effect mean that the application is mitigating its education impact twice – once through the CIL contribution and second through the provision of the school. As such, the application can only ensure that the land identified for the school is conditioned to be a primary school only. Devon County will then have to purchase the site from the developer and provide the school. This approach has been agreed with Devon County as the education authority and it is recommended that any grant of permission be conditional upon the land identified on the Masterplan for educational use only being permitted for that use only.

Notwithstanding the provision of land for a school, as mentioned each dwelling would need to make a contribution towards the cost of building and equipping the school through CIL. On this matter, Devon County Council has raised an objection as the amount of monies currently being produced through the CIL procedure to enable them to be able to be able to construct the school or provide additional secondary school infrastructure at the existing secondary school is inadequate. The decision regarding how CIL monies collected by the Local Planning Authority are allocated to projects on the Regulation 123 list is made by the Strategic Planning Committee following bids made by projects on the aforementioned list; education is one item on that list.

For information the CIL liability for this development will be just in excess of £2m – although from this amount 5% is taken for administration, approximately 8% is top-sliced for habitats with 25% going toward Lympstone and 15% to Exmouth as their neighbourhood proportions. As such, the total CIL amount available would be significantly less than £2m.

At the most recent Strategic Planning Committee where decisions on CIL bids were made, education was not awarded any of East Devon's current collected CIL funding. Devon County Council have raised a concerns with this approach and to the possibility of CIL not being allocated to education as follows:

'Since the introduction of CIL in East Devon, securing funding for critical education infrastructure to allow the County Council to fulfil its statutory has become significantly challenging. Therefore, there is a risk that, without the commitment of CIL contributions towards the education infrastructure identified, that the County Council would be unable to fulfil its statutory duty as Local Education Authority. A previous application for 350 dwellings at Buckingham Close had previously secured in excess of £1.5m (index linked) towards education infrastructure through a Section 106 agreement. This application has recently been resubmitted under the CIL regime and as such, the availability for forward funding against a signed S106 has been removed. Approval of a further 350 homes would result in 700 homes in Exmouth without a clear commitment for proceeds from development supporting education'.

However, that does not mean, in accordance with the CIL Regulations and advice in the NPPG that the developer should have to meet the shortfall. Whilst it is not an ideal situation, the funding of school places goes beyond what can reasonably be expected to be delivered through the planning system, given that the CIL regime was introduced to provide funding for all types of infrastructure in an appropriate and proportionate manner. Accordingly, this element of the proposal is considered acceptable subject to the land for the new school being appropriately secured for educational use only through a condition. Whether CIL receipts from this development (and/or others) goes toward construction of a school on this site is not a decision for this application but for Strategic Planning Committee at a later date.

Impact on highway safety

The illustrative masterplan submitted with the planning application indicates three proposed accesses from Dinan Way, these accesses are submitted to be approved at this stage, with all other matters to be agreed at the reserved matters stage.

Devon County Council (DCC) as the Local Highway Authority was consulted at an early stage regarding the positions of the three proposed accesses to the site. These are broadly categorised into: the westernmost access that would serve the employment and community uses, and the central and easternmost accesses that would serve the residential areas. However, these junctions are not exclusive as there would be interconnecting roads within the development. At all locations, priority 'T' junctions are considered by the Local Highway Authority to be the most appropriate solution.

Pedestrian footways and crossing locations on Dinan Way have also been proposed at the site perimeter and at locations that serve the existing Dinan Way footway and existing junction connections and desire lines. All junctions would have footway provision on both sides of the road. The proposed westernmost access has a dedicated right turn lane primarily to accommodate larger vehicles and peak traffic movements to the school, community and mixed-use employment land at the western end of the site without causing congestion or delay on Dinan Way. The other central and easternmost accesses are aimed primarily for the residential development and it is not anticipated that they would require dedicated right turn lanes. However, because of the interconnecting roads within the site, and the potential extension to Dinan Way, the access and road alignment has been designed such that the central access can be converted to have a dedicated right turn lane in the future if necessary.

Since the submission of the application, CIL has been adopted in East Devon and the Dinan Way Extension falls within the 'strategic transport' heading featured on the published Regulation 123 List. As such, the contribution to the Dinan Way extension is covered by the payment of CIL from the development.

Despite this, the County Council as the Local Highway Authority had advised that they require a CIL contribution of £2.5m from East Devon District Council in order to progress the design, construction and completion of the scheme and mitigate the impacts of this development. Similarly to the education facilities as explained above, this would be a matter for DCC to bid for funding for through the appropriate channels, but is not a cost that should be expected to be met by the applicant.

Accordingly, subject to appropriate safeguarding conditions the proposed access point onto Dinan Way are considered acceptable in relation to Policies TC2 and TC7 of the EDDC Local Plan.

Flooding/surface water drainage

The whole development site is located in Flood Zone 1 " Low Probability " of flooding from rivers or the sea as defined by the Environment Agency's mapping system, accordingly there are no objections in principle to the proposed development from the flood risk aspect from the Environment Agency. The application is accompanied by a Flood Risk Assessment (FRA) V2 dated 4th February 2014 that properly promotes the use of Sustainable Drainage techniques for the safe management of surface waters and in a manner that will mimic greenfield performance (paras 1.2.1 and 2.1). The Environment Agency recommends that any permission be granted subject to a suitably worded condition requiring the submission of a detailed surface water management scheme that conforms with the FRA in due course.

It is also important that the detailed site layout and habitable floor levels respect the numerous minor ditch courses that cross the site and which can give rise to deep flooding of the lowest part of the site should the culvert under Dinan Way become blocked or flows exceed culvert capacity.

Since submission of the application, Devon County Council has become the Lead Local Flood Authority (LLFA) for surface water, they have raised concerns relating to the information submitted in respect of SUDs and how these can be accommodated on site as they are not clearly indicated on the illustrative masterplan.

Bearing in mind this is a significant development and has been submitted in outline with only the access points to be considered at this stage, it is feasible that there may be significant changes to the illustrative layout that has been submitted between the outline application and any reserved matters (which are likely to be submitted in phases), it is reasonable to require the details of the system to be submitted via a discharge of condition in each phase of development and/or at the reserved matters stage for each phase of development.

The proposal is therefore, subject to appropriate safeguarding conditions, considered acceptable in relation to Policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-Off Implications of New Development) and advice contained in the NPPF.

Foul drainage

It is envisaged that the proposed development would drain into the local sewerage network, on first submission South West Water advised that it would be likely that a financial contribution would be necessary to upgrade some of their infrastructure to prevent over loading of the system. However, as time has progressed improvements to the system have been made outside of the planning system such that South West Water now considered that there is sufficient capacity without the need for a financial contribution from this development.

Accordingly, the proposed development is considered acceptable in relation to Policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewerage Treatment Systems) of the EDDC Local Plan.

Illustrative plans

The illustrative masterplan submitted with the application indicates a range of uses across the site, though other than the access point identified the plan is purely for illustrative purposes to indicate how the site may be laid out. The following comments are based upon this layout.

The western most part of the site forms the boundary with Hulham Road and is envisaged to comprise 1.944 hectares of employment land, this area of the site is the most undulating with land falling away relatively steeply from both Hulham Road and Dinan Way to the bottom of a mini valley where it is proposed to site the school playing fields, with school site beyond. Whilst undulating, it would be possible to 'cut and fill'

the land to provide the roadways and employment units and as such no objections can be made. The submitted LVIA does somewhat under play the visibility of the site from longer range views, however, it would be a matter for any reserved matters application to consider whether what is proposed would harm the landscape in terms of relative heights, and mass/bulk of buildings.

The northern and north-western parts of the site would have the most interaction with neighbouring uses in terms of existing businesses and residential dwellings. The land generally falls away from the neighbouring uses and as such it is considered that development, which on the whole is proposed to be residential, could be accommodated in this area without unreasonably impacting on the living/working conditions of these properties.

The remainder of the site spreading to the east undulates but in the main follows the gradient of Dinan Way albeit at a higher level and therefore it would be reasonable, again, to expect there to be some cut and fill in this area to accommodate the residential properties and associated roads. At present the majority of this section of the site is not visible from the public domain being screened by an existing mature hedgerow which runs for the majority of its boundary with Dinan Way. The easternmost boundary is defined by a mature hedgerow and trees, beyond this is a footpath with dwelling sited on the other side of this, on this basis it is considered that residential could be accommodated without unreasonably impacting upon the amenity of existing residential properties.

Whilst the information submitted with the application in terms of its landscaping is not considered acceptable, it is considered that appropriate details can be secured through the reserved matters submission and conditioned on any outline permission with a GI strategy supporting any reserved matters application(s) and linked to a design code.

Accordingly, it is considered that the content of the illustrative plan is acceptable in so far as it indicates that up to 350 dwellings, business units, a primary school and community facilities could be reasonably provided on site without detrimentally impacting upon its surroundings or residential properties, though this would need to be subject to careful consideration at any reserved matters stage(s).

Trees

There are a number of mature trees, including a woodland, on and surrounding the site which have the potential to be impacted upon as a result of this application.

The Council's Arboricultural Officer has reviewed the submitted survey information and report and raises the following issues:

'The application is supported by a BS5837:2005 arboricultural survey that was revised in 2014. Consequently the submitted arboricultural information is not in accordance with the current British Standard.

Reviewing the submitted indicative site layout there are potential issues with juxtaposition of buildings and trees in terms of above ground constraints

(ultimate tree size and shading). This could be more clearly addressed if the tree constraints plan (TCP) followed the recommendations within BS5837:2012 and included current and ultimate tree height, spread data and the plotting of shade paths of trees. The arboricultural report has produced a developable zone plan, this is not within a format recognized within the British Standard and open to considerable interpretation. The TCP plan as outlined above should follow BS5837:2012 and provided a TCP which provide the information set out in paragraphs 5.2 and 5.3 of the standards.

Moving forward any outline planning approval would need (to be subject to condition requiring the submission of a full BS5837:2012 survey including TCP, AIA (to demonstrate the site layout has fully taken account of tree constraints (above and below ground) and outline AMS and TPP (demonstrating how trees will be protected during development)'

Accordingly, it is considered, subject to appropriate tree information, constraints plans, protection plans and monitoring strategies being submitted at the reserved matters stage(s) in accordance with the 2012 BS standard, the proposed development can be reasonably be accommodated without detrimentally impacting upon important trees and hedgerow features in accordance with Policies D2 (Landscape requirements) and D3 (Trees and Development Sites) of the EDDC Local Plan.

Ecology

Much of the site is well-managed and there are a number of opportunities for biodiversity gain when formulating the final design/layout to be submitted at the reserved matters stage(s), however in terms of protected species the submitted ecological appraisal indicates the following:

Hedgerows - a total of 12 hedgerows were surveyed, 5 of which were assessed as being 'important' in terms of the Regulations in terms of woody species, but all 12 have been assessed as priority habitat. In terms of mitigation the hedgerows should be retained and protected where possible and appropriate buffers included around such retained hedgerows - further these would need to be managed through a Landscape and Ecological Management Plan (LEMP) to maintain and enhance wildlife corridors.

Badgers - the surveys recorded a main badger sett within the woodland at the northern end of the site and several outlier setts within hedgerows together with commuting routes. In terms of mitigation the main sett would be required to be retained including a 30 metre buffer surrounding the sett. If it is not possible to retain the outlier setts these would need to be removed by license, though landscape plans should maintain and enhance opportunities for foraging and commuting across the site, including dark corridors and suitable planting schemes.

Bats - the farmhouse on site has the potential to support roosting bats together with a number of mature trees on site, though at the time of the surveys no bats were recorded emerging from the building and only low levels were recorded across the site. In terms of mitigation, the buildings would need to be demolished using a precautionary approach and the trees with suitability to support roosting bats are retained and protected. Furthermore, dark corridors and sensitive lighting schemes

are recommended to support foraging and commuting bats across the site with no light spill onto the woodland.

Dormice - no evidence of dormice was recorded on site. However, it is recommended, particularly given the amount of time between now and the time of the survey, that the woodland and hedgerows on site are retained and protected where possible to retain opportunities for dormice.

Reptiles - a peak count of 41 adult slow worms were recorded on site during the survey and 29 juvenile slow worms. In terms of mitigation it is recommended that the woodland and hedgerows on site are retained and protected where possible as well as creating grassland margins adjacent to hedgerows. If it is not possible to create such features in abundance then a translocation exercise may be required and a mitigation strategy would need to be produced.

Amphibians - no great crested newts were recorded on site during the survey period, although other types of newts were identified in the pond. In terms of mitigation it is recommended that the pond, woodland and hedgerow habitats are retained.

Accordingly, subject to a condition requiring the mitigation measures contained within Section 5 of the Ecological Surveys report being incorporated into any reserved matters application(s), it is considered that the proposed development would not impact unreasonably on protected species that may be evident on site in accordance with Policy EN5 of the EDDC Local Plan.

On site play

Whilst the application has been submitted in outline, it is important to consider infrastructure required for future occupiers, in accordance with Strategy 43 of the EDDC Local Plan it would be necessary to provide dedicated on site play areas for children and youths as well as a contribution through CIL towards open space more generally in the local area. A neighbourhood open space area together with two local areas for play (LAP) have been indicated on the illustrative masterplan, although no specific sizes for such areas have been given. It would be matter that would need to be secured as part of the legal agreement, so that the different types of play required can be secured in perpetuity.

Therefore, in principle it is considered that the proposal is in accordance with Strategy 43, the details would come forward through reserved matters applications and be secured through a legal agreement.

CONCLUSION

The site is allocated within the local plan for a mixed use development. The application seeks outline consent for a mix of uses in accordance with the allocation and is therefore acceptable in principle.

Three access points are proposed to serve the site and these are considered to be acceptable in highway safety terms.

An indicative site layout has been proposed that shows how the site could be developed whilst providing the necessary housing, commercial, employment uses plus land safeguarded for a school.

The purchasing of the land for the school, plus its construction, and any contribution towards the Dinan Way link will need to be secured through CIL for which this site will be liable for just in excess of £2m.

The application has been subject to a viability appraisal that demonstrates that it cannot provide any affordable housing despite the site being expected to provide 25% affordable housing. However, the applicant has offered 5% affordable housing, by way of accepting a lower percentage of profit, and has agreed to an overage clause and a review of viability at each phase of development with any 'super profit' providing for an increased affordable housing provision with the next phase of development.

In light of the above, the application is considered to accord with the relevant policies within the Local Plan and is supported.

RECOMMENDATION

1. That the Habitat Regulations Appropriate Assessment outlined within the Committee Report be adopted.

2. That the application be APPROVED subject to the prior signing of a legal agreement to cover the following items:

-) 5% affordable housing provision comprising the following:
 - Phase 1: 4 x 1 Bed Flats
 - Phase 2: 4 x 1 Bed Flats
 - Phase 3: 2 x 2 Bed
 - Phase 4: 2 x 2 Bed; 2 x 3 Bed
 - Phase 5: 2 x 2 Bed
 - Phase 6: 2 x 3 Bed
 - Total 18 units;
 - The rented units to be the flats and 2 bed houses with 1 x 3 bed house. The shared ownership a mixture of 2 and 3 bed houses.
-) Secure the floorspace amounts for each dwelling type and the number of that type to be constructed and submitted at reserve matters stage;
-) Overage clause with viability reviewed after each phase – with any 'super profit' to be used to construct additional dwellings on site. Phasing to be agreed.
-) Size, layout and future management of play areas and open space

And the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).

2. Approval of the details of the layout, scale and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline with one or more matters reserved.)
3. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
4. No development shall take place until a detailed phasing plan including all necessary works to implement the development has been submitted to and agreed in writing with the Local Planning Authority (hereinafter referred to as Local Planning Authority). The development shall not be carried out other than in strict accordance with the Phasing Plan as may be agreed unless otherwise agreed in writing with the Local Planning Authority.
(Reason - to ensure the development proceeds in a properly planned way from an early stage and to limit any unacceptable impact on the locality in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan)
5. No development shall take place until a revised Construction and Environment Management Plan (CEMP) (to include schemes for the suppression of dust and air quality measuring and mitigation has been submitted to and agreed in writing with the Local Planning Authority. The development shall not proceed otherwise than in strict accordance with the CEMP as may be agreed unless otherwise agreed in writing with the Local Planning Authority.
(Reason - To ameliorate and mitigate, at an early stage, against the impact of the development on the local community in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan)
6. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.
(Reason - To ameliorate and mitigate against the impact of the development on the local community in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan)
7. Notwithstanding the details provided, the first reserved matters application shall be accompanied by a detailed Design Code for the whole of the residential and commercial elements of the development and be agreed in writing by the Local Planning Authority. The Design Code shall include details and principles of site layout, highway design (including footways and shared surfaces), soft and hard landscaping, materials to be used on all buildings and for ground surfacing, building heights, spans and proportions, boundary features, window and door details, details of flues, meter boxes, eaves and roof ridges and treatment of

verges and open areas to the front, rear and side of all buildings, car parking courts and areas, and details and design parameters of public open space areas including play equipment where necessary. Each phase of the development shall thereafter be carried out in accordance with the approved details.

(Reason - To ensure that the development is planned as a whole in a cohesive manner, to avoid piecemeal development displaying differing design ethics, and to ensure that the resulting development is of high quality as required by Local Plan policies and in line with government guidance in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

8. The development shall not proceed other than in strict accordance with the Flood Risk Assessment prepared by Clarkebond (ref. WB02516/FRA/R003, dated January 2014).

(Reason -To ensure the development complies with the guidance as set out in the National Planning Policy Framework).

9. The landscaping scheme to be submitted as part of the landscaping reserved matters submission following of this outline planning permission shall include the following:

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

The landscaping scheme shall be carried out in accordance with the approved details and implemented and maintained in accordance with the approved schedule.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan.)

10. The landscaping scheme approved at the reserved matters stage shall be carried out in the first planting season after commencement of the development unless

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

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

11. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall be strictly observed:

(a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees on Development Sites) of the East Devon Local Plan.)

12. Prior to the commencement of any works on site (including demolition and site clearance or tree works), details of the design of building foundations, access roads and car park surface construction (temporary and permanent) the layout (with positions, dimensions and levels) of service trenches, ditches, drains and other excavations on site (insofar as they may affect trees on or adjacent to the site) , shall be submitted to and approved in writing by the Planning Authority.
(Reason: To ensure the continued well-being of retained trees in the interests of the amenity of the locality in accordance with Policy D3 (Trees and Development Sites) of the East Devon Local Plan)

13. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed and timetabled specification for all

necessary arboricultural work to retained trees shall be submitted to and approved in writing by the Local Planning Authority. The specification will accord with the principles given in BS 3998:. All tree felling and pruning works shall be carried out in full accordance with the approved specification and the principles of British Standard 3998:2010 - Recommendations for Tree Works and in accordance with the agreed timetable of operations or such other works at such other times as may be agreed in writing by the Local Planning Authority
(Reason: To ensure the continued well being of the trees in the interests of the amenity of the area locality in accordance with Policy D3 (Trees and Development Sites) of the East Devon Local Plan)

14. Each new dwelling or flat with one bedroom shall be provided with at least one parking space (excluding garages), each new dwelling or flat with two or more bedrooms shall be provided with at least two parking spaces (excluding garages).
(Reason: To ensure there is sufficient parking provision in accordance with Policy TC9 (Parking provision in New Development))
15. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (add as appropriate i.e. 1, 2, 3 and/or 4) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other

offsite receptors in accordance with the requirements of Policy EN16 – Contaminated Land of the Adopted New East Devon Local Plan 2016.)

16. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated and shall specifically include:

- details of the drainage during the construction phase;
- details of the final drainage scheme;
- provision for exceedance pathways and overland flow routes;
- a timetable for construction;
- a construction quality control procedure;
- a plan for the future maintenance and management of the system and overland flow routes.

The development shall be carried out in accordance with the approved scheme. (Reason: To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development in accordance with Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan).

17. 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 EDDC Local Plan).

18. No development shall take place until details of the layout and construction of the access including appropriate visibility splays for the posted speed limit on Dinan Way have been submitted to and approved in writing by the County Planning Authority. The approved details shall be implemented before the development is brought into use.

(Reason: To ensure the layout and construction of the access is safe in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan and advice contained in the National Planning Policy Framework)

19. No part of the development hereby approved shall be commenced until details of the treatment of the visibility splays required by condition 18 above and the means of defining the boundary between the visibility splay and the remainder of the application site have been submitted to and approved by the Local Planning Authority.

(Reason: To ensure that the visibility splays are provided to a standard acceptable to the Local Planning Authority in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).

20. The site accesses shall be constructed, laid out and maintained thereafter in accordance with the attached diagram F.

(Reason: To provide a satisfactory access to the site and to protect the pedestrian priority on the footway in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).

21. The site accesses shall be constructed, laid out and maintained thereafter in accordance with the attached diagram Appendix 8.1 and Appendix 8.2 in the Transport Assessment dated February 2014 prepared by Peter Evans Partnership.

(Reason: To provide a satisfactory access to the site and to protect the pedestrian priority on the footway in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).

22. The existing accesses shall be effectively and permanently closed in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the new access is capable of use

(Reason: To prevent the use of a substandard access and to minimise the number of accesses on to the public highway in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).

23. No other part of the development hereby approved shall be commenced until the access, parking facilities, commercial vehicle loading/unloading area, visibility splays, turning area, parking space and garage/hardstanding, access drives and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

(Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).

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

(Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).

25. No part of the development hereby approved shall be commenced until:
- An agreed access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
 - A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

(Reason: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents in accordance with Policies TC7 (Adequacy of Road Network and Site Access) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan).

26. No development shall take place until the applicant (or their heir or successor in title) has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

(Reason – To ensure that features of archaeological or architectural importance are recorded before their destruction or concealment and to ensure that an appropriate record is made of archaeological evidence that may be affected by

the development in accordance with EN7 –Proposals Affecting Sites which may potentially be of Archaeological Importance of the New East Devon Local Plan.)

27. The land shown on the Masterplan extending to a total of 1.536ha and shown as a primary school and a nursery shall only be used for educational or community purposes as agreed in writing by the Local Planning Authority. As part of the first reserve matters application for the site, a scheme for the use of the site, and/or, for its interim use, shall be submitted for approval by the Local Planning Authority and thereafter carried out in accordance with the approved details.
(Reason: In order to ensure that adequate space remains within the development for the provision of a primary school in accordance with Strategy 22 of the East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

In accordance with Strategy 36 of the adopted East Devon Local Plan as part of any reserved matters application(s) it should be demonstrated that all of the affordable housing and around 20% of open market units will meet part M4(2) of the Building Regulations, Category 2: accessible and adaptable dwellings unless viability evidence indicates that this is not possible.

Plans relating to this application:

00	Location Plan	07.02.14
7/ROAD FUNCTION AND SIZES	Other Plans	04.08.16
4/SITE CONSTRAIN TS	Other Plans	04.08.16
7A/ROAD FUNCTION HEDGEROW S	Other Plans	04.08.16

List of Background Papers

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

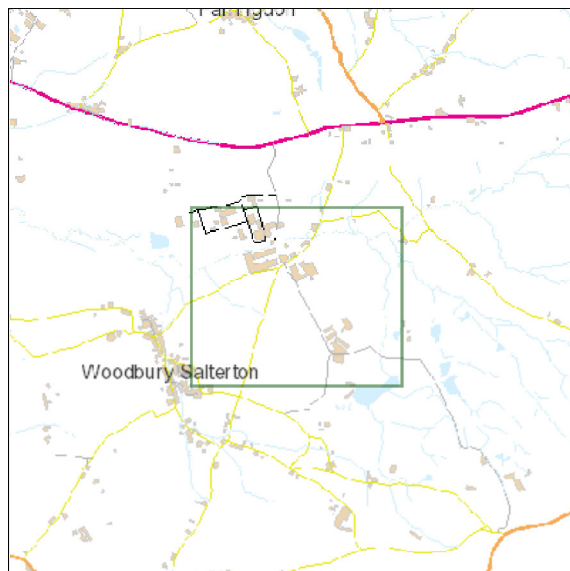
Ward Raleigh

Reference 18/0760/COU

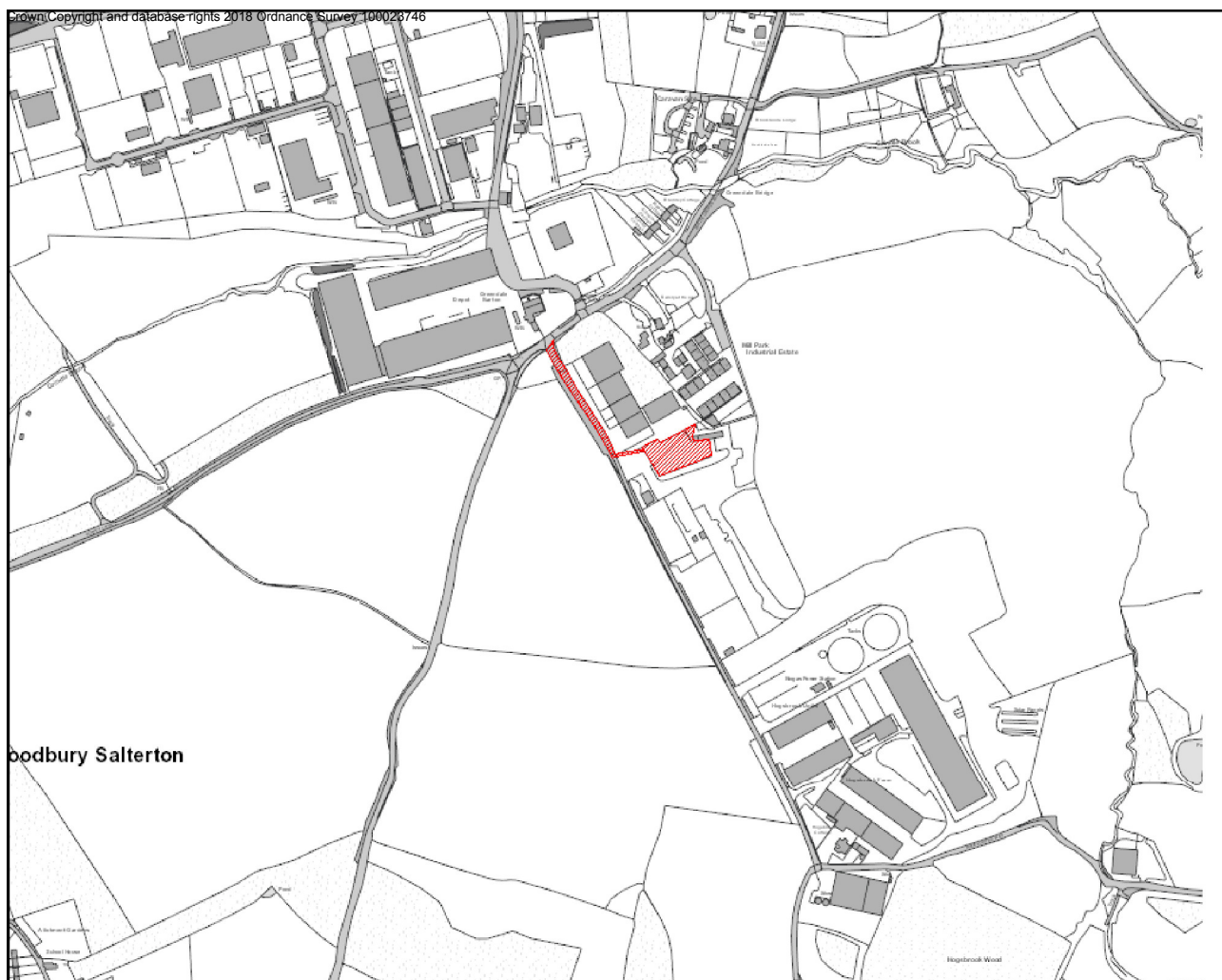
Applicant FWS Carter & Sons Ltd

Location Compound East 7 Greendale Business Park
Woodbury Salterton EX5 1EW

Proposal Change of use of existing compound to B2
(General Industrial) and B8 (Storage and
Distribution)



RECOMMENDATION: Approval with conditions



		Committee Date: 3rd July 2018
Raleigh (WOODBURY)	18/0760/COU	Target Date: 30.05.2018
Applicant:	FWS Carter & Sons Ltd	
Location:	Compound East 7 Greendale Business Park	
Proposal:	Change of use of existing compound to B2 (General Industrial) and B8 (Storage and Distribution)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is presented to the Committee as the site represents a departure from the Local Plan as it is located within the countryside. In addition, a small part of the site also lies outside of the boundary for the business park as indicated in the Villages Plan.

The existing compound adjoins commercial development to the north with open countryside to the south and east. The compound is read visually as being integrated within the adjoining commercial development, although it does not benefit from any planning permission given that the previous consent on the site in 2009 only granted temporary permission for 3 years. The site is therefore within the countryside.

However, most of the site is identified within the draft Villages Plan as being within the indicative extent of authorised uses at the business park. The area to the south of the site being hardsurfaced and subject to current enforcement action against unauthorised development.

The Villages Plan boundary follows an old hedge line and the 2009 historic planning permission with the proposed boundary following an existing fence boundary to the compound. Given that the area previously benefitted from a temporary consent, is not subject to the enforcement action on the adjoining site, has its majority within the business park boundary as indicated in the Villages Plan, provides some limited economic benefit, does not cause any visual harm, and given that the old hedge boundary was moved to its current position many years ago, it is considered that there is little harm from the proposal of small extension of the site outside of the boundary for the business park as indicated in the Villages Plan to provide car parking.

The application in all other regards is considered to be acceptable.

In the absence of any technical or visual objection to the proposal the application is recommended for approval subject to appropriate conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council

SUPPORT subject to confirmation that the whole of the site is within the designated employment area as set out in the emerging Villages Plan and subject to the standard conditions for Greendale below:

Proposed Conditions for all units on all areas of Greendale Business Park.

Maximum height of buildings.

1. The height of buildings permitted shall not exceed the eaves height of 7.5 metres

REASON: In the interests of the character and visual amenities of the area Ref 09/1195/MOUT

Yard Areas

2. The finished yard areas to be concrete or tarmac. Gravel or crushed concrete should not be used.

REASON: To minimise dust disturbance to nearby residential areas.

Colour Scheme of Buildings

3. The building hereby approved shall be finished in Merlin Grey for the roof and Olive Green for any building that faces the village and Mid-blue for the others, for the walling.

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

Operational Hours

4. The site shall be open for the receipt of deliveries between 07.00 hours to 18.00 hours Monday to Friday

Weekend and Bank Holiday workings. The site shall be open for the receipt of deliveries between Saturday mornings 7.00 to 13.30 hours only .

No other operation to be carried out on Sundays and Bank Holidays

REASON: In the interests of the amenity of the area.

Reversing Alarms

5. All vehicles involved in the operation (excluding delivery and collection Vehicles not in the operator's control) shall be fitted with white noise reversing alarms. Such alarms shall be fitted within 3 months and shall be continued to be used for the life of operations at the site.

REASON: To minimise the impact of reversing alarms on nearby residential properties.

Noise

6. All plant and machinery used for the operation shall be maintained in accordance with the manufacturers' guidelines in order to minimise noise.

REASON: To minimise the impacts of noise on nearby residential properties.

7. All vehicles parked overnight at the site shall be manoeuvred so that they can leave the site in a forward gear.

REASON: To ensure reversing alarms are not activated during early morning hours.

Lighting

8. A detailed lighting scheme for the application site shall be submitted to the EDDC Environmental Health for its approval in writing prior to the start of construction. Following approval the lighting shall be provided and maintained in accordance with the scheme.

REASON: To reduce lighting impacts in the interests of the amenity of the area.

Technical Consultations

Economic Development Officer

Economic Development have reviewed the information submitted with this application and strongly recommend the proposed change of use is approved to preserve local employment and support the development of a successful local business.

We have met with the proposed occupier of this plot and are satisfied that the straightforward COU proposed will be sufficient to meet their operational needs in an area of the site which will not conflict with surrounding uses.

County Highway Authority

Observations:

This application for general storage and distribution is within the Greendale industrial estate, sited on the A3052. As this area is already used as an open storage area, I do not envisage a large increase in traffic use and pressure on the highway network from this change, access will be from the existing estate driveway and collision data shows no recorded accidents directly correlated with this business estate. Therefore the County Highway Authority (CHA) has no objections to this planning application.

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

None received

PLANNING HISTORY

Reference	Description	Decision	Date
13/2183/FUL	Retrospective application for the retention of the use of land for the siting of 5no. residential caravans to serve existing business	Refused	17.02.2014
09/0572/FUL	Retention of the use of land for the storage and distribution of shellfish and the siting of ancillary containers and portable units for a temporary period of 3 years	Approval (retrospective)	21.05.2009

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

E5 (Small Scale Economic Development in Rural Areas)

E7 (Extensions to Existing Employment Sites)

TC2 (Accessibility of New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

East Devon Villages Plan

Site Location and Description

The application site comprises a piece of land which has been hard surfaced and enclosed by palisade fencing and which has been used as a compound in its current form for at least the last 3 years.

The site lies to the south of a number of existing industrial and warehousing units and an existing industrial estate. To the south and west of the site are a number other compounds, with open countryside to the east. The site area extends to around 2,300 sq metres.

The land to the south, whilst hardsurfaced, is the subject of current enforcement action and outside of the business estate as defined in the Villages Plan.

Proposed Development

Planning permission is sought for the change of use of the compound to a B2 (General Industrial) and B8 (Storage and Distribution).

The proposal will enable a business to re-locate from another part of Greendale where enforcement action has been successful in removing units that have extended into the countryside without planning permission and where they have caused visual harm to the countryside.

ANALYSIS

The main issues to be considered relate to the principle of the development and any impact on highway safety, on the character and appearance of the area or on wider amenity.

Principle

Greendale Business Park lies within the open countryside although the extent of authorised uses is shown on the Greendale Inset Map within the Villages Plan.

The vast majority of the site lies within the area which is proposed to be included within the Greendale Business Park boundary as indicated in the Villages Plan. A small part of the southern part of the site where car parking is proposed lies outside of this.

The area that lies outside of that designated in the draft Villages Plan extends to around 500 square metres and would appear to have had some form of unauthorised storage/development on it for a number of years prior to its enclosure within the main compound. Whilst the unauthorised use of land is not condoned in any way, the harm arising from the incorporation of this area within the larger compound is not considered to be significant within its wider context, being located adjacent to and well related to existing authorised development.

The boundary as drawn in the Villages Plan does not reflect the situation on the ground and appears to follow the boundary of the temporary consent granted in 2009.

As the boundary within the Villages Plan is for information only to indicate the extent of authorised uses, technically the whole of the site is within the countryside. As such the proposal represents a departure from local plan policy. Consideration then turns to whether there are any material considerations to allow the proposal.

In this instance these material considerations are considered to comprise of the following:

-) The grant of temporary consent in 2009;
-) the majority of the site falling within the Greendale Inset Map extent of authorised uses boundary within the Villages Plan;
-) the site being outside of the area covered by enforcement action on the adjoining land;
-) that the application proposes a logical boundary to the estate in terms of features on the ground (following the current bank and fencing line);
-) the economic benefits from the proposal, albeit limited;
-) the lack of wider visual harm caused by the proposal.

In addition, it is not clear when the corner of the site was enclosed and became part of the larger compound, although from the aerial photographs of the area this would appear to have taken place sometime between 2010 and 2015.

In light of the above it is considered that the proposal should be supported.

Highway Safety

The site is serviced from the existing private estate road which serves a number of businesses and industrial uses in this part of the Business Park. Although not forming part of the adopted highway, the road is considered to be of a good standard. The vehicular movements generated by the current use are not clear, however DCC Highways consider that the road network is capable of accommodating the likely increase in traffic arising from the proposal. Access to the A3052 through the main Greendale Business Park is considered to be adequate and parking is available within the site. As such there are not considered to be any safety or other highway concerns.

Character and Appearance

The application site is located adjacent to a number of large industrial units, and would from most vantage points be seen in conjunction with these. This application does not propose any new structures on the site, and therefore the change of use in itself will not physically alter the appearance of the site. Given the location of the site on the edge of the Business Park, and uncertainty as to the nature of goods/vehicles to be stored, or industrial use proposed it is considered that conditions restricting height of storage would be appropriate to control the visual impact of the proposal on the wider character and appearance of the area.

Amenity Issues

There are no nearby residential dwellings to the site which are likely to be affected by the proposed change of use, with the nearest properties located around 250m to the north of the site, but with existing industrial units located between them and the site.

External lighting, vehicular noise and movement can create nuisance even when somewhat removed from sensitive receptors and as the precise nature of the proposed use and occupiers of the site is unknown it is considered to be reasonable to condition these issues to ensure that the change of use does not create a nuisance.

CONCLUSION

Whilst the site is technically in the countryside and does not benefit from any planning permission, the majority of the site is within the indicative boundary for the business park as shown within the Villages Plan.

The site is reasonably located in relation to existing development, represents a logical boundary to the business part and as such causes no visual harm to the area.

In light of this and given the business benefits from the proposal, the application is considered to be acceptable in principle.

There are no technical objections to the proposal which will be likely to positively contribute to the local economy and the application is therefore recommended for approval subject to appropriate conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No high frequency audible reversing alarms shall be permitted on any site vehicle or vehicle based at the site (white noise alarms are permitted).
(Reason - To protect the amenities of local residents from high frequency alarm noise which is audible over considerable distances in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).
4. The site shall only be used for storage and no machinery shall be operated, no processes carried out and no deliveries accepted or dispatched except between the hours of 07:00 and 18:00 Monday to Friday and 07:00 and 13:30 on Saturdays. No operations shall be carried out on Sundays and Bank Holidays.
(Reason - To protect the amenities of local residents from noise in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

5. No lighting on site (other than emergency lighting) shall be operated between the hours of 1800hrs and 0700hrs Monday to Saturday morning and 1300hrs on Saturdays to 0700hrs on Monday mornings and no operation on bank holidays. (Reason: In the interests of the character and appearance of the area and to minimise light pollution in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

6. Any storage containers or other structures shall not be stacked and shall be stored at ground level only and no other storage within the application site shall exceed a height of 3.0 m. (Reason - To protect the character and appearance of the area and to comply with the provisions of Policies D1 (Design and Local Distinctiveness) and E7 (Extensions to Existing Employment Sites) of the East Devon Local Plan 2013-2031).

7. Prior to first use of the site hereby approved, the yard area shall be finished in concrete and the surface water gullies shall be provided in accordance with the details shown on drawing no 7699-01 REV A. (Reason: To protect the amenities of residential properties from dust and to ensure appropriate surface water management measures are installed in accordance with the provisions of policies EN14 (Control of Pollution) and EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031).

NOTE FOR APPLICANT

Informative:

In accordance with the 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:

7761-LP	Location Plan	29.03.18
7761-02	Proposed Site Plan	29.03.18

List of Background Papers

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

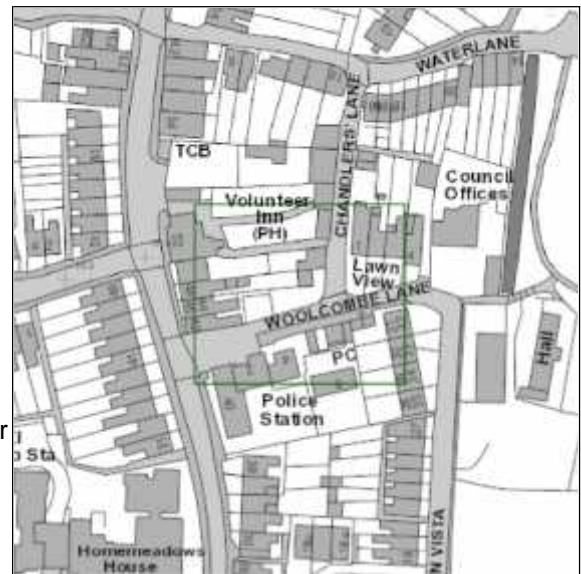
Ward Sidmouth Sidford

Reference 18/0607/FUL

Applicant Mr & Mrs Downey

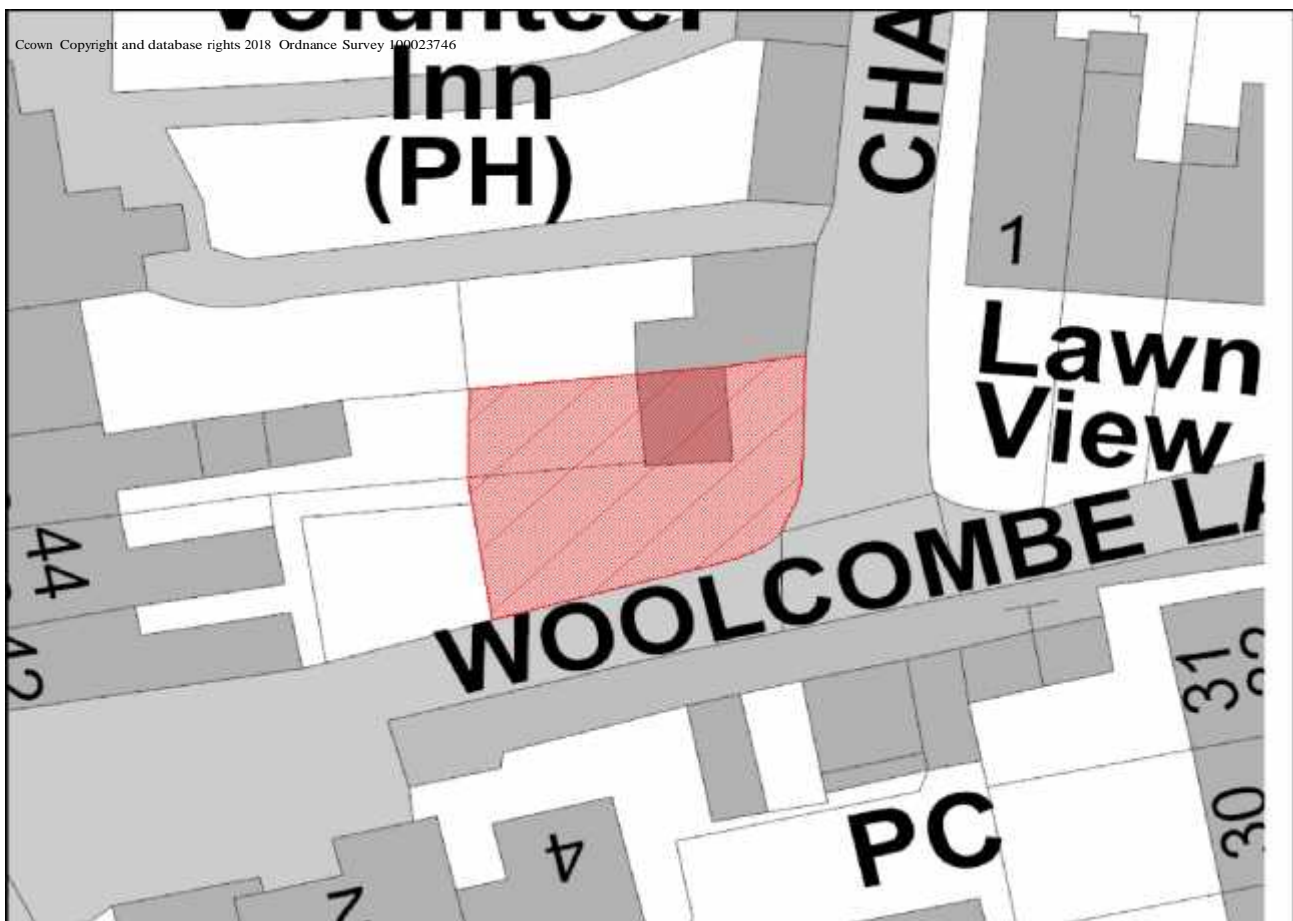
Location 48 Temple Street Sidmouth EX10 9BQ

Proposal Proposed new dwelling on land to the rear of 48 Temple Street within the curtilage of Listed Building



RECOMMENDATION:

1. That the Habitat Regulations Appropriate Assessment outlined within the Committee Report be adopted.
2. That the application be APPROVED subject to conditions



		Committee Date: 3rd July 2018
Sidmouth Sidford (SIDMOUTH)	18/0607/FUL	Target Date: 08.05.2018
Applicant:	Mr & Mrs Downey	
Location:	48 Temple Street Sidmouth	
Proposal:	Proposed new dwelling on land to the rear of 48 Temple Street within the curtilage of Listed Building	

RECOMMENDATION:

1. That the Habitat Regulations Appropriate Assessment outlined within the Committee Report be adopted.
2. That the application be **APPROVED** subject to conditions

EXECUTIVE SUMMARY

This application is before Members because the recommendation is contrary to the views of two of the Ward Members. The Development is also opposed by Sidmouth Town Council.

Planning permission is sought for a detached dwelling on a site within the Built-up Area of Sidmouth which is currently used for garaging and parking. This is the fourth attempt to develop the site following one withdrawn application and two refused applications, one of which was also dismissed at appeal. All of the earlier schemes were for two dwellings whereas the current proposal is for a single dwelling. As well as providing a two storey, 3-bed dwelling, this scheme would also provide three parking spaces for the occupants of 44-48 Temple Street to partially replace those currently provided.

The earlier schemes were dismissed over concerns about the design of the dwellings, the impact on the character and appearance of the area, the impact on the setting of listed buildings and the impact on the amenity of the occupant of Woolcombe Cottage. In particular, the appeal inspector mentioned the bland suburban design and the diminished sense of enclosure as a result of the loss of boundary walls. While the subsequent application was an improvement in some respects, the design, parking layout and impact on neighbours led to another refusal.

To address these concerns the scheme has been reduced to one dwelling, the parking layout has been revised to move parking away from the corner, the scale

of the building has been reduced to avoid harm to the neighbour's amenity and the design has had more regard to local distinctiveness and removes harm to the setting of nearby heritage assets. While the new scheme would still result in some loss of enclosure on the boundary, the more considered design and layout would lead to an overall enhancement to the character and appearance of the area compared to the poorly maintained and unsympathetic parking and garaging. Subject to conditions to secure the use of high quality materials in the interests of the setting of the nearby listed buildings, the proposal is now considered to be an acceptable response to the constraints of the site.

CONSULTATIONS

Local Consultations

Parish/Town Council

UNABLE TO SUPPORT

Members were unable to support the application for the following reasons:

' The application is contrary to the emerging Sid Valley Neighbourhood Plan Policy BN06 (Flint Walls)

' The application is contrary to the East Devon Local Plan Policy D1 (Design and Local Distinctiveness).

' Members were concerned at the close proximity to the neighbouring property where it was planned to leave approx 6" or less gap between the two properties which could prevent any maintenance of the existing property in Chandlers Lane.

' The close proximity to the neighbouring property, which was built in the 1800s may be damaged as it does not have the benefit of modern foundations

' Members did not support the proposed removal of the listed stone boundary wall.

Sidmouth Sidford - Cllr D Manley

We object to the above-mentioned application:

- this represents over development in an area which is already very congested
- the property should not be adjoined to the neighbouring property, which was built in the 1800s and does not have the benefit of modern foundations
- it would directly impact on the amenity of neighbouring properties
- it would necessitate the partial removal of a listed stone boundary wall and
- the existing road network and access are inadequate
- application is contrary to D1, EN9 and TC7

Emerging Neighbourhood Plan:

Community actions

Policy BN06 preservation of Flint walls

Policy 06 design not to impact on amenities

Sidmouth Sidford - Cllr M Rixson

We object to the above-mentioned application:

- this represents over development in an area which is already very congested
- the property should not be adjoined to the neighbouring property, which was built in the 1800s and does not have the benefit of modern foundations
- it would directly impact on the amenity of neighbouring properties
- it would necessitate the partial removal of a listed stone boundary wall and
- the existing road network and access are inadequate
- application is contrary to D1, EN9 and TC7

Emerging Neighbourhood Plan:

Community actions

Policy BN06 preservation of Flint walls

Policy 06 design not to impact on amenities

Other Representations

Two letters of support have been received which conclude that

) the proposal is a pragmatic solution that would enhance the area.

Four objections have been received which raise the following concerns:

-) The design is unsympathetic to the area
-) It would result in the loss of important boundary walls
-) The site would be cramped
-) It would adversely affect the neighbour's amenity
-) It would affect the structural stability of the adjacent dwelling
-) Parking provision would be inadequate
-) Development would cause disruption to traffic and local residents

Technical Consultations

County Highway Authority

Does not wish to comment

Environmental Health

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

Conservation

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

Land to the rear of No 48 Temple Street, which forms part of a terrace of early C19th listed buildings, fronting Temple Street including a former Grade II manor house,

located to the West, although visually separated by 4 non-listed terraces called Lawn View.

In this respect the proposal has addressed the impact it would have on the setting of the heritage assets. The urban character, in context of the setting, identified as having narrow streets, mainly comprising of 19th century houses, built close to the edge of the highway, a tight-knit pattern of development.

The character and appearance of the built form is defined by the mass and scale of the existing properties including the use of traditional materials such as; red brick, rough cast render, natural slate roofs, timber windows and chimney stacks. The sum of which is further enhanced by the use of natural stone walls.

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

In assessing the proposal for a new dwelling, on land to the rear of 48 Temple Street. Against the setting of the heritage assets No's 42 - 52 Temple Street and the former Manor, the following comments are made;

The orientation, location, mass and scale of the dwelling, has addressed the constraints of the site, which includes a curved corner. A feature reflecting the opposite corner enclosing Lawn Vista and therefore desirable to retain. Furthermore the introduction of a single dwelling within the plot allows for a more comfortable surroundings, retaining existing views to the rear of the heritage assets.

In addition the proportions associated with the new dwelling reflect those within the streetscene, introducing a vernacular styled cottage, with subservient rear extension. An approach which is further enhanced by the use of materials that are traditional to the immediate and wider area.

In summary the layout and design of the proposal is considered to acceptable within the immediate and wider setting of the heritage assets.

PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

DATE: 28.03.2018

INITIALS: SLG

Suggested condition(s)

No works shall commence until the following details and specification have been submitted to and approved in writing by the Local Planning Authority.

- Roofing materials including product details, sample and method of fixing.
- New rainwater goods including profiles, materials and finishes.
- Lead work, including profiles and details of any ornamentation.
- Roof ventilation systems.
- New windows including sections, mouldings, profiles and paint colour. Sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.

- New doors including sections, mouldings, profiles and paint colour. Sections through frames and glazing bars should be at a scale of 1:2 or 1:5.
- Eaves and verge details including construction and finishes.
- External vents, flues and meter boxes.
- Sample of new cladding including specification and fixing method.
- Sample of new stone including mortar colour and specification and bond type.
- Type of render including proportions of mix, method of application and finishes.

The works as agreed shall be carried out in accordance with the approved details.
(Reason - In the interests of the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

Conservation

Comment on amended plans received 3.05.2018

The principle changes to the design as proposed through the amendments include; change of material to the extension to brick, introduction of flint stone paving to the front of the dwelling and moving the car parking bays, slightly to the east.

In summary the amendments to the proposal are considered to acceptable within the immediate and wider setting of the heritage assets.

Suggested condition(s)

No works shall commence until the following details and specification have been submitted to and approved in writing by the Local Planning Authority.

- Roofing materials including product details, sample and method of fixing.
- New rainwater goods including profiles, materials and finishes.
- Lead work, including profiles and details of any ornamentation.
- Roof ventilation systems.
- New windows including sections, mouldings, profiles and paint colour. Sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.
- New doors including sections, mouldings, profiles and paint colour. Sections through frames and glazing bars should be at a scale of 1:2 or 1:5.
- Eaves and verge details including construction and finishes.
- External vents, flues and meter boxes.
- Sample of new cladding including specification and fixing method.
- Sample of new stone including mortar colour and specification and bond type.
- Type of render including proportions of mix, method of application and finishes.

The works as agreed shall be carried out in accordance with the approved details.
(Reason - In the interests of the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

DATE: 17.05.2018

PLANNING HISTORY

Reference	Description	Decision	Date
07/1750/FUL	Erection of two semi-detached three storey dwellings	Withdrawn	30/07/2007
11/0238/FUL	Erection of two dwellings	Refusal Appeal Dismissed	21/04/2011 18/10/2011
17/0856/FUL	Demolition of garages and construction of two dwellings	Refusal	05/06/2017

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 26 (Development at Sidmouth)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN9 (Development Affecting a Designated Heritage Asset)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The site occupies a prominent corner plot at the junction of Woolcombe Lane and Chandlers Lane. To the west there is a terrace of early 19th century grade II listed buildings and to the east the Town Council offices are housed in a former manor house which is also listed grade II. Adjoining the northern boundary there is a detached two storey house called Woolcombe Cottage.

The site is currently used as garaging/parking and partly as garden. A pair of garages with a mono-pitched roof back onto Woolcombe Cottage and there is a brick wall on the eastern boundary of the site. On part of the southern boundary there is a traditional stone wall. The site lies outside of a Conservation Area.

Proposal

This proposal is the fourth scheme in 11 years for development of the site. The first, in 2007, was withdrawn and the following two in 2011 and 2017 were both refused. All three of the previous schemes were for two dwellings whereas the current scheme is only for one.

Poor amenity, character and design were concerns in the previous schemes and some useful comments were made by the inspector in the unsuccessful appeal against the refusal of the 2011 scheme.

The current proposal attempts to address the earlier concerns and now proposes just one two-storey dwelling facing Chandlers Lane. The dwelling would have one parking space off Woolcombe Lane and there would be a further three parking spaces allocated to nos. 44-48 Temple Street.

ANALYSIS

Main Issues

The main issues are the effect on the character and appearance of the area, including the setting of the listed buildings; the effect on the living conditions of neighbouring residents; and highway safety.

The principle of residential development being acceptable on the site given its location within the BUAB for Sidmouth.

Character and appearance and impact upon the setting of listed buildings

This part of Sidmouth is characterised by terraces of 19th century houses that are built on or very close to the edge of the highway. The rows of houses and some of the narrow streets, such as Woolcombe Lane and Chandlers Lane, create a tight-knit pattern of settlement.

The distinctive building qualities include the use of red brick walls in many of the buildings, as well as some roughcast render. In the case of the listed pub and other listed buildings in Temple Street the walls have a stucco finish. Natural slate roofs with chimneys, painted timber framed windows and roadside walls add to the pleasing qualities of the area.

The proposed building would take the form of a two storey rendered cottage with a two storey brick rear extension. This reflects the built form of the terrace on Temple Street as well as the neighbour to the north, except that render is a more widely used material than brick. The frontage would be slightly wider than most in the vicinity but not to the extent that it would be out of scale or out of character with the area. Similarly, the rear extension would have a deeper than expected plan but it would still be subservient to the front part of the building. The reduction from two dwellings on the plot to one in this scheme would allow for good amenity space for the occupants of the dwelling and improved parking arrangements. As a result the development would not appear

cramped in relation to surrounding properties. In terms of layout and scale, therefore, the proposal is considered to be compatible with the character of the area.

Turning to other design considerations, the inclusion of a chimney responds to a comment made by the inspector in the 2011 appeal about lack of attention to detailing. Whereas the appeal scheme was for a bland pair of suburban style houses, a more considered approach has been taken to this proposal. Although contemporary in appearance the elevations would have well-proportioned windows in an arrangement which would provide visual interest to all elevations, particularly the public elevations. It is accepted that the inclusion of a window on the south elevation which breaks the eaves line is uncharacteristic of the surrounding properties but this minor difference would not appear discordant in a streetscene which is characterised by the variety in the treatment of extensions and additions.

The Inspector also criticised the awkward gaps/spaces between the roadside elevations of the pair of dwellings and the edges of the highways. In the new scheme there would still be a step in the building line between Woolcombe Cottage and the new dwelling but it would be emphasised rather than diminished and this has allowed a more positive treatment of the space. The surface would be finished in flint to differentiate it from the road and there would be sufficient space for container planting should the future occupant desire. A further benefit of this layout is that it creates a more satisfactory junction between the new dwelling and Woolcombe Cottage when viewed from Chandlers Lane.

The simple canopy and the timber cladding around the front door are not characteristic of area but are compatible with the contemporary style of the dwelling and would not diminish the positive aspects of the design.

In the appeal scheme the complete removal of the boundary walls was criticised because it would have resulted in the loss of a characteristic stone wall and a diminished sense of enclosure in the street. The current proposal responds by providing a low stone boundary wall on the corner of the site but would still result in a diminished sense of enclosure on that corner. It would also see the wall at the western end of the site reduced in length. These losses weigh against the scheme but they are a pragmatic solution to the need to provide adequate parking and visibility. Other than this loss the proposal would not erode an appreciation of the significance of the listed buildings on Temple Street or views of the listed Town Council offices.

The emerging Neighbourhood Plan seeks to retain flint stone boundary walls and with a flint stone boundary wall proposed to the site corner. With a new boundary wall to the corner, and given the limited weight that can be given to the emerging Neighbourhood Plan, it is not considered that a refusal could be justified on the basis of a small section of flint wall to Woolcombe Road that is not considered to be listed.

Notwithstanding the reservations about loss of enclosure and certain design features, the proposal as a whole would make a positive contribution to the character and appearance of the area by introducing a generally well designed dwelling of sympathetic proportions to a prominent site which currently detracts from the quality of the urban streetscape. While there would be a loss of boundary enclosure, the dwelling itself would compensate by positively filling the space and the redeveloped

parking area and garden on the southern half of the site would improve the appearance of corner.

Overall, the proposal represents a coherent design which draws on certain characteristics of the area while remaining a confident expression of contemporary design which would enhance this corner site. On balance, any minor criticisms about the design are outweighed by the overall enhancement to the character and appearance of the area.

With regard to any impact upon the setting of nearby listed buildings, and particularly those fronting Temple Street and the Council Offices, previous concerns have related to the impact upon the setting of these heritage assets by nature of the poor form and design of the developments for 2 dwellings.

Given that the proposal is considered to be of a good design that will enhance the appearance of the site, and given the support from the p[proposal from the Conservation Officer, it is not considered that this proposal would harm the setting of these heritage assets.

Living conditions

The windows facing the rear of Temple Street would serve a bedroom and a landing and would be 7.6 metres and 11.8 metres respectively from the facing boundary. The distance to the facing windows would be about 22 metres although there would be a slightly oblique view to 44/46 Temple Street at a distance of about 16 metres. In a compact urban environment such as this these relationships would be unlikely to result in any intrusive overlooking of neighbouring properties.

With regard to overlooking of the front gardens of 1-4 Lawn View from the bedroom windows in the eastern elevation, this would be similar to the overlooking from neighbouring properties in the terrace. This is typical of an urban environment and would not create an unacceptable relationship.

The proposal includes a two storey element which would extend beyond the two storey flat roofed extension on the rear of Woolcombe Cottage. The drawing indicates a projection of 1.5 metres beyond the neighbour's extension although this would be inset from the boundary by 1.1 metres. There would be no windows in this elevation but the ridge would be higher than the neighbour's flat roof.

The previous scheme had a similar layout to the current proposal but projected beyond the neighbour's extension by 2.4m and this, it was concluded, would have resulted in unacceptable harm to the living conditions of the occupier of Woolcombe Cottage. The reduction in the length of the projection would lessen the impacts from dominance and shading to an acceptable level and, although the neighbour's garden is quite small, it would still enjoy a good outlook and level of sunlight.

Highway safety

The proposal includes parking for four cars and concerns have been raised about visibility of and from cars emerging from the parking spaces onto the highway.

The current access is about 8 metres wide and, given the slow traffic speeds, allows adequate visibility of oncoming traffic. The proposal would have a wider opening of about 10.5m with similar or improved visibility owing to the low boundary wall allowing a line of sight over the corner. Given the generally slow traffic speeds in the area the access arrangements are considered satisfactory and there has been no objection from the Highway Authority.

Other matters

The neighbour has raised concerns about the ability to maintain her property which adjoins the site. This is a civil matter and concerns about the construction of the dwelling would be handled in accordance with the requirements of the Party Wall Act.

Habitats Regulation Assessment and Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and its European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

CONCLUSION

This proposal has successfully addressed the main source of the objections to the previous scheme by reducing the proposal from two dwellings to one. In this way a more satisfactory layout has been achieved and the adverse effect on the adjoining neighbour has been overcome. A new design approach has also been taken which respects the proportions and general character of the area in a contemporary way and even though certain aspects would be novel features for the area, the design as a whole would result in a significant enhancement to this prominent corner site without causing harm to the setting of nearby heritage assets.

RECOMMENDATION

1. That the Habitat Regulations Appropriate Assessment outlined within the Committee Report be adopted.

2. That the application be APPROVED subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved. (Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice. (Reason - For the avoidance of doubt.)
3. No development above foundation level shall take place until a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls, roof, windows, doors and rainwater goods of the proposed development 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 and finishes are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)
4. No development above foundation level shall take place until eaves and verge details, including construction and finishes, 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 design is sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)
5. No development above foundation level shall take place until a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of the materials to be used for the hard surfacing of the parking area, pathways and the space in front of the dwelling and details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority. (Reason - To preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)

6. The dwelling hereby permitted shall not be occupied until a bin store has been provided in a location and to a design which has previously been submitted to and approved in writing by the Local Planning Authority.
(Reason - To ensure that adequate bin storage is provided and that it does not detract from the character and appearance of the area or impede visibility of traffic on the highway in accordance with Policies D1 (Design and Local Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)
7. Other than any bin store approved under condition 6, the garden shown on the south side of the dwelling in drawing 03 Rev C shall be kept permanently clear of all obstructions greater than 600 mm high and no gates, fences or walls higher than 600mm above adjacent road level shall be constructed within or surrounding the garden.
(Reason - In the interests of highway safety in accordance with the requirements of Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)
8. The dwelling hereby permitted shall not be occupied until the parking spaces have been provided and surfaced in accordance with the approved hard landscaping scheme required by condition 5.
(Reason - To ensure that adequate provision is made for the occupiers in accordance with the requirements of Policy TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013-2031.)
9. No development above foundation level shall take place until a sample panel of the flint stone wall has been constructed on site and the materials and finishes approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the design is sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)

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:

03 Rev C	Combined Plans	03.05.18
TQRQM1803917 1451514	Location Plan	12.03.18

04	Block Plan	12.03.18
05	Proposed Block Plan	12.03.18

List of Background Papers

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

Ward Woodbury And Lymstone

Reference 18/0520/FUL

Applicant Mr & Mrs P J & S A Glanvill

Location Rydon Farm Rydon Lane Woodbury
Exeter EX5 1LB

Proposal Provision of an agricultural workers
dwelling



**RECOMMENDATION: 1. That the Habitat Regulations Appropriate Assessment outlined within the Committee Report be adopted.
2. That the application be REFUSED**



		Committee Date: 3rd July 2018
Woodbury And Lympstone (WOODBURY)	18/0520/FUL	Target Date: 10.05.2018
Applicant:	Mr & Mrs P J & S A Glanvill	
Location:	Rydon Farm, Rydon Lane, Woodbury	
Proposal:	Provision of an agricultural workers dwelling	

RECOMMENDATION:

- 1. That the Habitat Regulations Appropriate Assessment outlined within the Committee Report be adopted.**
- 2. That the application be REFUSED**

EXECUTIVE SUMMARY

The application is before Members of the Development Management Committee because officer recommendation is to refuse planning permission which is contrary to the views of two Ward Members who support the proposal.

The principle of a third agricultural workers dwelling for the head herdsman and his family, who is a partner in the business and works full time at Rydon Farm, undertaking the day to day management of the dairy enterprise has previously been rigorously assessed and accepted during consideration of an outline planning permission (with all matters reserved) granted in 2016 (ref 16/1166/OUT). Whilst the essential need for an additional worker to be housed on the farm has been accepted, policy H4 (Dwellings for Persons Employed in Rural Businesses) of the Local Plan requires the size of the proposed dwelling to be commensurate with the scale of the established functional need.

Proposals for rural worker's dwellings in the countryside are exceptions to planning policies which seek to prevent new residential development in the countryside. Therefore as a third agricultural workers dwelling on the farm, it is considered that as a matter of principle and in the spirit of the policy a dwelling should be of a size and scale to meet the needs of the business and not the preferences of the applicant.

It is accepted that a dwelling could be of a size that accommodates the applicant and his family however officers consider that a farmhouse of a much smaller size would still be capable of providing a comfortable level of accommodation for a family of two adults and one child. The personal needs and preferences of the proposed occupant should not be taken into account and in this respect, officers

have raised concerns with the applicant that the size of the dwelling with a footprint of 211 sqm (excluding the 44 sqm of functional space and the 45 sqm garage), as a third dwelling on the holding, is excessive and not commensurate with the scale of the established functional need which is for one additional worker whose presence on site 24 hours a day is essential to the day to day dairy operations of the farm.

Furthermore, the Council's Conservation Officer has raised concerns about the design, scale and massing of the agricultural workers dwelling, considered to be overbearing and in conflict with the evolution of the built hierarchy of the historic farmstead, which in turn would have an adverse impact on the setting heritage assets; Rydon Farm house which is grade II listed and its associated outbuildings which form the farmstead without public benefit. The proposal is therefore considered to be contrary to the provisions of policy EN9 (Development Affecting a Designated Heritage Asset) of the Local Plan.

On balance, notwithstanding the accepted functional need for an additional worker to be housed on the farm, the proposed agricultural dwelling, by reason of its excessive footprint and size, is considered to provide accommodation that significantly exceeds the functional requirements of the agricultural enterprise for an additional agricultural workers and would result in harm to the setting of Rydon Farm house without sufficient public benefit.

The application is therefore recommended for refusal.

CONSULTATIONS

Local Consultations

Woodbury & Lympstone- Cllr B Ingham

At this time I feel the reason quoted for refusal undermines the three sustainability strands of the NPPF, which I suggest should be given greater weight. In summary, any working farm of this size should be made as economically sustainable as possible. Enabling a 3 decade plus future does that. In addition, this will support social sustainability within the parish community and avoid commuting. It is refreshing to see a farming business attempt to commit to farming instead of anything else but, the usual trend. This creates environmental longevity within rural areas. Too many farms are throwing in the towel which damages all strands of sustainability and therefore work against the NPPF intent. I want DMC to give this their full consideration - thanks - Ben

Woodbury & Lympstone - Cllr R Longhurst

I support Ben's comments.

For myself I find it very hard to find any sound planning reasons for it not to be supported. Indeed EDDC planning have not objected to anything but the size of the property "a third dwelling should be smaller". So lets get to basics - the principle to develop is sound and is supported by you and the appearance and materials are fine so the only element is the number/size of rooms.

I cannot see any reason why to reject on this basis as the structure is low lying, has no objectors, is not over development of the plot BUT it does seem to disobey some government directive. As I grow older the things I learnt at school seem to make more and more sense in this crazy world in which we live - in Animal Farm there is a horse, Boxer, a loyal, kind, dedicated, extremely strong, hardworking, and respectable cart-horse, although quite naive and gullible, but he believes any problem can be solved if he works harder.

Boxer does a large share of the physical labour on the farm. At one point, he had challenged a statement made by the pigs and that earned him an attack by the dogs owned by the pigs. Due to Boxer's immense strength he repels the attack, worrying the pigs that their authority can be challenged. When Boxer is injured the pigs sell him to a local knacker (buying themselves whiskey) they give a very moving account to the other animals falsifying Boxer's death. So what has that got to do with planning - absolutely nothing but a lot to do with common sense.

This farm could be developed into a load of country lets but is not because the young sons (Boxers?) do not favour an easy life but want to farm - the decision on the size of house one son needs is not down to government dictat but to practicality (as long as it is not overdevelopment etc .etc.). The day the size of my house is dictated by Government is the day I go to live in the democratic republic of China!! I cannot justify the size in planning terms, but so far I have not received any arguments to reject it on the same grounds.

Parish/Town Council

SUPPORT subject to there being a condition limiting the use of the dwelling to an agricultural worker working at Rydon Farm.

Technical Consultations

Conservation

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

Rydon Farmhouse and early C17th dwelling, much altered in the C19th, including a front wing added to the inner room. Roughcast with cob on brick footings, the right-hand end now built in brick.

'Formerly a 3-room through-passage plan house, the service end (rebuilt in the C19) to the right of the passage; the passage has been widened to form a heated entrance hall, and contains the present main staircase.

Aesthetically the rear external lateral stack with slate off-sets....' C19 2- and 3-light casement windows, 8 panes per light, to 1st floor; 1 3- light, and 3 2-light casement windows to ground floor; porch to passage entrance, hipped roof; half-glazed door. Wing with leantos and 2-light casement windows.

Rear: with one single light, and 2 2-light casement windows only...Roof completely rebuilt in 1915.'

In context of the stead the narrow plan-form of the farmhouse is orientated at right angles, gable end, to the road. Which together with the associated brick built agricultural units, orientated to run parallel with the road introduces a historic courtyard that supports the function of the farmstead. Beyond which are later agricultural units the scale of which support modern practice.

In summary Rydon Farmhouse forms the principle heritage asset to a historic farmstead, the built form of which has evolved over the years. Which in turn allows for the function and as such form of the existing buildings, to be interpreted as part of the farmsteads evolution and function as part of the wider landscape.

In context Rydon Farmstead is located less than a mile south west of Woodbury, on pasture land falling west towards the Exe estuary, accessed by Rydon Lane.

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

In assessing the proposal for an 'agricultural workers dwelling' against the setting of Rydon Farmstead, the following comments are made;

The principle of a new dwelling on the site proposed was agreed through planning application 16/1166/OUT, with all other matters (materials / scale etc) being elements for consideration at the reserved matters stage, namely;

In considering the scale of the proposed agricultural workers dwelling, this is presented as 'a principal dwelling, with a later extension that provides a link between the house and a double garage'. The combined square meterage of which is equal to approximately 258m. Which in conjunction with the height at approx. 8m, graduating to 6m for the link and 7m the garage, which is respectfully larger than the historic farmhouse it supports and is associated.

In turn the resultant mass of the proposed dwelling, although located approx. 90m north-east of the listed building, would introduce a dominant feature when considered against the hierarchy of the built domestic form that contributes to the historic and evolved stead.

The use of vernacular materials for the dwelling is welcomed. In considering the material palette that provides context to the farmstead, the historic agricultural units (barns) that front the Lane to form a courtyard, are constructed in stone with red brick detail in contrast to the rendered cob of the principal farmhouse, the garden area of which is defined by a low stone boundary wall that provides a visual break between domestic and agricultural land and in turn offers longer views of the countryside.

In this respect, the scale of the proposed dwelling, which will be sited just beyond the identified stone boundary. Would be visually dominant from views within the immediate and wider setting of the listed building. And in turn would undermine the visual relationship between the form (scale, mass, design and use of material) of the historic farmhouse and agricultural workers dwelling. Particularly as the historic value associated with the setting of the courtyard farmstead, includes the visual interpretation between the form and associated function of the agricultural structures

that support the function of the farmstead to which the farmhouse is the principal dwelling.

In summary the scale of the agricultural workers dwelling, is considered overbearing and in conflict to the evolution of the built hierarchy of the historic farmstead, which in turn would have an adverse impact on the setting of the heritage asset without public benefit.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE
DATE:10.05.2018 INITIALS: SLG

County Highway Authority
Does not wish to comment

Other Representations

No letters of representation have been received at the time of writing this report.

PLANNING HISTORY

Reference	Description	Decision	Date
16/1166/OUT	Outline application for construction of agricultural workers dwelling (all matters reserved)	Approval with conditions	22.06.2016
15/2339/MFUL	Erection of livestock and storage shed, concrete apron and silo.	Approval with conditions	15.12.2015
14/1309/FUL	Construction of extension to existing agricultural building	Approval with conditions	11.07.2014
07/0344/RES	Erection of detached single storey agricultural workers dwelling	Approval with conditions	19.04.2007
04/P1352	New Bungalow	Approval with conditions	05.04.2005

POLICIES

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

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

EN22 (Surface Run-Off Implications of New Development)

H4 (Dwellings for Persons Employed in Rural Businesses)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Site Location and Description

The site refers to the southern section of a larger field on land to the north east of the main farm house (circa 90 metres distant) at Rydon Farm. The application site is relatively flat and is bordered on two sides by existing established Devon hedge banks. The site is in open countryside but is seen in the context of Rydon Farm and it is not the subject of any national or local landscape designations. Rydon Farm house is a grade II listed building dating from the early 17th century, orientated at right angles, gable end on to the road which together with the associated brick built agricultural units, orientated to run parallel with the road, introduces a historic courtyard that supports the function of the farmstead. Beyond which are later agricultural buildings of a scale which supports modern farming practices. There are currently two on-site agricultural workers dwellings occupied by two generations of the Glanville family which manage and work on Rydon Farm.

Planning History

There is an extensive planning history for the site which relates mainly to agricultural buildings and operations on the site. Planning permission was granted in 2005 (ref 04/P1352) for the erection of a detached single storey agricultural workers dwelling as a second agricultural workers dwelling for the farm.

Outline planning permission (with all matters reserved) was most recently granted in 2016 (ref 16/1166/OUT) for the construction of an agricultural workers dwelling. This was approved as a third agricultural workers dwelling for the farm.

Proposed Development

This application seeks full planning permission for the construction of a third agricultural workers dwelling for Rydon Farm. The proposed dwelling would be occupied by the head herdsman and his family. The dwelling would be two storey in height constructed from a palette of materials which include red brick with traditional brick plinth walls under a natural slate roof with clay ridge tiles. The attached garage would be clad in traditional weatherboarding. The design of the dwelling incorporates a number of architectural features to give the dwelling a vernacular appearance.

The internal footprint of the dwelling would be 211 sqm providing living accommodation which includes a kitchen diner, living room and farm office on the ground floor and 4 bedrooms (2 with en-suite) bathrooms at first floor. A 'dirty area' would be provided as a single storey link between the dwelling and the garage which would be 45 sqm in area containing a shower room, utility room, boot room and larder. The double garage would be 44 sqm in area.

The dwelling would be accessed via an existing hard surfaced track to the north east of the site onto an unclassified rural lane known as the Road from Bagmores Cross to Shepherds Park Bungalow.

ANALYSIS

Issues and Assessment

The main issues to consider in determining this application are in terms of the principle of development, a re-appraisal of the justification for a third agricultural workers dwelling and whether there is a proven essential agricultural need for the occupier to be housed permanently on the site, an assessment as to whether the size of the dwelling is commensurate with the scale of the established functional need, the design, size and siting of the proposed dwelling and the impact it would have on the rural character and appearance of the area, the setting of heritage assets and highway safety.

Background

The applicants run a substantial dairy farming business from 750 acres of owned and rented land. There are currently two dwellings on site: one is occupied by Philip and Sally Glanville and the other by their younger son Mark and his wife. Rydon Farm is a substantial specialised dairy business with a herd of 315 dairy cows together with 355 dairy followers and a further 170 head of beef cattle which are fattened on the holding. Rydon Farm is therefore home to over 840 head of cattle. The farm currently employs 6 full time workers, one relief milker and one part time worker inclusive of Philip, Paul and Mark. It is understood that the principal dairy duties and calving are undertaken solely by Philip, Paul and Mark.

Principle

The site is located in the countryside, outside of any designated development boundary for Woodbury. Paragraph 55 of the NPPF states that isolated new homes

should be avoided in such locations other than in a limited amount of circumstances which includes where it is essential for a rural worker to live permanently at or near their place of work. Policy H4 (Dwellings for Persons Employed in Rural Business) of the East Devon Local Plan adopts a similar approach. This policy states:

Permission for dwellings in the countryside for new agricultural or forestry workers or people employed in rural businesses or activities will be granted where the proposal fully satisfies the following:

1. There is a proven and essential agricultural or forestry or rural business need for the occupier of the proposed dwelling to be housed permanently on the unit or in the specific rural location for functional reasons and the size of the proposed dwelling is commensurate with the scale of the established functional need. Where this need is unproven or a new business is being established a temporary dwelling (such as a mobile home) may be permitted to allow time to establish that there is a genuine functional and financial need for a permanent dwelling. A temporary dwelling will normally be permitted for a period of three years, subject to meeting relevant criteria detailed below.

Essential Need

The principle of a third agricultural workers dwelling for the head herdsman and his family, who is a partner in the business and works full time at Rydon Farm, undertaking the day to day management of the dairy enterprise has previously been rigorously assessed and accepted during consideration of the outline planning permission granted in 2016.

In essence, the need for a third on-site agriculturally tied property is to enable the safe rotation of night-time on-farm duties with the birthing of calves and the requisite welfare of cow mothers, together with the 24 hour care and monitoring of weaned calves. With up to 400 calves born each year (an average of 8 per week), the presence on site of at least 2 farmers each night for calving / calf husbandry each night of the year that can be 'on the spot', is considered reasonable justification (even a minimal time-lag between the commencement of calf birth and the farmer reaching the site can result in a loss of a calf, mother, or both).

There are 370 cows/heifers that calve all year round, therefore equating to an average of 7 calvings per week. The all year round calving, together with the activities of a specialised dairy unit, make it essential for a third person to be resident on the site. The detailed agricultural justification contained within the Design & Access Statement submitted with the application sufficiently demonstrates why it is essential for a third person to be resident at Rydon Farm and this has been accepted when the outline planning permission (with all matters reserved) was granted. It was also accepted that there were no other buildings that would be suitable for conversion on the farm as all buildings not in residential use are in agricultural use.

Commensurate with the Needs of the Holding

Previous national guidance (in the form of PPS7 Annex A) advised that agricultural dwellings should be of a size commensurate with the established functional

requirement of the business, that dwellings that are unusually large in relation to the needs of the unit or expensive to construct in relation to the income it can sustain in the long term should not be permitted, and that it is the requirements of the enterprise, rather than the owner or occupier, which are relevant.

However, this guidance has now been superseded by the Framework and it therefore no longer has any status in terms of national policy. Notwithstanding this, where a dwelling is required in the countryside for a rural worker as an exception to planning policies which seek to prevent new residential development within the countryside, its acceptability should be based on the essential needs of the farming enterprise and not the needs of the intended occupiers. In this respect, policy H4 requires the size of the proposed dwelling to be commensurate with the scale of the established functional need.

In determining an application of this nature, it is important to ensure that a dwelling does not exceed a size necessary to meet the reasonable needs of the worker. This is to ensure that the size of the dwelling is not excessive in size to make it economically unattractive to a potential agricultural worker/ a retired agricultural worker in the future if it was placed on the market as being surplus to the future farm needs. In such instances, and following a marketing exercise, an argument could be made that a dwelling is no longer suitable/ affordable and therefore the agricultural tie should be lifted. This scenario cannot be ruled out, notwithstanding any intensions of the current owners of the farm. Dwellings for rural workers in the countryside are restricted to cases of essential need in the interests of limiting sporadic development in the countryside.

It is accepted that a dwelling should be of a size that could accommodate the applicant and his family however officers consider that a farmhouse of a much smaller size would still be capable of providing a comfortable level of accommodation for family of two adults and one child. The personal needs and preferences of the proposed occupant should not be taken into account and in this respect, officers have raised concerns with the applicant that the size of the dwelling with a footprint of 211 sqm (excluding the 44 sqm of functional space and the 45 sqm garage), as a third dwelling on the holding, is excessive and not commensurate with the scale of the established functional need which is for one additional worker whose presence on site 24 hours a day is essential to the day to day dairy operations of the farm. Proposals for rural worker's dwellings in the countryside are exceptions to planning policies which seek to prevent new residential development in the countryside. Therefore as a third agricultural workers dwelling on the farm, it is considered that as a matter of principle and in the spirit of the policy a dwelling should be of a size and scale to meet the needs of the business and not the preferences of the applicant. Previous guidance in PPS7 indicated a maximum of 170sqm for additional agricultural dwellings with a number of other local planning authorities having policies with similar limits.

Despite requests to the applicant to give consideration to a reduction in the size of the dwelling, no changes have been made and therefore consideration has to be given as to whether a 4 bedroom dwelling with a floor space of approximately 211 sqm with an additional 44 sqm of boot room/ functional space and a 45 sqm garage for one worker, his wife and baby is of a size that is commensurate with the scale of the established functional need.

The proposed overall floor space of the dwelling is considered excessive in terms of meeting the identified essential need for one additional worker due to the requirement for the dwelling to remain affordable for a typical agricultural worker and the needs of the enterprise rather than the needs of the intended occupier. It was suggested that the proposed floor space should be reduced, for example by removing the 4th bedroom and by reducing the size of some of the rooms and the circulation space within the property and thereafter in the future, if required, an extension to the dwelling could be applied for and justified on a 'needs' basis. However, the applicant did not wish to amend the current scheme believing that the dwelling as designed does not provide extravagant accommodation but provides a functional dwelling appropriate for a farmer and partner to serve his farming business.

On balance, notwithstanding the accepted functional need for an additional worker to be housed on the farm, the proposed agricultural dwelling, by reason of its excessive footprint and size, is considered to provide accommodation that significantly exceeds the functional requirements of the agricultural enterprise for an additional agricultural workers dwelling based solely around the needs of the intended occupants. As a result the dwelling proposed would be beyond the means of an average agricultural workers income should the need on the current enterprise cease. The proposal is therefore considered to conflict with the provisions of policy H4 (Dwellings for Persons Employed in Rural Businesses) of the Local Plan, and the guidance contained within the National Planning Policy Framework, specifically Paragraph 55 and is recommended for refusal on this basis.

Heritage Impact:

Rydon Farmhouse is grade II listed as an early 17th century dwelling. The farmhouse forms the principle heritage asset to a historic farmstead, the built form of which has evolved over the years which in turn allows for the function and as such form of the existing buildings to be interpreted as part of the farmsteads evolution and which function as part of the wider landscape.

Policy EN9 (Development Affecting a Designated Heritage Asset) of the Local Plan states that where a development proposal would lead to less than substantial harm to the significance of a heritage asset, the harm will be weighed against the public benefits of the proposal.

The site in which the dwelling is proposed would be approximately 90 metres north-east of the listed building on elevated land on agricultural land which is separated from the curtilage of the listed building by a garden and a field.

The Council's Conservation Officer has been consulted on the application and has raised concerns about the design, massing and scale of the proposed agricultural workers dwelling, this is presented as 'a principal dwelling, with a later extension that provides a link between the house and a double garage'. The combined square meterage of which is equal to approximately 258m which in conjunction with the height at approx. 8m, graduating to 6m for the link and 7m the garage, is respectfully larger than the historic farmhouse it supports and its associated buildings.

In turn the resultant mass of the proposed dwelling, although located approx. 90m north-east of the listed building, would introduce a dominant feature when considered against the hierarchy of the built domestic form that contributes to the historic and evolved farmstead.

The use of vernacular materials for the dwelling is welcomed. In considering the material palette that provides context to the farmstead, the historic agricultural units (barns) that front the Lane to form a courtyard, are constructed in stone with red brick detail in contrast to the rendered cob of the principal farmhouse, the garden area of which is defined by a low stone boundary wall that provides a visual break between domestic and agricultural land and in turn offers longer views of the countryside.

In this respect, the scale of the proposed dwelling, which will be sited just beyond the identified stone boundary wall would be visually dominant from views within the immediate and wider setting of the listed building and in turn would undermine the visual relationship between the form (scale, mass, design and use of material) of the historic farmhouse and agricultural workers dwelling. Particularly as the historic value associated with the setting of the courtyard farmstead, includes the visual interpretation between the form and associated function of the agricultural structures that support the function of the farmstead to which the farmhouse is the principal dwelling.

It should be noted that the application is not accompanied by a heritage impact assessment and therefore there has been no appraisal of the significance of the heritage assets or an assessment of the impact of the proposal on the setting of the farm house and associated historic buildings. The applicant's suggestion that the many modern agricultural buildings already overwhelm the farmhouse is noted but not considered to be a sufficient reason to permit any further harm to the setting of the heritage assets

In summary, the Conservation Officer is of the opinion that the design, massing and overall scale of the agricultural workers dwelling would be overbearing and in conflict with/ to the interpretation of the evolution of the built hierarchy of the historic farmstead, which in turn would have an adverse impact on the setting of the grade II listed Rydon Farm House and associated buildings that form the historic farmstead without public benefit.

As required by paragraph 134 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm has to be weighed against the public benefits of the proposal. It is therefore necessary to consider whether there are any public benefits to be derived from the proposed dwelling that outweigh the harm to the setting of the heritage assets. It is considered that there would be very little public benefit to be derived from having a third agricultural workers dwelling on this farm with the main benefits considered to be private to the applicant and the farming business. The harm could also be removed through a proposal for a smaller dwelling.

Whilst the principle of a dwelling on this site has been accepted through the grant of outline planning permission, this was with all matters reserved so there was no indication of the size or design of the dwelling. Whilst this is the case, the design and

size of the dwelling are considered to be of utmost importance to ensure that it is sensitive to and does not harm the setting of the heritage asset. Concerns about the size of the dwelling in respect of it not being commensurate with the functional needs of the business and the impact it would have on the setting of Rydon Farmhouse are inter-linked and are considered to be sufficiently harmful to refuse the application.

Character and Appearance

Strategy 7 of the Local Plan states that development in the countryside will only be permitted where it would not harm to the distinctive landscape, amenity and environmental qualities within which it is located.

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that proposals will only be permitted where they respect the key characteristics and special qualities of the area in which the development is proposed and where the scale, massing, height, fenestration and materials of buildings relate well to their context.

Again, whilst the principle of a dwelling has been accepted on the site, the outline permission did not give approval for the layout, scale or appearance. Introducing a dwelling of this design and size would have a degree of impact on the rural character and appearance of the area, the impact would be localised to views from the surrounding lanes and would have no wider landscape impact. The localised impact would be reduced by virtue of the fact that the hedgerow frontage along Rydon Lane would be maintained with vehicular access achieved through the farm.

Notwithstanding the aforementioned concerns about the size of the dwelling and whether it is commensurate with the needs of the business and the impact on the setting of heritage assets, the vernacular and traditional approach to the design is considered to be appropriate for the site's rural context and the use of traditional materials would help to reduce the overall impact of the proposal on the character and appearance of the area such that it is not considered that an objection could reasonably be sustained on these grounds. In the event that the application was approved conditions could be imposed requiring the submission of materials and a detailed landscaping scheme which would help to soften the impact further.

Highway Safety

Vehicular access would be obtained to the north east of the site via the existing hard surfaced track to the north of the site onto the public highway which is an unclassified road. Given the lightly trafficked nature of the road, it is not considered that additional traffic movements from the proposed dwelling would give rise to any significant highway safety concerns. The site plan demonstrates that there would be adequate space provided on site for the parking and turning of vehicles. The proposal is considered to comply with the provisions of policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the Local Plan.

Habitats Regulation Assessment and Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and its European Habitat designations is such that the proposal requires a Habitat

Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

CONCLUSION

Whilst the principle of an additional agricultural dwelling on the site is accepted, it is considered that the size of the dwelling is not commensurate with the scale of the agricultural need (1 additional worker).

The size of the dwelling proposed is considered to be excessive for an additional worker and result in a dwelling that would be hard for an agricultural worker to afford should the building become surplus to the needs of the farm holding in the future. As such the proposal is contrary to Policy H4.

In addition, the scale, height and bulk of the dwelling in close proximity to the listed far house would dominate views to and from the farm house to the detriment of the setting of the listed building contrary to Policy EN9.

RECOMMENDATION

- 1. That the Habitat Regulations Appropriate Assessment outlined within the Committee Report be adopted.**
- 2. That the application be refused for the following reasons:**

1. The proposed agricultural dwelling, by reason of its excessive footprint and size, is considered to provide accommodation that significantly exceeds the functional requirements of the agricultural enterprise for an additional agricultural workers dwelling based solely around the needs of the intended occupants. As a result the dwelling proposed would be beyond the means of an average agricultural workers income should the need on the current enterprise cease. Therefore the proposal is considered to conflict policy H8 (Dwellings for Persons Employed in Agriculture or Forestry) of the saved East Devon Local Plan, and guidance contained within the National Planning Policy Framework, specifically Paragraph 55.
2. The proposed agricultural dwelling by reason of its mass, scale and design would be overbearing and in conflict with/ to the interpretation of the evolution

of the built hierarchy of the historic farmstead, which in turn would have an adverse impact on the setting of the grade II listed Rydon Farm House and associated buildings that form the historic farmstead. The public benefits to derived from the proposal are not considered to outweigh the less than substantial harm to the setting of the heritage asset. The proposal is therefore considered to be contrary to the provisions of policy EN9 (Development Affecting a Designated Heritage Asset) and of the East Devon Local Plan 2013-2031 and paragraph 134 of the National Planning Policy Framework.

Plans relating to this application:

3711.10 REV A	Location Plan	28.02.18
3711.03 REV A	Proposed Combined Plans	28.02.18
3711.02 REV C	Proposed Site Plan	28.02.18
3711.11 REV A	Block Plan	28.02.18

List of Background Papers

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

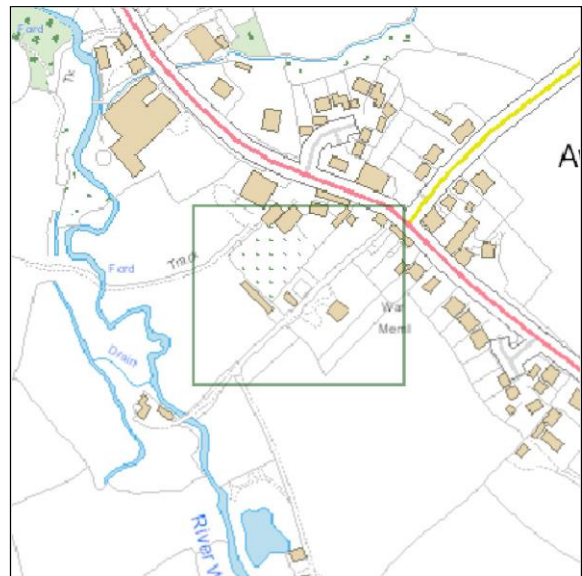
Ward Tale Vale

Reference 18/1316/PDP

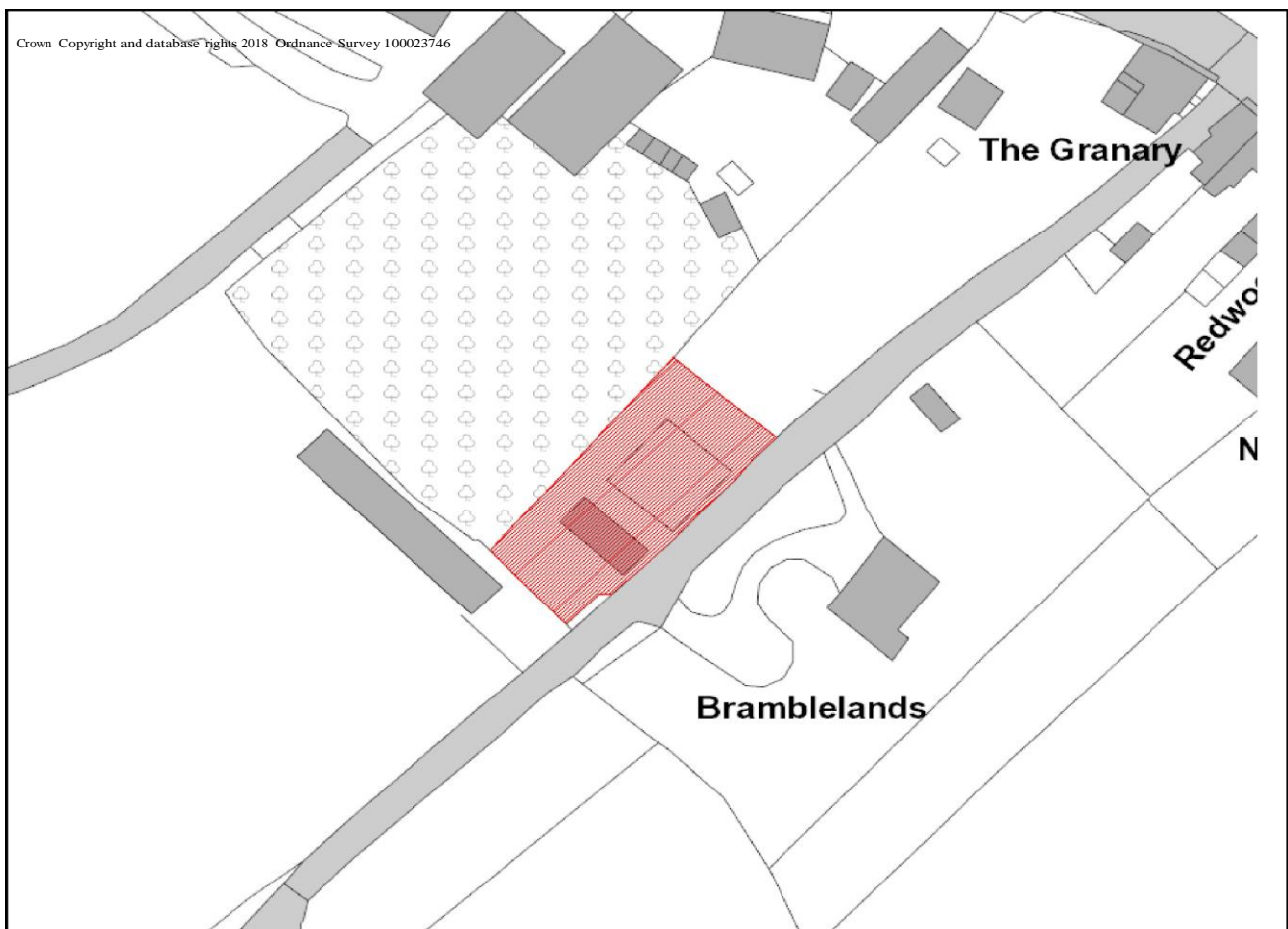
Applicant Mr Mrs Williams

Location Land To The Rear Of The Granary
Awliscombe, Honiton EX14 3PJ

Proposal Prior Approval for a Change of Use from
storage (Class B8) to a use falling within
Class C3 (dwelling houses)



RECOMMENDATION: That Prior Approval be Granted unless further comments are received on the application following Committee and before the expiry date for consultation on the application, in which case the decision be delegated to the Chairman of Development Management Committee.



		Committee Date: 3rd July 2018
Tale Vale (AWLISCOMBE)	18/1316/PDP	Target Date: 19.07.2018
Applicant:	Mr & Mrs Williams	
Location:	Land To The Rear Of The Granary Awliscombe	
Proposal:	Prior Approval for a Change of Use from storage (Class B8) to a use falling within Class C3 (dwelling houses)	

RECOMMENDATION: That Prior Approval be Granted unless further comments are received on the application following Committee and before the expiry date for consultation on the application, in which case the decision be delegated to the Chairman of Development Management Committee.

EXECUTIVE SUMMARY

This application is before the Committee because one of the applicants is an employee of East Devon District Council.

Prior approval is sought for the change of use of a building from a B8 (storage or distribution centre) use to a dwelling. This is not an application for planning permission so the considerations are limited to those which are set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO') rather than consideration against local plan policies. This is a second application following refusal of the first application on the grounds that (i) the proposed curtilage exceeded the permitted limit, (ii) the highway access would be severely substandard and (iii) the use of the building for B8 purposes had not been proven.

The first reason for refusal has been dealt with by reducing the area of land which would change use. The third reason has been addressed through the submission of further information demonstrating that the property benefits from a lawful B8 use, with the second reason relating to highway safety addressed by virtue of accepting the B8 use of the site and that traffic from a residential use could have less impact upon highway safety and therefore improve the highway situation.

In addition, the proposal meets all the other criteria to Part P of the GPDO (as amended) to enable the Prior Approval to be granted.

The nature of the application is that a decision must be made within 56 days otherwise consent is deemed to have been granted. The application is before Members before the expiry of the consultation period (7th July) as a decision at

the August Committee will be after the 56 day determination period and lead to a deemed consent. The report has also been drafted before the receipt of all neighbour comments or the comments of the Highway Authority and as such a verbal update on these will be made a Committee and this could change the recommendation.

On the basis of the information available at the time of writing this report, it is recommended that Prior Approval be Granted. However, should further comments be received following committee and prior to the end of the consultation period on the 7th July, it is recommended that the decision be delegated to the Chairman of Development Management Committee.

CONSULTATIONS

Local Consultations

Other Representations

None received at the time of writing this report. Members will be updated verbally at Committee of any comments received.

Technical Consultations

None received at the time of writing this report. Members will be updated verbally at Committee of any comments received.

PLANNING HISTORY

Reference	Description	Decision	Date
90/P1183	Four new dwellings	Refusal	07/09/1990
98/P0781	Chalet bungalow	Refusal	17/06/1998
18/0555/PDP	Prior approval for a change of use from storage and distribution (Class B8) to a use falling within Class C3 (Dwelling Houses)	Prior Approval Refused	08/05/2018

POLICIES

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Site Location and Description

The building to which this prior notification relates is a single storey structure of approximately 65 square metres in area that occupies a parcel of land around eleven times this area. The site is located on the north western side of an unclassified lane of single vehicle width that extends off the A373 in Awliscombe, almost directly opposite the junction with Greenway Lane that extends out of the village to its north east. It is approximately 100 metres from this junction. The lane leads to a public footpath where it crosses the river Wolf at Lower Mill around the same distance to the south west of the site.

The applicant's statement that accompanies the notification states an understanding that the building and site were in use for intensive chicken rearing and egg production prior to their purchase of both in 1993 since when it has been used continuously for storage purposes.

The building exhibits an exposed concrete block lower wall surmounted by corrugated metal sheeting to both walls and a shallow pitched roof oriented gable end on the adjacent lane. Access to it is by way of a recessed entrance (not hard surfaced) off of the lane at the southern corner of the site.

The site area itself outside of the building is mainly laid to grass although there remains the concrete base of a second chicken shed that formerly existed on the site directly alongside the existing building to its north east. The site has a largely open frontage to the lane, in relation to which the building is slightly elevated, but is otherwise bordered by a mix of small trees and hedges.

Proposed Development

The application comprises a notification under Class P of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (GPDO). A determination is required as to whether prior approval is required for a change of use of the building and any land within its curtilage from a use falling within Class B8 (storage or distribution centre) to a dwelling (use class C3).

The notification relates solely to a proposal to change the use of the building and associated land that forms its curtilage to a use falling within Class C3. Any additional building operations required in conjunction with the conversion of the building would require a separate grant of planning permission.

ANALYSIS

Considerations

Class P of Part 3 of Schedule 2 to the GPDO, as above, as well as the procedures set out in Class W of the same Part.

As this is an application for prior approval, the considerations of the Council are limited to those set out in the legislation rather than consideration against policies within the Local Plan. As such, Policy D8 of the Local Plan relating to the conversion of rural

buildings and requiring such buildings to be structurally sound and capable of conversion without substantial alteration or reconstruction, and a requirement to be close to a range of services and facilities are not relevant.

Assessment

On the basis of a site visit together with the information contained within the statement submitted with the notification it is considered that the submission is valid and the Council can make a decision as to whether prior approval is required or if the proposal should be refused because it fails to meet the limitations and conditions set out in paragraphs P.1 and P.2, applying the interpretation (where relevant) set out in paragraph P.3 of the GPDO.

Each of the criteria to Class P of the GPDO is therefore discussed in turn as follows with an assessment of whether the proposal satisfied the criteria:

P.1 Development is not permitted by Class P if—

(a) the building was not used solely for a storage or distribution centre use on 19th March 2014 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

This limitation requires the land and building to be used solely for a storage or distribution centre use and paragraph P.3 clarifies that this means a use falling within Class B8. Use of the word 'solely' means that a mixed use (i.e. storage and another use) would not benefit from the permitted development right. Furthermore, for the purposes of Class P the GPDO states that 'building' does not include part of a building. In other words, to benefit from the permitted development right, the whole building and its curtilage would have to be used for a B8 use and no other use.

When considering what constitutes a B8 use, it should be noted that paragraph 3(3) of the Uses Classes Order states:

A use which is included in and ordinarily incidental to any use in a class specified in the Schedule is not excluded from the use to which it is incidental merely because it is specified in the Schedule as a separate use.

This is relevant because it means that domestic storage which is incidental to a residential use is not excluded from being a C3 use merely because storage is a B8 use.

Turning now to the use of this site, first it should be noted that the use of the land does not benefit from planning permission nor a lawful development certificate so there is no document that sets out beyond doubt what the lawful use of the building is.

Condition P.2(a) requires the developer to

submit a statement, which must accompany the application referred to in paragraph (b), to the local planning authority setting out the evidence the developer relies upon to demonstrate that the building was used solely for a

storage or distribution centre use on the date referred to in paragraph P.1(a) and for the period referred to in paragraph P.1(b);

As already noted, there is no planning permission or lawful development certificate in place so the applicants are relying on their own statement setting out how they used the land.

All the evidence suggests that prior to the applicant's purchase of the land the lawful use was for agricultural purposes in connection with a poultry farm. It is understood that farming activities ceased when the applicants purchased the land with The Granary. When they were living at The Granary between July 1993 and September 1995 they appear to have regarded the use of the land to be garden given that this is what they stated in their planning application for a dwelling on the land in 1998.

However, in the absence of a grant of planning permission or a lawful development certificate there is no consent that use of the land as garden or the use of the building for storage incidental to their occupation of The Granary was lawful at the time.

After selling The Granary they retained the building and used it for storage purposes which are explained in more detail in the supporting statement.

The statement explains that from the time that they bought The Granary in 1993 the building was used for storage of household and garden items as well as vehicles and bakery equipment associated with their bakery business in Honiton. Clearly some of this storage was incidental to their occupation of The Granary and some was in association with their business. As already noted, this use may not have been lawful.

When the applicants moved from The Granary the storage continued in the same manner except that it was no longer incidental to the occupation of The Granary.

Advice to Planning Inspectors is that it would be wrong ever to regard activities carried on within a single planning unit as ancillary to activities carried on outside that unit (*Essex Water Co v SSE* [1989] JPL 914121). Hence selling The Granary established the retained land as a new planning unit, started a new chapter in the planning history and a new breach in planning control. The building continued to be used for storage of domestic and business items and this became its primary use but without the benefit of planning permission. Furthermore, because the domestic storage was no longer incidental to the use of the land as garden in association with The Granary, and because the land had been severed from any dwelling, it could be concluded that storage use in these circumstances would be a B8 use regardless of the nature of the items being stored.

The supporting statement suggests that the storage use of the building was carried on continuously between September 1995 and the present day, i.e, a period of more than 22 years. However, no lawful Class B8 use of the planning unit has ever been established. There is some ambiguity in the supporting statement to question whether a lawful development certificate would be granted. For example, the range of items kept on the site included motor vehicles, tyres, machinery, oil drums, wood, tools, a tractor, various tractor attachments, scalplings and a caravan. These could have been used in connection with a business operating from the site which may have been a B1

use or a sui generis use but most likely in association with a B8 storage and distribution use.

In light of the information submitted with this application it is considered that a lawful development certificate would be likely to be granted confirming the B8 use of the site. On this basis it is considered that this application provides enough further information to demonstrate a lawful B8 use and this addresses one of the previous reasons for refusal and satisfied this criteria to the legislation.

(b) the building was not used solely for a storage or distribution centre use for a period of at least 4 years before the date development under Class P begins;

As set out above the use of the building solely for B8 purposes is accepted and this criterion is not satisfied.

(c) the prior approval date falls on or after 10th June 2019;

This criterion would be satisfied if prior approval were to be granted in this case.

(d) the gross floor space of the existing building exceeds 500 square metres;

The floor space in the building is under 500 square metres.

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The application form states that there is no tenancy in place and no evidence has been forthcoming to suggest otherwise.

(f) less than 1 year before the date the development begins—

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out development under this Class, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural purposes;

There is no evidence that a tenancy has been terminated in the past year.

(g) the building is within—

(i) an area of outstanding natural beauty;

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;

(iii) the Broads; or

(iv) a National Park;

(v) a World Heritage Site;

The building is not situated within any of these designated areas.

(h) the site is, or forms part of—

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area;

The site is not situated within any of these areas.

(i) the building is a listed building or is within the curtilage of a listed building; or

The building is not listed and nor is The Granary.

(j) the site is, or contains, a scheduled monument.

The site is not a scheduled monument.

(k) the development is not completed within a period of 3 years starting with the prior approval date.

This would be for the developer to satisfy in the event of approval.

The prior approval of the local planning authority is also required as to:

b) i) impacts of air quality on the intended occupiers of the development

It is not considered that the proposal would result in any air quality-related issues.

ii) transport and highways impacts of the development

As stated, the site is currently accessed via an unclassified lane which links it to the main A373 road that runs through Awliscombe. At this junction visibility from (and of) vehicles emerging from it is highly substandard in both directions. This is owing to a combination of the proximity of residential properties on both corners of the junction to the road carriageway of the A373, the absence of any footways along this side of the A373 in either direction and the location of the junction close to the brow of a hill which falls away quite markedly in both directions to the south east and north west close to it.

No formal consultation response from the County Highway Authority (CHA) has been received at the time of writing the report. However, the CHA has indicated verbally that it would be unlikely to be able to support an objection on highway safety grounds, based upon a comparison between the likely traffic movements that would be generated by a dwelling and those that could be generated by a storage/distribution use of the present building. In doing so it assumes a lawful B8 use of the building and, moreover, that such a use could operate at maximum intensity in spite of the location of the site and the difficulty of negotiating the junction with the A373.

In light of this, and the Local Planning Authority is now satisfied that traffic movements associated with a B8 use would be more intensive than a residential use especially given the character of the prevailing use described by the applicant and as such the proposal will not worsen highway safety.

This therefore satisfied this criteria and addresses the previous highway reason for refusal.

iii) contamination risks in relation to the building

The application is not within or close to a site where contamination is a concern.

iv) flooding risks in relation to the building

The building is not in an area at risk of flooding and therefore the change of use would pose no flood risk related issues.

v) noise impacts of the development

It is not considered that the proposal would cause any noise issues.

vi) where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services

It is not considered that the building is located in an area that is important for providing B1(c), B2 or B8 services or that the introduction of a residential use in the area would itself have an adverse impact on the sustainability of the provision of such services. This criteria is not seeking to resist the loss of isolated B8 uses, or indeed replicate any local plan policies that may resist the loss of employment land, but seeks to ensure that sites within a wider employment area are not lost to residential uses that would undermine the provision of business floorspace or result in the introduction of a residential use into a business area where the two uses may not be compatible.

Class P.3 sets out an interpretation, for the purposes of Class P alone, of various terms used within it. These include a definition of 'curtilage'. This is defined as being the lesser area of: a) the piece of land, whether enclosed or unenclosed, immediately beside or around the building in storage or distribution centre use, closely associated with and serving the purposes of that building, or b) an area of land immediately beside or around the building in storage or distribution centre use no larger than the land area occupied by the building. (The latter therefore relates to its footprint area.)

In this particular case, the area edged in blue on the submitted location plan ('The Site') includes an area of land on the south west side of the building which is roughly equivalent to the area of the footprint of the building. A supporting statement confirms that the land on which change of use is sought is no larger than the footprint of the building. This requirement is therefore satisfied. It should be noted, however, that the remaining land would stay in its current use unless separate permission for a change of use were granted.

CONCLUSION

In conclusion, having regard to the issues set out above it is accepted that the proposal to which the notification relates constitutes permitted development under the relevant

provisions of Class P of Part 3 of Schedule 2 to the GPDO. It is accepted that the use of the building solely for a B8 storage or distribution centre use has been proved. The further information submitted addresses the previous reason for refusal on this matter.

Furthermore, in the light of the transport and highways impacts of the prospective development, the B8 use could result in the generation of greater traffic movements than a residential property. As such highway safety matters are now acceptable and this addresses the previous reason for refusal on this.

Finally, the site area has been amended to comply with the legislation and this overcomes the other reason for refusal on the previous application.

It is therefore recommended that prior approval be granted.

RECOMMENDATION

That Prior Approval be Granted unless further comments are received on the application following Committee and before the expiry date for consultation on the application, in which case the decision be delegated to the Chairman of Development Management Committee.

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

24.05.18

List of Background Papers

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