

Date: 24 March 2011
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To: Members of the Development Management Committee
Ward Members (Agenda & Ward applications only)



For information:

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**Development Management Committee
Tuesday 5 April 2011 at 2.00 pm**

The above meeting will be held in the Council Chamber at East Devon District Council Offices, Knowle, Sidmouth, to consider the matters detailed on the agenda below. Ward Members are reminded that they are entitled to speak on any application within their own Ward but are not permitted to vote.

Members of the public are welcome to attend and speak at this meeting. If you wish to speak on a particular application, simply enter your name on the sheets located near the entrance to the Council Chamber, in the corresponding section which indicates whether you are a supporter or objector. There is no requirement or facility to record the details of the speaker before the day of the meeting.

- The relevant Officer will introduce and outline the item to be discussed. The public will then be able to speak on that matter only.
- All individual contributions will be limited to a period of 3 minutes – where there is an interested group of objectors or supporters, a spokesperson should be appointed to speak on behalf of the group. Extra papers and/or handouts **cannot** be circulated at the meeting. There is a timing clock to assist you.
- Speakers should restrict their comments to planning considerations only.
- The Chairman has the right and discretion to control questions and irrelevant points being raised to avoid disruption, repetition and to make best use of the meeting time.
- Speakers are asked not to come to the microphone if their points have already been covered.
- After the public speaking period has finished the consideration of reports will begin and the public will take no further part in the meeting.
- All attendees at the meeting are asked to offer all speakers the courtesy of listening to others' points of view, even if they do not agree with it.
- The Chairman will not tolerate any interruptions from the public and is entitled to exclude people from the meeting if the business of the committee cannot be carried out effectively

Councillors and members of the public are reminded to switch off mobile phones during the meeting. If this is not practical due to particular circumstances, please advise the Chairman in advance of the meeting.

AGENDA

Page/s

- 1 To confirm the minutes of the meeting of the:
Development Management Committee held on 8 March 2011
Special Development Management Committee held on 15 March 2011
- 2 To receive any apologies for absence.
- 3 To receive any declarations of interests relating to items on the agenda.
- 4 To consider any items which in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances.
(Note: such circumstances need to be recorded in the minutes; any Member wishing to raise a matter under this item is requested to notify the Chief Executive in advance of the meeting).
- 5 To agree any items to be dealt with after the public (including the press) have been excluded. (There are no items which the Officers recommend should be dealt with in this way).
- 6 **Local Development Framework Panel**
To note or take appropriate action in respect of the report and recommendations of the Local Development Framework Panel held on 10 March 2011.

Matters For Decision

- | | | |
|----|--|--------------------------------|
| 7 | Validation of planning and related applications –
Amendments to Local List requirements | Interim Development
Manager |
| 8 | Design Review Panel: Conversion/Re-Use of Rural
Buildings for Business Purposes | Interim Development
Manager |
| 9 | Appeals Status Report | Interim Development
Manager |
| 10 | Planning Appeal Statistics | Interim Development
Manager |
| | To consider the matters to be determined by the
Development Management Committee | Interim Development
Manager |

(For this agenda, these are arranged in **Reverse District Ward order**):

	<u>District Ward</u>	<u>Ref.</u>	<u>Location</u>
11	Woodbury and Lypstone	10/2372/FUL	18 Brent Close, Woodbury
12	Sidmouth Rural	11/0335/COU	Units 1 – 10 Furzehill, Sidbury
13	Raleigh	11/0075/FUL	Otterton Public Conveniences, Ottery Street, Otterton
14	Exmouth Halsdon	10/2438/FUL	236 Exeter Road, Exmouth
15	Coly Valley	11/0290/FUL & 11/0005/LBC	Colyton House, Vicarage Street
16	Beer and Branscombe	11/0157/COU	Oakdown Touring and Holiday Caravan Park, Weston

Members please note:

The Chairman requests that that wherever possible, where a site is visible from the public highway and other public vantage points, Members should familiarise themselves self with the site before the meeting. Would those Members who sit on the Planning Inspections Committee **please retain their planning application papers** for use on any subsequent site visits.

Any Member who wishes a particular plan or plans to be displayed at the meeting is asked to notify Nick Wright (01395 517548) as soon as possible after receiving the agenda to ensure that the appropriate transparency is made.

- ❑ You must declare the nature of any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- ❑ Where you have a personal interest because the business relates to or is likely to affect a body of which you are a member or manager as an EDDC nominee or appointee, then you need only disclose that interest when (and if) you speak on the item. The same rule applies if you have a personal interest in relation to a body exercising functions of a public nature.
- ❑ Make sure you say the reason for your interest as this has to be included in the minutes.
- ❑ If your interest is prejudicial you must leave the room unless you have obtained a dispensation from the Council's Standards Committee or where Para 12(2) of the Code can be applied. Para 12(2) allows a Member with a prejudicial interest to stay for the purpose of making representations, answering questions or giving evidence relating to the business but only at meetings where the public are also allowed to make representations. If you do remain, you must not exercise decision-making functions or seek to improperly influence the decision; you must leave the meeting room once you have made your representation.
- ❑ You also need to declare when you are subject to the party whip before the matter is discussed.

Getting to the Meeting – for the benefit of visitors



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From Honiton – 52B

From Seaton – 52A

From Ottery St Mary – 379, 387

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The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The schools are at ground level and easily accessible; there is also a toilet for disabled users.

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 the Council Chamber, Knowle, Sidmouth, on Tuesday 8 March 2011

Present:

Councillors:
Paul Diviani (Chairman)
David Atkins
Bob Buxton
Geoff Chamberlain
Andrew Dinnis
Ray Franklin
Mike Green
Stephanie Jones
David Key
Ann Liverton
Helen Parr
Ian Thomas
Mark Williamson

Ward Members:

Councillors:
Peter Bowden
Christine Drew
Roger Giles
Graham Godbeer
Stuart Hughes
Bob Peachey
Sara Randall Johnson
Tony Reed
Philip Skinner
Graham Troman
Tim Wood

Officers:

Janthia Algate, Major Projects Manager
Neil Blackmore, Principal Landscape Architect
Matt Dickins, Planning Policy Manager
Ed Freeman, Development Manager
Kate Little, Head of Planning Services
Paul Lowe, Housing Enabling Officer
Linda Renshaw, Senior Planning Officer
Bill Richardson, New Community Officer
Andrew Seddon, Senior Solicitor
Hannah Whitfield, Assistant Democratic Services Officer
Andrew Wood, South West RDA Head of Infrastructure & Partnerships

Apologies:

Councillors:
Ray Bloxham
Derek Button
Pat Graham
May Hardy
Jim Knight
Darryl Nicholas
Eileen Wragg

The meeting commenced at 2.00pm and ended at 7.16pm.

*63 **Minutes**

The minutes of the meeting of the Development Management Committee held on Tuesday 8 February 2011 were signed as a true record, subject to Councillor Derek Buttons being added to those present.

*64 **Urgent item – Abnormal loads through Colyford and Axmouth**

The Chairman asked that the Committee be updated on the current position regarding Abnormal Loads accessing a Seaton development via Colyford and Axmouth. A letter received from Colyton Parish Council was circulated to Members.

Members heard that at the request of the Committee on 8 February 2011, a meeting had been convened with the appropriate agencies, Officers and Ward Members to discuss the issue of Heavy Good Vehicles driving through the villages of Axmouth, Colyford and Seaton. Following advice from both the Police and Devon County Council Highways, it appeared that it would not be possible to avoid a small minority of vehicles, classed as Abnormal Loads, travelling to and from the Seaton development via Axmouth. It was agreed by all concerned that only a strictly limited number of vehicles may pass through Axmouth village and these vehicles would be escorted Abnormal Loads that the Police had prohibited from using any other route. Chief Executive, Mark Williams, had used his delegated powers for this arrangement to take effect immediately.

- RESOLVED:**
1. that the Development Management Committee approve the arrangements implemented regarding limited escorted Abnormal Loads accessing the Seaton development via Axmouth;
 2. that the letter received from Colyton Parish Council regarding HGV restrictions in Axmouth, Colyford and Seaton be noted.

*65 **Lympstone and Woodbury Conservation Area Appraisal and Management Plan**

The Interim Development Manager advised Members that under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Local Authorities had a duty to review their conservation areas periodically to consider whether further designation of conservation was necessary. Members heard that following an ongoing review of conservation areas in East Devon, draft Conservation Area Appraisals and Management Plans had been produced for conservation areas in Lympstone and Woodbury. It was noted that the appraisal for Lympstone included substantial extension proposals of the existing conservation area. Members were advised that there were no financial or legal implications to take into account at this present time.

Ward Member, David Atkins asked that consideration be given to delaying consultation on the proposed Conservation Area Appraisals and Management Plans until after the elections in May. This would allow the new council to carefully consider the proposals. The Interim Development Manager advised that there was no reason not to delay the consultation for a few months.

*65 **Lympstone and Woodbury Conservation Area Appraisal and Management Plan continued...**

- RESOLVED:**
1. that the Development Management Committee endorse the proposed Conservation Area Appraisals and Management Plans for consultation with the relevant Ward Members, Parish Councils and statutory consultees within the boundaries of the existing conservation areas and all those who live and work within the proposed conservation area extensions after the elections in May;
 2. that delegated powers be given to the Head of Planning Services to publish the documents after incorporating any appropriate amendments.

*66 **Planning Appeal Statistics**

The Committee received and noted the report of the Development Manager setting out appeals recently lodged and recent appeal decisions notified.

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

RESOLVED: that the applications before the Committee be determined as set out in Schedule 11 – 2010/2011 (attached).

The following declarations of interest were made during consideration of the applications:

Councillor/ Officer	Ref. / Site	Type of interest (action taken)	Nature of interest
Councillor Paul Diviani	10/2435/MFUL	Personal (remained in the Chamber to speak and vote)	Councillor was an DCC representative on the East Devon AONB Partnership Board
Councillor Bob Buxton	10/2435/MFUL	Personal (remained in the Chamber to speak and vote)	Councillor was an EDDC representative on the East Devon AONB Partnership Board
Councillor Paul Diviani	10/1488/MFUL	Personal (remained in the Chamber to speak and vote)	Councillor was an DDC representative on the East Devon AONB Partnership Board
Councillor Bob Buxton	10/1488/MFUL	Personal (remained in the Chamber to speak and vote)	Councillor was an EDDC representative on the East Devon AONB Partnership Board
Councillor Paul Diviani	10/2497/FUL & 10/2498/FUL	Personal (remained in the Chamber to speak and vote)	Councillor was an DDC representative on the East Devon AONB Partnership Board

*67 **Applications for Planning Permission and matters for determination continued...**

Councillor Bob Buxton	10/1488/MFUL	Personal (remained in the Chamber to speak and vote)	Councillor was an EDDC representative on the East Devon AONB Partnership Board
Councillor Paul Diviani	11/0069/FUL	Personal (remained in the Chamber to speak and vote)	Councillor was an DDC representative on the East Devon AONB Partnership Board
Councillor Bob Buxton	11/0069/FUL	Personal (remained in the Chamber to speak and vote)	Councillor was an EDDC representative on the East Devon AONB Partnership Board
Councillor Paul Diviani	10/2522/OUT	Personal (remained in the Chamber to speak and vote)	Councillor was an DDC representative on the East Devon AONB Partnership Board
Councillor Bob Buxton	10/2522/OUT	Personal (remained in the Chamber to speak and vote)	Councillor was an EDDC representative on the East Devon AONB Partnership Board
Councillor Paul Diviani	10/F0334	Personal (remained in the Chamber to speak and vote)	Councillor was an DDC representative on the East Devon AONB Partnership Board (site adjacent to AONB) and a Honiton County Councillor
Councillor Bob Buxton	10/F0334	Personal (remained in the Chamber to speak and vote)	Councillor was an EDDC representative on the East Devon AONB Partnership Board (site adjacent to AONB)
Councillor Paul Diviani	10/2383/FUL	Personal (remained in the Chamber to speak and vote)	Councillor was an DDC representative on the East Devon AONB Partnership Board (site adjacent to AONB) and a Honiton County Councillor

*67 **Applications for Planning Permission and matters for determination continued...**

Councillor Bob Buxton	10/2383/FUL	Personal (remained in the Chamber to speak and vote)	Councillor was an EDDC representative on the East Devon AONB Partnership Board (site adjacent to AONB)
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*68 **Resignation**

Councillor Geoff Chamberlain informed Members that he along with his fellow Liberal Democrat Members, Councillors Derek Button and Steve Wragg would be standing down from the Development Management Committee, forthwith, until a submitted complaint had been fully investigated by the Standards Review Sub Committee. The Chairman responded accordingly to the resignation of the Liberal Democrat Members from the Committee advising that a full investigation by the Ombudsman in respect of the issue raised had found no evidence of malpractice.

Chairman Date.....

**EAST DEVON DISTRICT
COUNCIL**

**DEVELOPMENT MANAGEMENT
COMMITTEE**

HELD ON Tuesday 8 March 2011

SCHEDULE NUMBER 11 – 2010/2011

APPLICATIONS DETERMINED BY THE COMMITTEE

Broadclyst
(BROADCLYST) 11/0053/MRES

Applicant: New Community Partners

Location: Site Of New Town Honiton Road
(Grid Ref: 301000 95348)

Proposal: Application for approval of access, appearance, landscaping, layout and scale, in respect of the first phase of the development of Cranbrook new town (03/P1900) comprising:-

- ❖ Development parcels for up to 1120 dwellings (excluding landscaping within the development parcels);
- ❖ Areas of strategic or common landscaping including the entrances into the site, the main square within Phase 1 of Cranbrook, Country Park threshold, former A30 frontage and retained trees and hedgerows; and
- ❖ Areas of common or strategic infrastructure including drainage basins as defined on the Cranbrook Development Framework Plan, layout, construction details, appearance and landscaping of the Main Local Route and the Parsons Lane Link road connecting to the former A30.

RESOLVED 1) that the reserved matters of the above application be APPROVED, namely :-
a) access
b) appearance
c) landscaping (strategic)
d) layout and scale

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. no. 03/P1900/MOUT) granted on 29 October 2010.

The following reserved matter has yet to be approved:-

Landscaping within the development parcels.

The following condition attached to the Outline Planning Permission referred to above is discharged:

3

The obligations set out in the following conditions attached to the Outline Planning Permission referred to above, to provide details or plans or schedules of information as part of Reserved Matters applications, have been met in respect of Phase 1 and the Reserved Matters submission that is the subject of this approval, but remain to be complied with in respect of subsequent sub-phases or phases of the development:

2,18,22,23,28,37

The reserved matters details hereby permitted also include those details for the protection of retained trees construction thereby satisfying the requirement in Condition 20.

The requirements in relation compliance with those details, or variations thereto, are set out in each of the above conditions.

- 2) that the Head of Planning Services be given delegated powers to add to or amend, the following conditions attached to the Outline Planning Permission referred to above, and that these conditions be adhered to in relation to the reserved matters details hereby approved:

1, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 24, 29, 31, 34, 35.

For the avoidance of doubt, where such conditions require actions prior to commencement of development or construction within each sub-phase, the definition of sub-phase shall include any smaller part of the development parcels or areas of strategic landscaping or infrastructure for which reserved matters details are hereby approved.

- 3) that the Head of Planning Services being given delegated powers to add to, revise or amend, the following additional conditions attached to the Reserved Matters approval:

1. The development hereby permitted shall be begun before the expiration of two 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 and to comply with the grant of outline planning permission ref: 03/P1900/MOUT).
2. The development hereby permitted shall be carried out in accordance with the following approved plans listed in Schedule A (attached).
(Reason - For the avoidance of doubt and in the interests of proper planning).
3. Prior to the commencement of the development hereby approved (or part thereof) detailed indicative architectural drawings showing the following design of elements of the buildings in that Parcel or part thereof have been submitted to and approved in writing by the Local Planning Authority. These drawings shall comprise the following:-
 - i. Windows – to show head, reveal and cill detail of ordinary and projecting windows
 - ii. Design of and material and finish to be used for windows and doors (including garage doors)
 - iii. Roof – to show eaves and ridge detailing
 - iv. Dormer details
 - v. Door, door canopy and threshold details
 - vi. Junctions between different materials on elevations generally and junction with the ground
 - vii. Thresholds/front gardens (service access points)
 - viii. Details of materials and design of flights of steps, retaining walls, etc in the public realm where there are changes in levels in excess of half a metre between plots.

For the avoidance of doubt, the drawings shall be to an appropriate scale and shall include a plan section and elevation(s), or can alternatively be 3D drawings if they are clear and do not omit important parts of the detail. The drawings shall be fully annotated and describe all materials, finishes and colours. The development shall thereafter only be constructed in accordance with the approved details, or such other details as shall subsequently be agreed in writing with the Local Planning Authority.

(Reason - To clarify details of the design and to describe the level of quality that will be delivered in the interests of the character and appearance of the locality in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan).

4. Tree pits for Street Trees

Prior to the commencement of construction, further details showing the tree pits for all street trees, together with a phased delivery and long-term management and maintenance programme, must be submitted to and approved in writing by the Local Planning Authority. The tree pits shall then be provided and managed in accordance with the approved details.

(Reason - In the interests of visual amenity and to secure ongoing management and maintenance provision in accordance with Policy D4 (Landscape Requirements) of the East Devon Local Plan).

5. Boundary Treatments and Landscape Details

Save such works that the Local Planning Authority may approve in writing, prior to the commencement of construction of the Square and any residential dwellings fronting the Main Local Route(MLR) and Square, further details of railings, gates, walls, steps and ramps fronting the MLR and Square, etc must be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details, unless subsequently otherwise agreed in writing by the Local Planning Authority.(Reason: To establish a set of 'common details' which will help ensure consistency of design in public areas and consistency of design quality throughout the development in the interests of visual amenity in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan).

6. Hedgebank and Ditch Management Plan details

Save such works that the Local Planning Authority may approve in writing, prior to commencement of works to existing or new hedgebanks, further details for the management and maintenance of new and existing hedgebanks and ditches will be required to be submitted for approval. Unless otherwise agreed in writing, this additional information must include:

- i. accurate plans indicating style of management to be applied to specific sections of all hedgebanks (existing and proposed) be it laying or flailing of hedges
- ii. provide details on the methodology for 'casting up'
- iii. a phasing plan (schedule) to ensure management operation take place on a rotation basis
- iv. clearly state the methodology to select individual trees within the hedgebank (new and existing) to grow on to maturity, for example 'tagging' and protecting with stakes during maintenance operations.

(Reason - To enhance the character and biodiversity of these features and to achieve the retention of a proportion of vegetative structure at all times by avoiding management of all hedgebanks on site at one specific time in accordance with Policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan).

7. Maintenance and Fencing Details for Drainage Channels and Basins

Save such works that the Local Planning Authority may approve in writing, prior to commencement of construction of each drainage channel or basin, further details for management of that drainage channel or basin and the erection of safety fencing must be submitted to and approved in writing by the Local Planning Authority. These details shall include plans and sections, indicating the extent of regularly cut areas for the different drainage features and extents of fencing (for safety around headwalls, etc). These works shall be implemented in accordance with the approved details.

(Reason: to ensure these features perform their drainage function but also achieve positive biodiversity and avoid an over-manicured character adjacent to the Country Park in accordance with Policies D1 (Design and Local Distinctiveness) and Policy D4 (Landscape Requirements) of the East Devon Local Plan)

8. Dog Walking Area with Access Route

Save such works that the Local Planning Authority may approve in writing, prior to commencement of construction a plan indicating the location of a temporary area for dog walking within Phase 1, including safe access thereto, must be submitted to and approved in writing by the Local Planning Authority. The plan must describe any temporary fencing and gates. The scheme shall be implemented on a temporary basis in accordance with the approved plans, prior to occupation of the first dwelling, or as otherwise agreed in writing by the Local Planning Authority

(Reason - To help set a pattern for new residents; to assist in avoiding illegal access to unsafe parts of the site during the construction period; and to encourage dog walking locally rather than requiring a car journey in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan. It is understood that the long-term provision will be implemented prior to the occupation of 750 units but it is expected that a temporary facility will be required prior to the provision of elements of the country park whereupon the Local Planning Authority will confirm that such temporary provision is no longer required).

9. Footway/Cycleway Access to link with Southern Part of existing 'Green Lane' on Western Boundary

Notwithstanding the details shown on Drawing No: 750-TW-101 Rev B (Parcel 1a Site Layout), detailed drawings showing a public footway/cycleway linking the 'Green Lane' to the west with the development between Plots 14 and 15 indicated on the above Drawing No: 750-TW-101 Rev B, shall be submitted to and approved by the Local Planning Authority prior to occupation of the adjacent dwelling units 14 and 15. These details shall accord with those indicated in the drawings contained within the Design Statement (in particular on page 60 'Permeability' and page 63 'Placemaking') and the proposed footpath route within the development shown on Drawing No: 1679/303/E of the Landscape, Biodiversity and Drainage Strategy, The development shall then be provided in accordance with the approved details.

(Reason – To clarify the details of the submitted layout of Parcel 1 in accordance with Policy TA4 (Footpaths, cycleways and bridleways) of the East Devon Local Plan. In addition, the first section of Blue Hayes access road is 'private' and not a Public Right of Way. This link will put in place the important pedestrian/cycle connection from the development along the 'Green Lane' directly to the Country Park, as identified within the documents referred to in the condition).

10. Alignment of the Western Approach and the Main Local Route

No part of Parcel 1a of Phase 1 shall commence until details of the precise alignment of the main western roundabout (entrance 1) and its western approach have been submitted to and agreed in writing by the Local Planning Authority. The works must then be implemented in accordance with the approved details or as may otherwise be agreed in writing by the Local Planning Authority.

(Reason: To facilitate accessibility by public transport in accordance with policies ST1, ST4 and TR9 of the DCC Structure Plan and TA1 of the EDDC Local Plan.)

Reasons for Approval

Generally, the proposals are considered to adhere to the principles secured by the Strategic Design Guidance, the Strategies, Section 106 requirements and the principles of development established at the outline planning stage.

The key overarching documents governing the vision for Cranbrook are the Strategic Design Guidance summarised in this report and the approved Development Framework Plan. The Reserved Matters drawings provide the details for Phase 1 in terms of the built environment to include the layout of the development and how it sits within the topography of the site, the hierarchy of the streets, dwelling types, elevational drawings and materials to be used for individual buildings, boundaries and in the public realm generally.

The detailed plans and drawings for each of the Parcels were scrutinised by the Cranbrook Design Advisory Group as they became available at the pre-application stage and by the Cranbrook Project Team following receipt of the Reserved Matters. As a consequence, the appearance, layout and scale of the proposed dwellings and public realm bordering the MLR and the frontage along the former A30 were subject to considerable changes which has resulted in a high quality design response consistent with the Strategic Design Guide

There is good access to amenities, and a good standard of mobility. The range of accommodation sizes, types and tenure will encourage a diverse demographic mix that will contribute to a balanced community with access to the amenities to be afforded at an early stage in the neighbourhood centre. The environment will not be harmed by the development which will actually enhance biodiversity and meet the sustainability criteria laid down in the outline planning application.

The identity of the New Community will begin to form by the manner in which this proposal is implemented. The disposition of distinctive spaces and landscaping treatment are key elements, as identified in the LBDS and it is considered these as proposed will engender a 'sense of place' and local distinctiveness. Again, the topography, landscape and treatment of the public realm within each Parcel are important elements which have been shown to have been considered in the layout of the residential and public areas.

It is found that the priority of pedestrian and cycleway movement is successful in reducing the dominance of the roads, thus being likely to encourage more sustainable modes of moving around by the residents. From a safety aspect, additional windows on gables adjacent to public areas were successfully added to the appropriate elevations to aid informal surveillance of those thoroughfares.

The strategic and common landscaping proposals, which include the MLR, main entrances into the site, the Town Square, Country Park threshold, retained trees and hedgerows and Drainage Basins, have taken forward the principles identified within the guiding documents and Strategies to achieve a positive scheme.

NB: A SECTION 106 LEGAL AGREEMENT RELATES TO THIS PLANNING PERMISSION.

CLYST VALLEY
(Farringdon) 10/0883/FUL

Applicant: Mr T Mahon

Location: 2 Princes Paddock
Farringdon
Exeter
EX5 2JZ

Proposal: Retention of use of land for the siting of 2 mobile homes, 4 touring caravans, proposed construction of day room and storage shed and the creation of an additional pitch for 1 gypsy family

RESOLVED APPROVED subject to the following conditions:

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on the 28 April 2010.
(Reason - To comply with Section 63 of the Act.)
2. The site hereby permitted shall not be occupied by any persons other than gypsies and travellers, as defined in paragraph 15 of the ODPM Circular 01/2006. The site will be considered as two separate pitches for two gypsy/traveller families.
(Reason – The site is in an open countryside location where a residential use would not normally be permitted but is justified by the special circumstances of the occupiers and to ensure future occupation of the site is in accordance with these special circumstances.)
3. In addition to the utility day room and storage building (to be constructed) on each pitch, Pitch 1 shall be occupied by no more than six caravans of which a maximum of two shall be mobile homes; and Pitch 2 shall be occupied by no more than three caravans of which a maximum of one shall be a mobile home. The mobile homes and touring caravans shall be in accordance with the definition of a caravan as defined by Section 29 (1) of the Caravan Sites and Control of Development Act 1960.
(Reason - To restrict the quantity of development to that which is reasonably required for the family and visitors, and to protect the open countryside from further development.)
4. The site entrance, including vision splays, shall be maintained as existing on 8 June 2010 for the duration of the development.
(Reason - To maintain acceptable visibility splays with the adjoining highway in the interests of highway safety.)
5. No business or commercial activity shall take place on the land.
(Reason - To protect neighbouring residential amenity.)
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the site without the express consent of the Local Planning Authority.
(Reason - To retain the rural character of the landscape.)

7. The existing hedge boundaries on the west and east boundaries of the site shall be retained unless otherwise agreed in writing by the Local Planning Authority. All retained planting 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.)

Reasons for approval

The proposal adheres to government guidance in the form of Circular 01/2006 and a permanent planning permission is considered to be justified given the lack of alternative sites within the District. The site causes no demonstrable harm to the visual amenities of the area, and does not impact significantly on matters of highway safety.

EXMOUTH TOWN
(Exmouth)

11/0180/FUL

Applicant:

Devon County Council

Location:

Strand Gardens The Strand, Exmouth

Proposal:

Construction of new pavilion building comprising cafe, performance space, bus shelter and ancillary storage

RESOLVED

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 and in the interests of proper planning.)
3. No development shall take place until samples of the materials and finishes to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policies CO6 (Quality of New Development) of the Devon Structure Plan 2001-2011 and D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995-2011).
4. Prior to the commencement of development, typical detailed drawings at a scale of not less than 1:20 shall be submitted to and agreed in writing by the Local Planning Authority for aspects of the proposed development pertaining to the fenestration, access doors, eaves detailing and the junction of the external cladding materials and glazing. The development shall be carried out in accordance with the approved details.
(Reason - To ensure that a high quality well detailed finish is achieved for the permitted development in accordance with Policies CO6 (Quality of New Development) of the Devon Structure Plan 2001-2011 and D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995-2011.)

5. No cooking of food shall take place on the premises at any time until an extraction system specification and detailed plan has been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.
(Reason - To safeguard the amenities and living conditions of occupiers of other premises in the locality in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995-2011.)
6. There shall be no burning of any kind on site during construction.
(Reason - To protect adjoining occupiers from excessive noise in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995-2011.)
7. No noisy machinery shall be operated during construction outside the following hours: 0800 to 1800 Monday to Friday and 0800 to 1300 Saturdays and not at all on Sundays or public holidays
(Reason - To protect adjoining occupiers from excessive noise in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995-2011.)
8. No development shall take place until details of a dust suppression scheme to be operated as required during construction have been submitted to and approved in writing to the Local Planning Authority. The development shall be carried out in accordance with the approved details.
(Reason - To protect adjoining occupiers from excessive noise in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995-2011.)
9. There shall be no deliveries of materials during construction by lorry to the site outside the hours 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays and not at all on Sundays or public holidays.
(Reason - To protect adjoining occupiers from excessive noise in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995-2011.)
10. The premises shall only be operated during the hours of 08:00 until 12 Midnight Monday to Fridays, Saturdays and Sundays and Bank Holidays.
(Reason: To protect adjoining occupiers from excessive noise in accordance with policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995-2011.)
11. The outdoor performance area shall only operate between the hours of 10:00 to 21:00 Monday to Friday, Saturdays, Sundays and Bank Holidays.
(Reason - To protect adjoining occupiers from excessive noise in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995-2011.)
12. No goods deliveries by lorry to the site shall take place outside the hours 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays and not at all on Sundays or public holidays.
(Reason: To protect adjoining occupiers from excessive noise in accordance with policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995-2011.)

13. Prior to the development hereby permitted being brought into use the proposed air source heat pumps shall be fully installed and operational and shall thereafter be retained.
(Reason - To ensure that the development is constructed using modern sustainable technologies to minimise its carbon footprint in accordance with the aims of Policy D2 (Sustainable Construction) of the East Devon Local Plan.)
14. The development hereby approved shall be carried out in accordance with the Flood Risk Assessment as submitted by Clarkebond dated February 2011.
(Reason - To ensure the development incorporates appropriate flood proofing measures into the design in accordance with Policy CO13 (Protecting Water Resources and Flood Defence) of the Devon Structure Plan 2001-2011 and government guidance in the form of PPS25 (Development and Flood Risk.)

Reasons for approval

1. The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies

ST15 (Area Centres)
ST21 (Regeneration Priority)
CO6 (Quality of New Development)
CO7 (Historic Settlements and Buildings)
ST1 (Sustainable Development)
ST5 (Development Priority 2001 to 2016)
ST3 (Self Sufficiency of Devon's Communities)
CO13 (Protecting Water Resources and Flood Defence)

East Devon Local Plan Policies

S2 (Built-up Area Boundaries for Area Centres and Local Centres)
S4 (Development Within Built-up Area Boundaries)
D1 (Design and Local Distinctiveness)
SH1 (Town Centre Shopping Areas)
D2 (Sustainable Construction)
EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest)
E2 (Employment Generating Development in Built-up Areas)
TA1 (Accessibility of New Development)

2. The proposal does not adversely affect the privacy and/or amenity of neighbouring properties.
 3. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
 4. The proposal does not harm the character and appearance of the conservation area.
 5. The proposal is contained within the defined built-up area boundary of the settlement.
 6. The proposal does not cause a significant flood risk.
 7. The proposal would not generate a level of noise that would unreasonably affect the amenity of nearby properties.
-

OTTERY ST MARY RURAL 10/2435/MFUL
(Ottery St Mary)

Applicant: Devonshire Homes

Location: Land South Of Otter Close Tipton St John

Proposal: Proposed erection of 56 new dwellings (including 22 affordable), Construction of new Highway access, the closure of the "sunken lane" to vehicles and the creation of a new footpath/cycleway.

RESOLVED

REFUSED for the following reasons:

1. The proposed development would take place on an unallocated site in the open countryside where due to:
 - a. the Local Plan development strategy which seeks to resist development in such areas (where not supported by other specific policies in the Local Plan);
 - b. the extremely limited weight that can be attributed to the emerging Local Development framework which is currently in its infancy;
 - c. the intended abolition of the South West Regional Spatial Strategy as a result of the Localism Bill and the limited weight that can be attributed to this policy document; and
 - d. the ability to demonstrate through the Annual Monitoring Review that there is a sufficient 5 year land supply within the sub area where the application lies,

There are no material planning reasons to depart from the adopted Plan Policy. To do so would undermine the adopted strategy and result in unplanned and speculative development in the countryside where there is no identified need for local regeneration or additional housing. The primary focus for strategic development to provide the bulk of Devon's new housing and economic investment should be focussed within or around identified PUsAs – minimising the need for commuting, maximising accessibility to employment and supporting Exeter's regional economic role. The proposed development is therefore considered contrary to guidance in PPS1 and PPS 3, Policies ST1 (Sustainable Development), ST5 (Development Priority), ST16 (Local Centres and Rural Areas), ST10 (Exeter Principal Urban Area) ST17 (Housing and Employment provision) TR2 (Co-ordination of Land Use/travel Planning), TR5 (Hierarchy of Modes and Transport Assessment) of the Devon Structure Plan, Policies S5 (Countryside Protection) and TA1 (Accessibility of New Developments) of the adopted East Devon Local Plan.

2. The proposed development by reason of the relationship between existing properties in Mallocks Close and the proximity of the proposed development – particularly plot 12, would be overbearing and result in excessive dominance that would harm the residential amenity of existing occupiers. Such development is therefore contrary to good practice and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan.
3. The proposed development by reason of the estate layout and boundary treatment found within it, would result in an environment that fails to reflect the character and appearance of the area, is insufficiently varied in its plan form and fails to reflect good practice through passive surveillance of sensitive areas including car parks and rear courtyards and an enclosed play area. The proposed development is therefore contrary to national guidance in PPS1 and Safer by Design, Policy C06 (Quality of new development) of the adopted Structure Plan and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan

4. The proposed development would be located where it is remote from adequate services, employment, education, public transport etc., and would therefore increase the need for travel by private vehicles contrary to Policies TR2 (Co-ordinating Land Use/Travel Planning) and TR5 (Hierarchy of Modes) of the Devon County Structure Plan and Policy TA1 (Accessibility of New Development) of the East Devon District Local Plan.
 5. Insufficient information, and no appropriate mechanism, has been submitted to ensure that sufficient and appropriate contributions towards the provision of necessary infrastructure to serve the demands of the proposed dwellings would be forthcoming. As such the proposal would be contrary to Policy ST4 (Infrastructure Provision) of the Devon Structure Plan 2001 – 2016, and Policies S7 (Infrastructure Related to New Development), RE3 (Open Space Provision in New Housing Development) and TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 1995 - 2011.
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SEATON
(Seaton) 10/1488/MFUL

Applicant: Cavanna Homes (South West) Ltd

Location: Land South Of Court Lane, Seaton

Proposal: Development of 12no dwellings including garages and parking.

RESOLVED APPROVED subject to a Section 106 Agreement to secure:

- Open space contributions
- Education contributions
- Highway works
-

and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt and in the interests of proper planning.)
3. No development shall commence until samples of the roofing materials for Plots 1 - 3 have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
(Reason - To ensure an appropriate treatment for these plots and to accord with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
4. The development shall be carried out in accordance with the recommendations of the Ecological Impact Assessment dated June 2010.
(Reason - In the interests of protected species which may be present on the site and to accord with Policy EN6 (Wildlife Habitats and Features) of the East Devon Local Plan.)

5. 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 in order to comply with Planning Policy Statement 5 (Planning for the Historic Environment), Policy CO8 (Archaeology) of the Devon Structure Plan, and Policy EN8 (Proposals affecting sites which may potentially be of archaeological importance) of the East Devon Local Plan.)
6. The landscaping scheme set out in the approved plans 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 Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)
7. 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 submitted to and approved in writing by the Local Planning Authority before development commences. 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 and to accord with Policy TR10 (Strategic Road Network) of the Devon Structure Plan and Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)
8. No part of the development hereby approved shall be commenced until:
 - A) The 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
 - B) The ironwork has been set to base course level
 - C) 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 and to accord with Policy TR10 (Strategic Road Network) of the Devon Structure Plan and Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

9. The occupation of any dwelling in the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
 - A) The cul-de-sac carriageway including the vehicle turning head shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - B) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - C) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - D) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - E) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

(Reason: To ensure that adequate access and associated facilities are available for the traffic attracted to the site and to accord with Policy TR10 (Strategic Road Network) of the Devon Structure Plan and Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)
10. No development, including any excavation, demolition or removal of trees, shall commence until full tree protection details complying with BS 5837 have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved details and the recommendations of the Tree Survey dated October 2010.

(Reason - In the interests of the protected tree within the site and the wider amenity of the area and to accord with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and D5 (Trees on Development Sites) of the East Devon Local Plan.)
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no works within Schedule 2 Part 1 Class B for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, other than such features expressly authorised by this permission, shall be undertaken.

(Reason - The space available would not permit such additions with detriment to the character and appearance of the area or to the amenities of adjoining occupiers and to accord with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
12. No development shall commence until details of any external lighting to the parking areas shown on the approved plans has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - In the interest of the character and appearance of the locality and residential amenity and to accord with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
13. No construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, and not at all on Sundays or Public Holidays and dust suppression measures shall be employed as required during construction and there shall be no burning of any kind on site during construction, demolition or site preparation works.

(Reason: To protect the amenity of local residents from smoke, noise and dust and to accord with Policy CO16 (Noise Pollution) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan.)

14. All garages shown on the approved plans shall be used only as such and at no time shall be converted to provide additional living accommodation.
(Reason - To ensure that adequate parking accommodation remains available in the interests of the amenity of adjacent and future occupiers and to accord with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

Reason for approval

1. The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies

CO6 (Quality of New Development)
TR10 (Strategic Road Network)
CO8 (Archaeology)
CO16 (Noise Pollution)

East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)
D1 (Design and Local Distinctiveness)
D4 (Landscape Requirements)
D5 (Trees on Development Sites)
RE3 (Open Space Provision in New Housing Developments)
TA7 (Adequacy of Road Network and Site Access)
EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)
EN6 (Wildlife Habitats and Features)
EN15 (Control of Pollution)

2. The proposal does not adversely affect the privacy or amenity of neighbouring properties.
3. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
4. The proposal does no harm to wildlife interest.
5. The proposal does not harm an identified archaeological site or deposit.
6. The proposal does not harm or give rise to a perceived threat from important trees on or adjacent to the site.
7. The proposal is contained within the defined built-up area boundary of the settlement.
8. The access to serve the proposal does not prejudice highway safety.

SIDMOUTH RURAL 10/2497/FUL & 10/2498/LBC
(Sidmouth)

Applicant: Mrs Stephens

Location: 13 Cotford Road, Sidbury

Proposal: Demolition and reconstruction of part of existing boundary wall to enable alterations to vehicular access.

RESOLVED **10/2497/FUL - 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 and in the interests of proper planning.)

10/2498/LBC – APPROVED subject to the following conditions:

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.
(Reason - To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
2. The works hereby permitted shall be carried out in reclaimed stonework and, prior to the commencement of works, samples of the proposed materials shall be submitted to and approved in writing by, the Local Planning Authority. The development shall only be built in accordance with the approved details.
(Reason - To safeguard the architectural and historic character of the building in accordance with Policy CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)
3. All stonework/brickwork repointing and rendering shall be carried out using a lime based mix, the specification of which shall be approved in writing by the Local Planning Authority. The colour, texture, type of bond and joint, and finish shall match original work, and a sample panel shall be prepared for inspection and approval by the Local Planning Authority prior to commencement of the works.
(Reason - To safeguard the architectural and historic character of the building in accordance with Policy CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)
4. Before any work is undertaken to demolish any part of the wall, the applicant shall take such steps and carry out such works as shall, during the process of the works permitted by this consent, secure the safety and the stability of that part of the wall which is to be retained. Such steps and works shall, where necessary, include, in relation to any part of the wall to be retained, measures as follows:-
 - a) to strengthen any wall or vertical surface;
 - b) to support any wall or horizontal surface;
 - c) to provide protection for the wall against the weather during the progress of the works.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)

Members resolved to Approve the applications contrary to officer recommendation as the marginal improvements to highway safety, offering greater visibility than currently existed, outweighed any detrimental effect the proposals would have on the setting and character of the nearby listed buildings.

SIDMOUTH RURAL (Sidmouth)	11/0069/FUL
Applicant:	Mr C Plowden
Location:	Hatway Sidbury
Proposal:	Construction of 3 no. dormer windows to facilitate loft conversion.

RESOLVED

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those of the existing building.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the existing building and in order to comply with policies D1 (Design and Local Distinctiveness) of the East Devon Local Plan 1995 - 2011 and CO6 (Quality of New Development) of the Devon Structure Plan 2001 - 2016.)

Reasons for approval

1. The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies: Devon Structure Plan Policies - CO3 (Areas of Outstanding Natural Beauty); CO6 (Quality of New Development); and H10 (Extensions to Dwellings in the Open Countryside) and East Devon Local Plan Policies - D1 (Design and Local Distinctiveness); EN1 (Developments Affecting Areas of Outstanding Natural Beauty); and S5 (Countryside Protection).
 2. The proposal does not adversely affect the privacy or amenity of neighbouring properties.
 3. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
 4. The proposal does not harm the natural beauty of the landscape designated as an Area of Outstanding Natural Beauty.
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SIDMOUTH SIDFORD
(Sidmouth)

10/2522/OUT

Applicant:

Mr & Mrs I Barlow

Location:

Sidmouth Garden Centre Stowford

Proposal:

Outline application proposing the construction of a veterinary centre with all matters reserved.

RESOLVED

REFUSED for the following reason:

The proposed development by reason of its position on an elevated parcel of land which is recognised as both open countryside and an Area of Outstanding Natural Beauty and which is afforded the highest level of landscape protection, represents sprawling and unjustified development which would harm the natural beauty of the area. In failing to conserve or enhance the Area of Outstanding Natural Beauty, the proposed development is considered contrary to Regulations in the Countryside and Rights of Way Act 2000; guidance in PPS1 (Delivering Sustainable Development), PPS4 (Planning for Sustainable Economic Development) and PPS7 (Sustainable development in Rural Areas), Policies C01 (Landscape Character and Local Distinctiveness) C03 (Areas of Outstanding Natural Beauty), and C06 (Quality of New Development) of the Devon Structure Plan and Policies S5 (Countryside Protection), EN1 (Development affecting Areas of Outstanding Natural Beauty) and D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan.

TALE VALE
(Broadhembury)

No. 10/F0334
(Enforcement)

Land Owner:

Mr M Cottrell and Miss M Andrews

Land Occupiers:

Mr M Cottrell and Miss M Andrews

Location:

James Barn, And Land To The Northeast
Kerswell

Alleged Breaches of
Planning Control:

Erection of feed silos by new chicken houses

RESOLVED

that NO FORMAL ENFORCEMENT action be taken in respect of this breach

TALE VALE
(Broadhembury) 10/2383/FUL

Applicant: Mr M Cottrell

Location: James Barn Kerswell

Proposal: The retention of existing mobile home for person or persons employed in agriculture

RESOLVED

(1) APPROVED subject to the following conditions:

1. The use of the land for the stationing of the mobile home hereby permitted shall be discontinued and the mobile home shall be permanently removed and the land reinstated to its condition before the use so permitted was commenced, on or before 31st March 2014.

(Reason - The need for the siting of the caravan is for a temporary period only and should be restricted in the interest of the character and appearance of the area and to comply with policies C01 (Landscape Character and Local Distinctiveness) of the Devon Structure Plan 2001-2016 and H8 (Dwellings for Persons employed in agriculture or forestry), D1 (Design and Local Distinctiveness) and S5 (Countryside Protection) of the Adopted East Devon Local Plan 2006.)

2. The occupation of the mobile home shall be limited to a person solely or mainly employed, or last employed, at the land known as James' Barn (as shown on the location plan dated 24/11/10 and received by the Local Planning Authority on the 3 December 2010), or a widow or widower of such a person, and to any resident dependants, subject to the terms of condition 3 below.

(Reason - To meet the agricultural needs of James Barn Kerswell and to ensure that the mobile home remains available for that purpose in accordance with Policy H8 (Dwellings for Persons employed in agriculture or forestry) of the East Devon Local Plan)

3. The mobile home hereby granted shall be occupied only by the applicant Mr M Cottrell and his immediate family and by no other person or persons.

(Reason – The mobile home is justified only by the agricultural needs of the applicant in connection with the operation of James Barn Kerswell and should be occupied solely for that purpose throughout the duration of the temporary permission – in accordance with Policy H8 (Dwellings for Persons employed in agriculture or forestry) of the East Devon Local Plan).

(2) that the served enforcement Notice be withdrawn.

Members resolved to Approve the application contrary to officer recommendation to enable further assessment of whether there was sufficient agricultural need to meet the functional tests set out within planning guidance PPD7.

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Special Development Management Committee held at the Council Chamber, Knowle, Sidmouth, on Tuesday 15 March 2011

Present:

Councillors:
Andrew Dinnis (Vice Chairman in the Chair)
David Atkins
Ray Bloxham
Bob Buxton
Ray Franklin
Mike Green
Stephanie Jones
David Key
Helen Parr
Ian Thomas
Mark Williamson

Ward Members:

Councillors:
Vivienne Ash
Peter Burrows
Derek Button
Roger Giles
Steve Hall
Douglas Hull

Officers:

Matt Dickins, Planning Policy Manager
Kate Little, Head of Planning Services
Linda Renshaw, Senior Planning Officer
Claire Rodway, Senior Planning Officer
Andrew Seddon, Senior Solicitor
April Waterman, Senior Planning Officer
Hannah Whitfield, Assistant Democratic Services Officer

Apologies:

Councillors:
Peter Bowden
Paul Diviani

The meeting commenced at 2.00pm and ended at 4.30pm.

*69 **Appointment of Vice Chairman**

RESOLVED: that Councillor Ray Franklin act as Vice-Chairman for the meeting.

*70 **Local Development Framework Panel Report**

RESOLVED: that the report and recommendations of the Local Development Framework Panel held on 10 February be approved.

*71 **Declarations of Interest**

Councillor/ Officer	Ref. / Site	Type of interest (action taken)	Nature of interest
Councillor Bob Buxton	Item 6 – LDF and Core Strategy Preferred Approach Document – Feedback on Consultation	Personal	Councillor was an EDDC representative on the East Devon AONB Partnership Board
Councillor Mike Green	Item 6 – LDF and Core Strategy Preferred Approach Document – Feedback on Consultation	Personal	Councillor was a representative on the Jurassic Coast Interpretation Centre Steering Group
Councillor Roger Giles	Item 6 – LDF and Core Strategy Preferred Approach Document – Feedback on Consultation	Personal	Councillor was a Governor at Kings School, Ottery St Mary

*72 **LDF and Core Strategy Preferred Approach Document – Feedback on Consultation**

Consideration was given to the LDF and Core Strategy Preferred Approach Document – Feedback on Consultation Report. The Planning Policy Manager explained to Members that the report provided a summary of LDF consultation undertaken during 2010 and the key messages received, particularly in respect of the Core Strategy Preferred Approach document. The report did not seek to analyse, critically assess, or make recommendations in respect of future policy; this would be work for a later date. Attached to the report were comments from Devon County Council and Natural England. These were considered as key strategic agencies with an interest in the overall shape, form and approach of the plan and had been both critical and positive in their responses to the Preferred Approach document.

Considerable effort had been taken to promote public engagement and consultation on the Preferred Approach document, with respondents able to comment via the online LDF portal and by email, as well as respond via Twitter and Facebook. Additional consultation feedback had been received from Parish responses in the Spring 2010, town visioning events, organised public meetings and events with the local secondary schools.

Members noted that 1650 responses had been received during the three month consultation on the Core Strategy Preferred Approach document. A large number of respondents had been critical of the overall scale of development proposed; however there were also respondents that had been supportive of the scale of growth and key elements of the proposals. Concerns raised in objection to the scale of proposed development included:

- loss of countryside and open space;
- adverse impacts on wildlife and protected landscapes;
- ‘urbanisation’ of East Devon; and
- lack of infrastructure.

*72 **LDF and Core Strategy Preferred Approach Document – Feedback on Consultation continued...**

There were a number of consistent messages received from the consultation exercises with the parishes, towns and rural areas, including that housing should meet local needs (such as provision of affordable housing and housing for the elderly), lack of small scale quality employment provision, necessity of broadband, provision of/protecting social and community facilities and the need to champion existing assets.

The Planning Policy Manager outlined 'what happened next' in LDF Core Strategy production. Decisions on how the information and evidence gathered to date would be used and consideration of new evidence and representation and other relevant matters, including potential implications of the Decentralisation and Localism Bill, would take place over the spring and summer months of 2011. Consideration would also be given to what specific studies and additional consultation were required. Part of the future assessment work would be a review of housing and employment numbers in East Devon, which would be carried out by consultants. It was intended that a revised LDF Core strategy document would be considered by the Council in late Summer 2011.

The Chairman invited members of the public to make representations in respect of the LDF Preferred Approach document and LDF process. Observations and issues raised included:

Scale of Growth and Allocations

- Concentration on large developments having a negative impact in Seaton. Development of smaller sites would cause less disruption, provide work for local self employed builders and deliver affordable housing more quickly;
- Scale of housing should reflect local need and aspiration of communities;
- Population figures in East Devon will reduce rather than increase due to the elderly demographics. Large scale provision of housing will not address the housing need and reduce house prices, just encourage inward migration;
- Reassess whether existing sites for buildings such as Police, Hospital and rugby pitch in Exmouth are the most appropriate sites – could these sites be put to better use?
- Concern that allocation of the Blackhorse site for over 2000 houses would have a detrimental effect on the delivery of Cranbrook, particularly infrastructure and facilities, such as the secondary school – critical mass of population required in order to deliver;
- Land north of Summer Lane required for delivery of Dinan Way. Owner of land would work with the Council to develop land - would like to see land allocated in Core Strategy;
- RSS figures based on evidence, therefore should not be completely disregarded. Allocation of housing to the rest of East Devon should be done on a pro-rata basis. Focus should be placed on delivery of social and community facilities when phasing developments; with these facilities delivered in the early phases. Only allocate sites if deliverable;
- Proposed housing for Exmouth would create urbanised sprawling development. St John's Wood site was outside the built up area boundary and close to AONB and Pebblebed Heaths. This land should be preserved to act as buffer to these protected areas;
- Support proposed scale of growth, however other sustainable land options for housing available in the West End, such as land between Crealy Adventure Park and Greendale Barton Business Park (Greenbrook), which could act as a 'fall back' if all or part of land allocated elsewhere was not deliverable;
- Large opposition to the allocation of St John's Wood site for development, should be protected;

*72 **LDF and Core Strategy Preferred Approach Document – Feedback on Consultation continued...**

- Proposed scale of growth too high. Recognise the need for affordable housing, however no evidence that swathes of housing required – if levels were required in the region a new town should be built to accommodate;
- No justification given for the high level of growth proposed – Core Strategy should be rewritten taking local needs into account. Further ‘meaningful’ consultation required;
- Concern regarding scale and phasing of growth proposed for East Devon – greater than the immediate need. Over allocation, particular larger developments, could jeopardise existing projects;
- Duty of the Council to look after the ANOBs which attract tourists and incoming investments – Core Strategy needs to give assurance that this valuable asset will be preserved. Increased flooding risks if continue to build on AONBs;

Employment (Local Economy)

- Reassess employment provision proposed for Sidmouth, with greater focus placed on the town as a tourist centre - proposed provision not proportionate with need. Re-use existing employment sites;
- East Devon Business Forum not considered representative of small and medium size businesses in East Devon – these types of businesses need to have input. No mention of town centre businesses (retailing) or hotels in the document;
- Employment provision focused on the West End, however there were other more sustainable, less constrained sites available with existing infrastructure in other areas of the District, such as Hill Barton and Greendale Business Parks;
- Three million square foot of employment land given consent in the Growth Point (Skypark, Science Park and Intermodel Freight) – concern that anymore provision would result in over allocation and create deliverability and viability issues for those sites already granted permission;
- Positive policy required to support existing local economy;
- Focus to be placed on making use/converting redundant farm buildings, farm diversion and increasing agricultural employment;

Infrastructure

- Reassess use of public space to ensure that it meets the needs of the community;
- Kings School operating from a constrained site which is already 32% below the required space needed for the number of students attending – could not take on more students from additional developments. Playing fields separated, by a main road, from the School site. Require a new ‘fit for purpose’ site;
- Existing infrastructure already overloaded – greater liaison required with DCC in respect of health, education and transport provision as not EDDC’s remit;
- A lot of support for a North/South relief road in Axminster to reduce traffic congestion in the town and reduce the number of drivers who use unsuitable routes to avoid the town centre;
- Address lower Axe Valley highway capacity issues;

LDF Process

- Question use of consultants when local knowledge and expertise available from residents;
- Welcome opportunity for residents to present their views;
- Concern that desires of developers being prioritised above the aspirations of communities. Like to see resident as the customer rather than applicant;
- Like to see LDF Panel meetings open to the public to attend;
- Concern that weight given to the emerging policy before it had been adopted;
- Concern regarding Council’s change of emphasis from landscape protection to economic development – was this a decision agreed by the Council?
- Welcome the consultation feedback report;
- The Council’s focus should be on delivering the cultural needs of the District, affordable housing, better transport infrastructure and food security.

***72 LDF and Core Strategy Preferred Approach Document – Feedback on Consultation continued...**

Following representations from members of the public the Chairman invited Ward Members in attendance to speak. Ward Members for Seaton, Ottery St Mary, Honiton, and Broadclyst raised issues about the proposed scale of growth within their wards and local concerns, including preserving the green wedges between Seaton and Colyford and Beer, concluding the Sustrans Cycle Route, promoting culture and tourism, preserving East Devon's Character and local distinctiveness and providing housing to meet local need.

Councillor David Key spoke as Chairman of the LDF Panel and commended the summary report of feedback from LDF consultation undertaken in 2010. The LDF Panel had met regularly since being formed in 2008 and all Members had been encouraged to attend meetings. He had been delighted by the commitment and enthusiasm of those Members who had attended meetings; their help in the Core Strategy production was greatly valued. Two major documents had been produced for consultation – the Issues and Options Report and the Preferred Approach document. The Panel had set itself the challenging task of setting a blueprint for East Devon for the years ahead and had been extremely pleased with the number of respondents to the, intensively publicised, consultation on the Preferred Approach document. In arriving at the Preferred Approach document there had been a substantial amount of evidence gathering by the Panel and Officers, including visits to a wide range of sites and locations. The Preferred Approach document set out a reasoned case to help promote jobs and new homes, including affordable homes, whilst at the same time protecting and enhancing the cherished built and natural East Devon environment. In the responses to the consultation there had been some support for the levels of development proposed, however it was recognised that there had been some concern raised. Over the summer months the new LDF Panel would assess and consider development options and proposals, with a revised document to be submitted to Council in the late Summer.

Members of the Committee debated the consultation feedback report and LDF process, including:

- The need to be mindful of the scale of housing proposed for Exeter – how does this affect deliverability of housing and employment provision in East Devon, particularly West End?
- Have heard informed representations from the public earlier in the meeting and in the responses to the consultation, which cannot be ignored – need to focus on the needs of the individual villages;
- Applaud the amount of consultation methods undertaken by an under resourced team – lot of interest generated;
- Disappointment at lack of response from the large infrastructure providers, as their commitments will inform discussions and decisions in the revised document;
- Crucial that necessary infrastructure, including road, broadband and schools in place before/or delivered through development – need to question whether certain infrastructure needs to be in place before permissions granted;
- Housing should support economic development;
- AONB and coastal preservation areas should be protected;
- Question the need to employ consultants to undertake a review of housing and employment need – should listen to local residents;
- Significant weight should be given to Parish Plans;
- Welcome housing and employment review;
- East Devon Business Forum open to all businesses to attend.

The Head of Planning Services informed Members that an evidence base was required to underpin the final Core Strategy submitted to the Planning Inspectorate. The RSS figures and DCC projected population figures were not consistent, hence the reason for employing a consultant to undertake a housing and employment review of East Devon; there were not the necessary resources or expertise to undertake this work in-house.

***72 LDF and Core Strategy Preferred Approach Document – Feedback on Consultation continued...**

In response to a comment made regarding inadequate infrastructure for haulage to access a large development in Seaton, Members were advised that consultations with infrastructure providers such as DCC and the Highways Agency formed part of the planning application process.

Members heard that the new Community Infrastructure Levy (CIL) would empower local authorities to charge on new developments in the area, with the proceeds of the levy to be spent on the local and sub-regional infrastructure to support the development of the area. A Charging Schedule, Infrastructure Plan and Delivery Plan would accompany the Core Strategy submitted to the Planning Inspectorate.

In response to a question regarding further consultation, the Planning Policy Manager advised that if there were ‘significant’ changes made to the revised document submitted to Council at the end of the summer further public consultation would be required. At the pre-submission stage there would be a six week consultation period; results of this consultation would be submitted with the final Core Strategy to the Planning Inspectorate.

RESOLVED

that the summary report of feedback from East Devon LDF consultation undertaken in 2010 be noted and that feedback, including the valued representations heard at the Development Management meeting, and further evidence gathering and research be used to inform a revised plan to be considered by Council in late Summer 2011.

Chairman

Date

EAST DEVON DISTRICT COUNCIL

Notes of a Meeting of the Local Development Framework Panel held at the Knowle, Sidmouth on Thursday 10 March 2011

Present:

Councillors:
David Key (Chairman)

Derek Button
Bob Buxton
Ray Franklin
Mike Green
Tony Reed

Also Present:

Councillors:
Vivienne Ash
Peter Bowden
Graham Brown
Philip Skinner

Officers:
Matt Dickins, Planning Policy Manager
Nigel Harrison, Economic Development Manager
Kate Little, Head of Planning Services
Fliss Morey, Projects Director, Exeter and East Devon Growth Point
April Waterman, Senior Planning Officer
Hannah Whitfield, Assistant Democratic Services Officer
Andy Wood, Head of Infrastructure and Partnerships, Exeter and
East Devon Growth Point

The meeting started at 10.00 am and finished at 12.15 pm.

35 Notes of the meeting held on 10 February 2011

The notes of the of the Local Development Framework (LDF) Panel meeting held on 10 February 2011 were agreed as a true record.

36 Consultants Brief - Employment and Housing Requirements (minute 32 refers)

At their previous meeting (10 February), Members had considered a draft brief for the appointment of consultants to undertake a review of employment and housing requirements in East Devon. The Planning Policy Manager presented a revised brief to the Panel, taking into account Members' observations made at that meeting in respect of the outputs required from the study. It was noted that the brief required further refinement but was hoped to provide Members with an overview of work that the consultants would be asked to complete, essentially a high level testing of need and demand for housing and employment development and a market facing assessment of employment sites.

It was intended that the brief would be issued by the end of the month, with appointment in April and the study undertaken over the Spring/Summer months. The Consultant's report would be used to inform the revised Core Strategy to go before Members at the end of the Summer 2011.

36 **Consultants Brief - Employment and Housing Requirements** (minute 32 refers)
continued...

Members heard that the brief covered a wide range of issues, however the onus was on consultants using existing data and reports to complete the work rather than undertaking original primary data collection. It was hoped that this approach would keep costs to a minimum. However it was recognised that some field work would be required in order to complete the study.

Members' endorsement was sought for the revised brief, subject to minor amendments, to be put out to consultants for tender. Observations made during a lengthy discussion regarding the revised brief included:

- Assessment of employment site options should be carried out across the whole of East Devon, not purely focused on the West End;
- Study shouldn't 'overplay' the West End at detriment to the rest of the district (6.3 wording to be amended);
- Accuracy of the demography of East Devon key – Members advised that DCC updated its demographic information on a yearly basis. Consultants would be asked to demonstrate their ability to access data – crucial that data used was reliable;
- Demography and housing and employment to be considered together in order to achieve the right balance of provision;
- Importance placed on consultants having an in-depth knowledge of the local area;
- Study needs to show the wider economic trends and cross-boundary issues;
- Consultants to provide details on methods and cost of consultation to be undertaken;
- Critical analysis needed of the emerging policy position. Important that consultants were not prejudiced by the emerging policy position and presented an unbiased assessment. Consultants were being asked to carry out an assessment, not define policy;
- Assessment of inward and outward, particularly in respect of young people, migration to/from the district required – important if want to achieve balanced communities;
- Test market demand and effects meeting that demand would have on the East Devon economy. Investigate reasons for unoccupied employment premises;
- Important that emerging vision thoroughly tested, such as vision for hi-tech hubs. Listen to visions of the communities articulated through the consultation exercises;
- Work with Economy Think Tank to communicate/consult with towns and parishes;
- 4.11 (pg 27) Credibility of Job Growth Levels – data to be clarified in table;
- Consideration to be given to economic growth as well as community aspiration;
- LDF Panel will be presented with assessment study from consultants and be asked to balance alongside community responses in order to inform a revised Core Strategy in late Summer 2011;
- Concern regarding the tight timescale of consultant's work, however recognised importance for the Council to have a Core Strategy adopted.

RECOMMENDED: that the Consultant's Brief for a review of housing and employment requirements in East Devon, subject to minor amendments, be endorsed by the Panel for submission to tender.

37 **Rural Areas/Village Development**

Consideration was given to the Parish Councils' Feedback and Responses to LDF Consultation paper, written by Senior Planning Officer, Claire Rodway. The Planning Policy Manager explained to Members that the paper expanded upon section 8 of the LDF Consultation Feedback Report to be presented to the Development Management Committee on 15 March 2011 and had been brought before the Panel for discussion and for information; it was not anticipated that it would be the subject of any formal decision. Members heard that over the upcoming months the Planning Policy Team was aiming to produce a topic/working

37 Rural Areas/Village Development continued...

paper on rural area/village development to inform and justify future policy choices. Clarification would be sought from some Parish Councils on their feedback submissions.

Members noted that from the feedback and responses received to the Preferred Approach repeated issues highlighted for rural areas/village development included facilities, housing (affordable and housing for elderly), small scale employment provision (compatible with the environment) and broadband.

Members were encouraged to consider whether 'hubs villages' were the right approach for villages who aspired to have growth or whether individual settlement allocations or percentage allocations was a more appropriate approach. If the average household size continued to decline as trends suggested, over a period of 10-15 years villages without growth would see a 5% decrease in their population figures.

Observations and issues raised during a lengthy debate regarding rural area/village included:

- If demographic trends continued, status quo in housing numbers would see a decrease in population figures in East Devon;
- New 'Community Right to Build', to be introduced as part of wider Neighbourhood Planning reforms, detailed in the Localism Bill could be used to expand the size of communities by up to 10%;
- Speak to those Parish Councils who did not respond to Preferred Approach Consultation – ask why did they not respond? Did they agree with approach for their villages and for that reason did not feel need to respond?
- Built up area boundaries versus criteria based policy. Advantages and disadvantages of both - these need to be explained to the villages;
- Absolute figures for growth versus % of housing stock;
- Exception sites unlikely to come forward due to lack of funding available from the Homes and Community Agency (HCA), therefore require cross-subsidised private housing in order to deliver affordable housing – How is this type of housing delivered?
- Important to highlight areas for non-development, particularly within built up area boundaries, to avoid urbanised village centres;
- How do villages that don't want growth fund infrastructure improvements and aspirations, such as village halls, improved flood defences?
- Broadband vital for rural communities - Community Infrastructure Levy (CIL) would allow local authorities to charge on new developments in the area and use the money to support development by funding infrastructure that the local community wants;
- Villages need good quality development that enhances and does not detract from its character.

38 Next meeting

The Head of Planning Services advised Members that the next meeting of the LDF Panel would be held after the Annual Council meeting at the end of May.

The Chairman thanked the Panel, and all those who had attended meetings, for their hard work and helpful contributions.

Agenda Item 7

Development Management Committee

5 April 2011

E.Freeman



Validation of planning and related applications – Amendments to Local List requirements

Summary

In July 2008 Members of the Development Control Committee agreed to implement a local validation checklist for planning and related applications following changes in legislation that allows Local Planning Authorities to specify their own information requirements for planning and related applications over and above the national requirements. Such a list has been operating successfully since that time, however it is necessary to regularly review these requirements to ensure that they are up to date and relevant. The requirements have recently been reviewed and it is considered that two key amendments are needed:

- That Statements of Significance be required in accordance with the requirements of PPS5: Planning for the Historic Environment for all developments affecting a heritage asset such as a listed building or conservation area.
- That developers who want us to consider a viability case for not meeting the Council's usual Section 106 agreement requirements pay the cost of the Council having the financial appraisal of the development independently assessed.

Recommendation

That the proposed amendments to the local list requirements for the validation of planning and related applications be adopted for Development Management purposes.

a) Reasons for Recommendation

To ensure that all planning and related applications provide sufficient information for officers and Members to make fully informed decisions taking into account all relevant material considerations, and to ensure that all submissions adhere to a reasonable standard so that all interested parties can adequately assess the proposal and make informed comments.

b) Alternative Options

The Council could do nothing and rely on the National minimum requirements and the current local requirements for planning and related applications. This would provide a less comprehensive submission in the case of applications

affecting heritage assets and would put the Council to unnecessary additional expense in funding the independent assessment of viability appraisals.

c) Risk Considerations

Failure to maintain an up to date local list of requirements will mean that officers, Members and other interested parties may not be provided with all the information they need to make an adequate assessment. It would also impinge on the timescale for making planning decisions because such information will need to be sought post validation when the clock has started to run. This will give rise to inevitable delays and poorer performance.

d) Policy and Budgetary Considerations

The statements of significance to be submitted will be funded by the applicant. The independent assessment of viability appraisals would in future be funded by the developers and this would reduce the budgetary demands arising from the funding of such appraisals which generally cost around £3000 for each development. Although only a small number of applications need to be assessed in this way each year these additional costs take up a large proportion of the application fee for the applications concerned or in some cases exceed the application fee and therefore place undue pressure on the Development Management budget.

There are no policy issues other than for officers and Members to ensure that whatever information they require is in relation to a material planning consideration and is line with government advice generally.

e) Date for Review of Decision

The Government recommends that the local list of requirements should be reviewed every three years. Any significant changes brought about by legislation or advice can be included in an amended list before that time but such changes ought to be the subject of a re-consultation exercise. The next date for review therefore will be April 2014 at the latest.

1.0 Background

- 1.1 At the Development Management Committee meeting in July 2008 Members agreed a local validation checklist which would run alongside the national validation checklist for planning and related applications in determining the information that should be submitted to support applications. The report noted that there is a requirement to review these requirements every 3 years to ensure that they are up to date and appropriate. The first review has recently been undertaken and two changes are proposed.

2.0 Proposed Changes to the Validation Checklist

2.1 The proposed changes are:

- Statements of Significance for Heritage Assets – Last year the government published new guidance on how developments affecting listed buildings, conservation areas and other heritage assets should be considered. The guidance is entitled PPS5: Planning for the Historic Environment. This guidance states that all applications affecting a heritage asset should provide sufficient information to understand the extent to which the proposal will impact on the significance of the heritage asset affected. This should take the form of a “Statement of Significance”. These statements will be important in ensuring that the applicants have properly considered the impact that their proposed works will have and that this is detailed in their submission so that it can be fully assessed. Although this requirement is stated in government guidance it does not form part of the national validation checklist and so it is proposed to include this within our local validation checklist so that we can insist on this information being submitted before an application is validated.

It is also proposed to amend the general notes which accompany the validation checklist to include the following section:

Statements of Significance for Heritage Assets

PPS5: Planning for the Historic Environment introduced a requirement for applications affecting ‘Heritage Assets’ such as Listed Buildings, Conservation Areas, archaeological remains etc to be accompanied by a Statement of Significance. These statements will form part of the justification for the proposal and should demonstrate that consideration has been given to the protection of the heritage asset and/or its setting. The purpose of the Statement is to identify the important characteristics/significance of the existing heritage asset and to explain how the proposals would affect these and justify why this is necessary or desirable. If appropriate the Statement can be incorporated as part of a Design and Access Statement as long as it is clearly identified within the overall document. A complete Statement must include:

- *Statement of significance of the heritage asset*
- *Details of the proposal*
- *Analysis of the impact of the proposal on the significance (including a statement of need & statement of impact)*

Further guidance on Statements of Significance can be found at:

www.eastdevon.gov.uk/plg_statementofsigguidance.pdf

- Viability Appraisals – In the current economic climate it is increasingly the case that developers are arguing that they are unable to meet the Council’s requirements with regard to contributions towards community infrastructure such as affordable housing, open space provision, education services etc.

Clearly the Council cannot simply take the developers word for this and so it is becoming common practice to require them to submit copies of their financial accounts for the development so that these can be independently assessed to ensure that the developer's assessment is correct so that this can be considered in negotiations. To date these assessments have been carried out by independent consultants appointed and paid for by the Council. These assessments are needed to prove the applicants case and as such it is considered that the onus should be on the developer to fund this work although it is important that the work is still commissioned by the Council to ensure that it is truly independent. It is therefore proposed to amend the validation checklist to require developers to agree in writing to fund all reasonable costs associated with this work before an application where such issues apply will be considered.

- 2.2 These proposed changes were recently subject to consultation with English Heritage and the 100 agents who submit the most applications to the authority. The changes were also discussed at a recent agent's forum which was attended by approximately 25 of the agents. Only a few responses have been received with agents stating that they understand the need for these changes and do not object. It was suggested that specific reference to archaeological remains should be made with reference to Statements of Significance as agents often forget the importance of such remains. It was also suggested that the costs to applicants with regard to viability appraisals should be termed as "all reasonable costs" so that agents can be assured that they will not be expected to cover excessive costs that are not reasonably necessary to take a view on the viability of their scheme. These concerns are acknowledged and have been incorporated into the above mentioned changes.

3.0 Conclusions

- 3.1 The review of the local validation checklist has identified some minor changes to the Council's requirements in order to keep it up to date and ensure that the Council is not burdened by the costs of helping developers to prove their case in terms of the viability of schemes. These have proved uncontroversial with consultees and the few comments that have been received have been incorporated into the proposed changes.

Legal Implications

The report and recommendation are consistent with the statutory framework (s42 PCPA 2004) and in particular reflect national policy guidance on the subject (Circular 02/2008).

Financial Implications

The implementation of the changes to the local validation checklist has no cost implications in itself and the proposed changes in terms of viability appraisals will save the Council money that it currently spends on consultant's fees.

Background Papers

- Validation of Planning and Related Applications published by East Devon District Council (2007)
- The Validation of Planning Applications – Guidance for Local Planning Authorities (December 2008)
- Circular 02/2008 Standard application form and validation published by CLG (March 2008)
- General notes on the validation of planning and related applications
- Individual forms setting out national and local list requirements for each application type

Ed Freeman
Interim Development Manager

Development Management Committee
8 April 2011

Agenda Item 8

Development Management Committee

5 April 2011



Design Review Panel: Conversion/Re-Use of Rural Buildings for Business Purposes

Projects

Addlepool Farm, Clyst St. George
Home Farm, Nutwell Court, Lypstone
Venmore Farm, Woodbury

Panel Members

Cllr Andrew Dinnis (chaired the meeting)
Cllr Paul Diviani
Cllr David Atkins, Ward Member
Jill White, External Design Reviewer
Ed Freeman, Development Manager
Nigel Barrett, Senior Planning Officer
Mike Drake, Senior Planning Officer
Alan Breckon, Senior Planning Officer
Paul Golding, Planning Officer
Peter Thomas, Planning Officer
Zoe Harding, Technical Officer

Circulation

All of the above.
EDDC (Councillors & Development Control Officers)
Clyst St. George Parish Council
Woodbury Parish Council

Meeting Date

Tuesday 1st March, 2011

Venue

Committee Room, Knowle

Summary

Overarching Themes

Policy D10 of the East Devon Local Plan permits the re-use, conversion, alteration or extension of rural or farm buildings for employment-generating or business uses that add value to the local economy. In particular, the policy encourages the accommodation of uses falling with Class B1 (Business) of the Schedule to the Town and Country Planning (Use Classes) Order which, by definition, comprise offices and 'light industrial' uses that provide employment benefits without necessarily causing detriment to the character or appearance of an area, or the amenity of local residents, through problems associated with noise, dust, smell, etc. as well as being more sympathetic to the rural character of the building(s) affected than conversion to other uses, such as residential.

The emphasis of the policy, in particular, is on the facilitation of new uses for traditional buildings of architectural and/or historic merit that are no longer required for their original purpose but are considered to be worthy of re-use for income generating purposes that can help to provide for employment opportunities within the countryside, reduce the need for car borne travel and therefore contribute to one of the key objectives of achieving sustainable development.

The schemes were selected as being good recent examples of the diversification of farm enterprises through the re-use of traditional buildings for economic purposes that fulfilled the criteria set out in the Local Plan policy and towards which the policy is specifically directed. They present design issues for consideration that are different to other types of development, such as housing schemes, industrial buildings and estates and development within and of historically important and sensitive landscapes and buildings that have been the subject of consideration by previous design review panels.

Conditions

The success of a scheme can often be partially attributed to the level of detail. Such details can either be obtained as part of the initial planning application process or secured by condition to be submitted at a later date. There was acceptance that there are limits to what can be controlled through the planning process but the panel did note on one of the schemes, in particular, that the positioning of air conditioning units, lighting bollards, rainwater goods and other external infrastructure could individually and as a whole detract from the overall aesthetic of the development. Greater control of detailed design would also extend to the detailing of the finishes of windows, doors, rainwater goods and the treatment of timber infilling of former openings, particularly important where schemes relate to the conversion of traditional buildings of some age.

Monitoring

Hand in hand with imposing stricter control through conditions comes the requirement for effective monitoring of schemes throughout the development process. The panel felt that on at least one of the schemes that more effective monitoring of conditions (and the development as a whole) would have allowed deviation from the approved plans to have been picked up at an early stage and rectified. There was acknowledgement of the fact that there were limited resources to enable effective monitoring of all schemes and that there is inevitably a certain reliance on members of the public and or parish/town councils to alert the planning authority of such issues.

Boundary Treatments/Landscaping

In two of the schemes considered the panel felt that the developments could have been improved through more appropriate landscaping of the sites and in particular boundary treatment. Appropriate landscaping helps to assimilate a development in its setting whereas inappropriate landscaping can result in a development appearing harsh and out of character with the surrounding area. In the case of the two sites considered by the panel it was felt that the quality of the landscaping could have been significantly improved. It was also noted that landscaping was left unfinished although the units themselves were complete and occupied.

It was considered by the panel that closer attention to and monitoring of landscaping conditions would benefit the overall appearance of schemes.

Signage

Commercial/employment development inevitably gives rise to a need for advertising on site, especially where there are a number of units provided, in contrast to other types of development schemes, such as individual residential dwellings. The impact of signage, within sites, on buildings and in advance of sites, upon the rural landscape character and appearance of the locality can, if not appropriately controlled, detract from the form, character and integrity of historic rural buildings and their setting and the appearance and character of the surrounding countryside.

Aside from one poor example of the display of unauthorised advance signs, the signage at all three sites was thought to be sufficiently discreet and appropriately sized, designed and coloured so as not to detract unduly from the rural landscape setting of the converted buildings.

Detailed elements of conversion

Particular attention was paid in reviewing the schemes with regard to the impact that excessive numbers of elements such as rooflights can have upon the character and appearance of a development and the need to ensure that they do not dominate the roofscape of individual buildings in a manner that could be viewed as being detrimental to their overall integrity.

Whilst the adaptation of other elements, such as window and door openings, within each of the buildings was generally thought to be largely successful, the inclusion of too many rooflights was thought to detract from the success of one of the schemes under review.

Some thought was given to the extent to which the Code for Sustainable Homes could be required to apply to commercial rural conversion schemes in the future and the implications therein for the detailed elements of such proposals.

Biodiversity

A consistent theme to emerge from the debate regarding the three schemes under review was the need for developments to pay full respect to their rural setting and, where possible, facilitate enhanced biodiversity through appropriate control over landscaping schemes and, in particular, boundary treatments. It was thought that there were opportunities in each of the schemes for improvements in this regard that had been missed and that future careful attention would need to be paid to this as an issue. Whilst due acknowledgement was given to the inclusion of measures for the safeguarding of protected species that automatically followed from consideration of barn conversion proposals, it was thought that more could and should be done to facilitate wider biodiversity interests in the re-use of rural buildings.

Recommendation

That the Development Management Committee notes the report.

Introduction

The purpose of this Design Review Panel was to consider a number of comparatively recent schemes involving the conversion of former rural/farm buildings to business uses in accordance with the provisions of Policy D10 of the Local Plan which specifically facilitated such uses subject to various criteria.

Members of the panel were given a briefing paper on each of the developments and these are attached as an appendix to this report. The panel visited each site before having a detailed discussion about each project. The panel's consideration of each scheme is summarised below.

Addlepool Farm, Clyst St. George

Introduction

This development involved the conversion of, and alterations to, a range of largely traditional Victorian former agricultural buildings located adjacent to Addlepool Farmhouse to offices (within Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order).

Detailed planning permission was granted in May 2007 for the scheme subject to a number of conditions seeking to control certain elements of detail in the interests of ensuring that the traditional character and appearance of the buildings was maintained.



The Development

The principal buildings formed an H shape and comprised both single and two storey sections arranged in the centre of an external and internal farmyard. They were constructed using mainly face brickwork, with some areas of stone, with tiled roofs. Some openings had been closed off with timber cladding.

A further single storey building lay to the north west of the main complex. More modern additions to the buildings also existed in the form of an open covered yard between the two principal barns and an adjacent open sided barn within the southern of the two farmyard areas and a grain silo within the northern farmyard area. The farmyards themselves were finished with concrete surfacing.

The boundary with the field to the south east was defined by a double wall in concrete blockwork, formerly used as a feeding trough.

Access existed to the farm complex from both Woodbury Road to the east and the A376 to the west.

The approved scheme involved the conversion of the older buildings to form six self-contained offices together with the demolition of the more recent additions described above, works to provide car parking and landscaped courtyard areas and the construction of two single storey extensions to provide disabled toilet facilities.

More specifically, the scheme proposed the following alterations to the buildings:

- The addition of 1 no. rooflight to the north eastern (roadside of Woodbury Road) elevation.
- Infilling of the north eastern elevation of the open sided two storey barn with weather boarding and the provision of 2 no. windows at first floor level with 4 no. windows and 2 no. doors at ground floor level.
- The addition of 1 no. dormer, adjacent to an existing dormer, at the eastern end of the north elevation overlooking the northern courtyard together with the forming of 1 no. new window opening at ground floor level and the enlargement of one window opening to form a door opening within the same elevation.
- The forming of 1 no. new window opening at ground floor level on the south eastern gable end of the two storey barn alongside 1 no. first floor level window in the same elevation of the single storey barn adjacent to Woodbury Road and the installation of 4 no. rooflights along the south east elevation of the central building.
- Enlargement of a window opening to form a door in the south western (facing the A376) elevation and the provision of 6 no. rooflights.
- Infilling of opening to south west (southern courtyard) elevation of single storey roadside barn with weather boarding and installation of 2 no. windows and 3 no. rooflights.

The proposals also incorporated the re-use of the detached single storey outbuilding adjacent to the north western boundary as a storage facility for bicycles and motor bikes.

The scheme set out the existing courtyard areas to be used for vehicle parking and provided for the construction of a 2 metre high brick wall along the A376 boundary of the site and the removal of the former feeding trough from the south eastern boundary.



Conclusions

In general, the panel considered the principle of re-use of the buildings for office purposes to be excellent and their character and appearance worthy of conservation for conversion.

However, issues were raised with regard to: the quality of the landscape treatment (both soft and hard) of the spaces between the buildings and along the site boundaries; the external infrastructure added to the development, principally in the form of the air conditioning units, lighting, signage and rainwater goods; the number of rooflights within the scheme and the treatment of windows and doors throughout the development.

Regarding the landscaping of the development there was some concern, notwithstanding that they involved retention and adaptation of existing features, at the appearance and character of the length of wall along the Woodbury Road frontage boundary of the main vehicle parking area and the return walling along the south eastern site boundary with the open field beyond. These were viewed as being vital elements of the overall scheme with the suggestion made that it would have been cheaper, softer and more enhancing of the development for hedges to have been planted, possibly using thorny species that could have provided the added benefit of improved security. It was also thought that such measures could have improved the biodiversity/habitat creation potential of the scheme.

Some doubt was raised as to whether the hedge planting within the retained former trough along the south eastern site boundary would survive given the limited space within which it was being allowed to try and grow and establish. Moreover, it was suggested that the retention of the walls could have been supplemented by planting inside them to soften their visual impact and that of the vehicle parking areas as well as providing for more greenery throughout, which was thought to have been necessary generally given the dominance of the external space resulting from the vehicle parking area.

The new wall constructed along the A376 side of the complex was also thought to be excessive in terms of both its length and height and, again, damaging to the character of the setting of the buildings and the site as a whole. This was considered to have been an obvious opportunity to incorporate substantial hedge planting in order to achieve the same screening effect given the apparently limited purpose that it appeared to serve.

This in turn prompted some debate as to the merits of the scheme in terms of retaining the former concrete farm yards essentially as they had previously existed as opposed to the introduction of a completely new treatment that might appear to enhance the character of the setting of the former farm buildings. One perspective offered was that an opportunity had been missed to facilitate the creation of a Sustainable Urban Drainage System (SUDS) solution and that the alternative of laying a permeable gravel surface may have achieved a more visually acceptable outcome. Other panel members thought it more honest for the original surface treatment to be retained as an indicator of the historic development of the site and more respectful of the integrity of its former use.

The area of pavers within the courtyard area adjacent to the principal car park within the development was thought to be unsympathetic to the adjacent brick-faced former farm buildings and it was thought that the treatment of this space could have been more sensitively conceived.

A query was also raised in respect of the enforceability of the landscaping scheme given the identification of breaches of the planning permission in the area of the store.

Considerable concern was expressed, almost universally, at the amount and nature of the additional infrastructure built into the development in the form of the air conditioning units attached to a number of elevations of the buildings. Regarding the former it was thought that the array of units adjacent to the south western elevation of the development, in particular, detracted adversely from the character and appearance of the scheme. It was thought that their positioning both here and elsewhere throughout the site was unfortunate and clumsy

and that an opportunity could/should have been taken to incorporate either the use of a single air conditioning system to serve all of the business units rather than the specific use of individual units for each premises or passive/natural ventilation to accommodate all users originally. Either way, it was reflected upon that this element represented something of an afterthought to the Authority and conditions could have been imposed on the grant of planning permission to secure details of a scheme for the air conditioning of the buildings.



The bollard lighting was considered to be excessive, both in terms of their number and their height, with the siting of some of the bollards viewed as unnecessary given the areas within which they provided lighting. It was thought that it could have been far more discreet in its visual impact.

The signage adjacent to the entrance to the main car park was considered to be of sufficiently modest visual impact and positioned such that it did not appear excessive on account of its size, design or colouration. It provided adequate information without appearing cluttered or intrusive. The absence of any other signage elsewhere around the site was also thought to be a positive element of the development.

A point was raised concerning the number of downpipes around the building with the view being taken that the number was excessive. As with the air conditioning units, it was considered that this could have been conditioned as part of the details of the means of surface water disposal throughout the development.

The building conversion scheme itself was generally positively received by panel members with only a number of observations regarding the number and style of rooflights being the subject of debate. The general consensus was that they were excessive in number, more particularly on the south western elevation where, alongside the predominance of air conditioning units, it was thought that they adversely dominated this aspect of the roofscape and contributed to the detrimental impression created by this part of the scheme. Collectively, they were considered to erode the traditional character of the buildings. It was also contended that the scheme would have been significantly enhanced through the use of 'conservation'-style rooflights.

The design and positioning of the enclosed bin store helped to prevent clutter elsewhere around the site although it was considered to be slightly suburban in its character and appearance.

More positively though, the view was expressed that the treatment of the fenestration was in keeping with the traditional character of the buildings and blended well with the brick wall finish and roof tiles.



Home Farm, Nutwell Court, Lymstone

Introduction

This scheme related to the conversion, alteration and extension of a fine Grade II* listed former indoor riding school building to create a ménage and ancillary facilities complementary to the primary use of the site as a veterinary practice specialising in the treatment of horses.

The facilities at the site have evolved over the past two decades with a number of planning permissions having been granted, principal amongst which was a permission granted in 2004 to reinstate the listed building following a fire in 2001 that severely damaged the building and adjacent structures. That scheme sought to continue the use of the building and site as a veterinary practice, incorporating stabling and the indoor ménage.

Subsequent planning permissions/listed building consents facilitated the construction of a substantial timber-clad single storey lean-to extension along the entirety of the length of the northern side of the indoor riding school building to accommodate farrier and saddlery facilities in addition to stables, a workshop and store.



The Development

In 2001, the Nutwell Estate suffered a large fire that severely damaged the former indoor riding school building and the surrounding buildings.

The main barn had been used as a feed store and cattle shed for many years and a return to that use was not considered to be a viable option. Other possible uses were therefore looked into with a return to its historic equine use being most favourably considered.

English Heritage was closely involved in the evolution and conception of an appropriately sensitive scheme for the building and site, partnered by local architects, including a specialist historic buildings practice. This involved the reinstatement of historic features that were required to be specialist-made, such as the distinctive elliptical and arch-headed fenestration and their glazing bars, alongside the need to replicate the internal plaster barrel ceiling in a new material.

The more recent L-shaped single storey lean-to addition along the northern elevation of the listed building required equally careful attention to its materials, finishes and other detailing with the use of stained timber cladding and a roof finish to blend with the main roof of the listed building.

Parking for staff, clients and visitors has been provided adjacent to the building and soft landscaping proposals incorporated so as to mitigate its impact upon the adjacent historic parkland-style setting of the complex of buildings on the site.



Conclusions

The panel considered the scheme to be a fine example of the reinstatement of the historic use of a building in a manner befitting of both the character and quality of the building itself, reflecting its status and uniqueness as a structure of historic and architectural character of the highest order.

In particular, commendation was given to the fact that the evolved schemes had, over a period of years, been consistently client-led in favour of the protection of the character and integrity of the Grade II* listed building and that the reinstatement of the building, alongside the new build elements, had always had in mind the need to design for a specific purpose as opposed to having had to be converted to it. In this regard, the schemes were thought to highlight the value of the involvement of a good conservation architect in the design process. The uses themselves were also seen to be highly appropriate to the spaces within the building which could facilitate them in a manner that could enable its restoration without undue compromise to its character, appearance and integrity.

The modern roof material was thought to blend effectively with the older brickwork and represent an appropriate treatment to the roof of the lean-to extension. Although there was some querying of the stained finish to the timber walls of the latter, with the suggestion that the retention of a natural appearance might have been more appropriate given the sensitivity of the setting of the development, it was also argued that such treatment was of merit in view of the showy character of the main listed building which it was thought should be reflected in the treatment of the new build element.

Internally, it was considered that the sub-division of the space had been undertaken sympathetically with minimal impact upon the building's historic fabric and in a manner complementary to the quality of the external works that had been carried out.

The hard and soft landscape treatment of the parking areas adjacent to the built complex was also thought to be appropriate to the character of the historic setting of the site with effective use having been made of silvered sleepers and low key bollard lighting supplemented by the natural light available through the windows of the development. The visual effect of the car park being broken up by landscaping upon approach along the main access driveway was considered to be a most positive aspect of the development of the site.

In addition, the surface treatment of the parking areas and courtyard between the extended indoor ménage and other farm buildings to the north was thought to be more sensitive and appropriate to the setting of the listed building and the overall character and appearance of the site. The contrast between this treatment and that viewed by some panel members as being inappropriate at Addlepool Farm was highlighted.

Essentially, and most positively, it was thought to represent the continuation of a working environment rather than being presented as a 'showpiece' development, all the more so given the economic and employment benefits that have stemmed from the development of the veterinary practice in recent years.

There was not considered to be very much else to criticise regarding the scheme. It was concluded that it represented a very successful restoration and reinstatement of a significant and historically important building with considerable benefits locally.



Venmore Farm, Woodbury

Introduction

The scheme related mainly to the conversion of, and alterations to, a range of traditional single and two storey brick-built former farm buildings positioned to the west of the principal farmhouse, which is Grade II listed, to form 11 B1 business units.

Part of the range of buildings to which the proposal related, namely that running alongside the adjacent County road, is also Grade II listed and contemporary with the mid-19th century construction of the farmhouse. Although not expressly listed, the adjoining buildings to the south and west also affected by the proposal were of traditional form, appearance, design and materials and considered to be 'listed' as curtilage buildings to the main farmhouse.

Planning permission was granted in 2008 for the development subject to a number of conditions.



The Development

The development involved works of conversion that predominantly sought only to re-use existing or open up former openings within the buildings. Windows were proposed to be of dark stained softwood and recessed within their openings with new rainwater goods formed in traditional section in black aluminium.

New work related to the removal of a canopy roof over an area between two of the barns and its replacement with a traditional pitched slate roof with a new brick wall to the south side in order to create an additional unit. New windows were approved for the boarded upper part of the roadside elevation.

The 11 units proposed within the scheme provided a total floor area of 890 square metres.

The development also involved the laying out of a total of 23 parking spaces with 19 of these provided for within the former slurry pit located to the south west of the barns with a further 4 laid out alongside the south side of this area and adjacent to an internal access road. The works for retaining and incorporating the walls of the slurry pit involved the cutting back of the height of the length along the side parallel with the main road so as to ensure that the appropriate visibility standard could be achieved in a south westerly direction from an existing arched entrance through the listed barns to the farmyard next to the main farmhouse. They also involved the rendering and painting of the walls.

The site plan and subsequent approved landscaping details for the site envisaged the closing off to vehicular traffic of part of the former farmyard between the main range of barns and the range of single storey barns nearest to the main farmhouse by way of a series of timber posts together with the treatment of part of the yard and access through to the area internal road and parking area with brick pavers. The same treatment was proposed for the surfacing of the main car parking area to the south west.

The access link was shown to be closed off with timber posts to facilitate a pedestrian link through the site only with vehicular access restricted to the main car park and retained farmyard area near to the farmhouse at the two ends of the site.

Also shown was the construction of small raised planters around the external and internal corners of the main two storey range of barns and at the rear of a private store building otherwise unaffected by the proposals.

The application proposed a phased development in order to provide assurance that the element involving the conversion of the traditional barns was delivered but also to build in some flexibility to allow a separate element, involving the change of use of more modern barns within the complex to self-storage units, to start generating revenue to part fund the conversion to form the B1 units. Evidence was provided to demonstrate that the scheme would not be viable without the inclusion of the conversion of the modern farm buildings. However, it was acknowledged that the proposed phasing arrangement would give an assurance that all of the units within the traditional buildings would be delivered given the dependence upon prevailing market conditions.

This is reflected in some of the findings of the panel set out below.



Conclusions

The panel's observations centred around two main themes, namely the quality of the conversion scheme and detailing and the landscape treatment within the site, both hard and soft.

Regarding the first of these, there was significant concern expressed at the quality of the workmanship and the selection of bricks used in previous works to infill former openings in the rear (courtyard) elevation of the range of the Grade II listed barns alongside the main road. Whilst the approved scheme does show these being re-opened and adapted to form doors and fenestration, this part of the development would appear to represent a phase that has yet to be carried out which reflects the phased nature of the scheme set out above and the drawbacks that can stem from a phasing that is tied into scheme viability. The absence of an appropriate treatment for these openings was particularly lamented with the use of non-matching bricks and plain breeze block in some instances.



The phased approach to implementation was also reflected in the absence of any resurfacing of part of the adjacent courtyard in respect of which landscaping proposals have yet to be agreed with the Authority. It was thought by the panel that this unfinished part of the development was regrettable.

There was some concern also with regard to the poor level of detailing overall throughout the scheme with the reflection made that this represented a good example of a development where its success, or otherwise, depended significantly upon the quality of the workmanship and execution. In particular, the plinth wall, planters and treatment of the former slurry lagoon wall were highlighted as elements where there was considered to be room for improvement.

Although not expressly part of the scheme under review, there was some discussion with regard to the natural treatment of the timber boarding to the self-storage units adjacent to the traditional former farm buildings and the contrast with that of the stained timber elements introduced within the conversion of the latter. The same was also considered to apply to the contrast between the horizontal boarding and the vertical boarding on the different parts of the development. Whilst it was thought that this variety could be said to add to the overall character of the development as a whole, there was a counter view that the same treatment throughout could have brought the 'old' and 'new' elements together and resulted in a more coherent scheme.

The mediocre quality of the detailing was also thought to apply to much of the landscaping around the site, most notably again the adaptation of the wall of the former slurry pit where there was some debate as to whether its retention and incorporation within the development represented a valid approach to this element of the development and its function in providing some definition and a partial screen for the car parking area or whether it would have been more sensitive and sympathetic to the rural character of the setting of the site to have provided the same in the form of an alternative treatment such as hedge planting and/or the construction of a traditional post and rail fence. It was suggested that additional boundary planting, and elsewhere in general within the scheme, would have improved the quality of the development and facilitated improved habitat value and biodiversity. A further suggestion was made that the introduction of planted troughs would represent a better landscape treatment alongside the retention of the wall rather than the railings that were constructed on top of it and thought to be of a more urban appearance and character ill suited to the site's rural context.

In general however, there was thought to have been a missed opportunity to achieve more, and improved, landscaping throughout the site.

The lack of any dedicated outside space for employees, and the contrast with that provided as part of the scheme at Addlepool Farm, was also highlighted by panel members alongside the absence of provision for a disabled access ramp.

The level and nature of signage throughout the development and on parts of the buildings was thought to be generally acceptable although that on display on the opposite side of the main road from the site was considered to be excessive and unacceptable on account of its damaging visual impact upon the rural landscape character and appearance of the area.

However, more positively, the marked contrast between the excessive number of air conditioning units at Addlepool Farm and the apparent absence of any within the Venmore Farm scheme was noted.

In concluding the panel thought that the overall mix of uses facilitated by the scheme, including the self-storage element and the physiotherapy and sports injury business, was

less successful than the range of B1 users occupying the units at Addlepool Farm and the mainly single user at Home Farm. It was also considered that the development reflected the involvement of agents with considerable experience of designing urban schemes in that there was not thought to be the same empathy for the rural setting of the site in the conception of the scheme under review at Venmore Farm.



Background Papers

Project Summary – Addlepool Farm, Clyst St. George

Project Summary – Home Farm, Nutwell Court, Lympstone

Project Summary – Venmore Farm, Woodbury

Agenda Item 9

Development Management Committee

5 April 2011

KAL



Appeals Status Report

Summary

This report provides an overview of the situation regarding planning appeals for the year from April 2010 to the end of March 2011.

Recommendation

That the report be noted.

a) Reasons for Recommendation

The report is presented as an update on the current situation regarding planning appeals.

b) Alternative Options

N/A

c) Risk Considerations

N/A

d) Policy and Budgetary Considerations

N/A

e) Date for Review of Decision

Annual Review

Background

National Appeal Statistics

Planning Appeals

Received, withdrawn, decided & allowed

Year	Received	Withdrawn	Decided	Allowed	% Allowed
2007 - 2008	22,897	1,765	20,016	7,083	35
2008 - 2009	20,389	1,584	21,087	7,076	34
2009 - 2010	16,921	806	17,371	5,553	32

East Devon – Planning Appeals

Received, withdrawn, decided & allowed

Year	Received	Withdrawn	Decided	Allowed	% Allowed
2007 - 2008	120		120	52	43
2008 - 2009	95		100	33	36
2009 - 2010	47	2	45	9	20
2010 - 2011*	30	5	25**	7	28.

* East Devon District Council figures, to 15 March (time of report preparation) subject to Planning Inspectorate confirmation

** This figure equates to approximately 1% of all applications received during the period

1.0 APPEALS ALLOWED

1.1 From 1 April 2010 to 14 March 2011, East Devon District Council received a total of 25 Section 78, and Section 20 appeal decisions (this is not the total of all appeal decisions as enforcement appeals, appeals against non-determination of an application, and advertisement refusals amongst others are not included in the statistics). Of these 7 were allowed, either approved or approved with conditions.

1.2 The number of appeals in East Devon over the last year has again fallen compared with the previous 2 years. The number of appeals allowed has increased slightly from the previous year, although with fewer numbers of appeals, one or two decisions can have a significantly greater influence on the percentage figures. It should also be noted that the Council's appeal success rate exceeds the national average, with 72% of appeals being dismissed.

1.3 There have been considerable variations in the number of appeals allowed quarterly which again is attributed to the lower number of appeal decisions received -

April - June 2010	17% (6 decisions)
July - September 2010	43% (7 decisions)
October - December 2010	0% (3 decisions)
January - March 2011	33% (9 decisions)

1.4 It is not therefore considered that any particular trend can be drawn from the quarterly figures for this year.

1.5 Overall the Council is still achieving below the national average of appeals allowed and the success rate has remained relatively high.

1.6 Two of the appeals which were allowed were presented to DC Committee with an Officer recommendation of approval, the remaining 5 were delegated decisions.

2.0 FORMAT OF APPEALS ALLOWED

2.1 The majority of planning appeals were dealt with by means of written representations with 21 appeals being dealt with by this method. Of those appeals, 16 were dismissed and 5 allowed.

2.1 Of the 4 planning appeals dealt with by Informal Hearings 2 were dismissed and 2 allowed.

2.2 There were 4 householder appeals, 2 of which were allowed and 2 dismissed.

3.0 COST APPLICATIONS

3.1 There are financial implications in relation to cases where applications for costs against the Council are made.

3.2 Applications for an award of costs can be made by either party in respect of all planning and enforcement appeals. Where an application is made, an award of costs will only succeed in the event that the Inspector determining the appeal considered that a party had acted unreasonably

3.3 There have been two partial awards of costs against the Council in respect of planning appeals during the course of the year. One of the claims has been submitted to the Council, however, to date, the amount has not been agreed.

4.0 ENFORCEMENT APPEALS

4.1 There have been six appeal decisions resulting from the service of enforcement notices, five of the appeals were dismissed and the enforcement notices upheld; all five appeals were dealt

with by means of Informal Hearings. The appeal that was allowed was the subject of an Inquiry.

5.0 CONCLUSIONS

- 5.1 The Council has maintained an appeal success rate that is higher than the National average. It is important that we continue to scrutinise decisions and ensure that the reasons for refusal are both justified and defensible in the event that the decision is the subject of an appeal.

STATISTICS

Appeals Allowed

7 Decisions, including:-

- 2 Committee refusals, against Officer advice
- 2 Informal Hearings
- A mixed development of 4 dwellings, 8 apartments and a commercial building
- 1 Residential dwelling
- 2 Variations of conditions
- 1 Conservatory
- 1 Garden room/store
- 1 Change of use of agricultural land to garden

Appeals Dismissed

18 Decisions, including:-

- 2 Informal Hearings
- 8 New-build residential (including outline and demolishing/replacement of existing buildings)
- 1 Residential extension
- 3 Change of use of buildings to holiday accommodation
- 2 Replacement garages
- 1 Garden extension
- 1 Fence
- 1 Barn & polytunnel
- 1 Installation of rooflights

Legal Implications

There are no legal implications.

Financial Implications

There are no financial implications.

AGENDA ITEM 10

East Devon District Council List of Planning Appeals Decided

Ref: 10/1366/ADV **Appeal Ref:** 10/00034/ADVREF

Appellant: Fords Of Sidmouth
Appeal Site: Fords Unit 1 Alexandria Industrial Estate Sidmouth EX10 9HL

Proposal: Retention of 4 flying banner advertisement flags.

Decision: **Appeal Allowed (no conditions)** **Date:** 18.02.2011

Procedure: Written representations

Remarks: Delegated refusal by Town Council. Amenity reasons overruled. (EDLP Policy D8)
The Inspector considered that the advertisements do not dominate the views of the industrial estate, the buildings or the general scene including any of the nearby attractive countryside. He concluded that the advertisements do not harm the visual amenity of the area and any noise generated by the flags in windy conditions would not be detrimental to the amenities of nearby residents.

BVPI 204: **No**
Planning Inspectorate Ref: APP/U1105/H/10/2138763

Ref: 10/0489/FUL **Appeal Ref:** 10/00028/REF

Appellant: Mr J Campling
Appeal Site: Cowley Barton Farm Cowley Exeter EX5 5EJ
Proposal: Demolition of existing redundant agricultural buildings, conversion of former barns and construction of new buildings to form a total of 5 units (comprising residential dwelling and separate work areas) and associated landscaping & access works

Decision: **Appeal Dismissed** **Date:** 01.03.2011

Procedure: Informal Hearing

Remarks: Delegated Refusal. Policy and highway safety reasons upheld. (DSP Policy TR10 and EDLP Policies S5, D10 & TA7).

BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/A/10/2135067/NWF

Ref: 10/1458/FUL **Appeal Ref:** 10/00040/REF
Appellant: Mr And Mrs S Sweet
Appeal Site: 8 Foxhill Axminster EX13 5LF
Proposal: Remove existing single storey annex, store and garage.
Replace with single storey "link" and garage. Construct new
3 bed house with attached garage.
Decision: **Appeal Dismissed** **Date:** 17.03.2011
Procedure: Written representations
Remarks: Delegated refusal. Amenity reasons upheld. (EDLP Policy
D1).
BVPI 204: **Yes**
Planning APP/U1105/A/10/2140778/WF
Inspectorate
Ref:

East Devon District Council List of Planning Appeals Lodged

Ref: 10/1714/FUL **Date Received** 07.03.2011
Appellant: Mr I Snowling
Appeal Site: Spero Fortescue Road Sidmouth EX10 9QB
Proposal: Retention and modification of raised decking area and
provision of fence and trellis panels on top of existing
boundary fence
Planning APP/U1105/A/11/2148844
Inspectorate
Ref:

Ref: 10/0948/FUL **Date Received** 14.03.2011
Appellant: Mr. M. Cottrell & Miss. M. Andrews
Appeal Site: James Barn Kerswell Cullompton EX15 2ES
Proposal: Erection of one free-range chicken house (House 5)
Planning APP/U1105/A/11/2148793
Inspectorate
Ref:

Committee Date: 05.04.2011

WOODBURY AND
LYMPSTONE
(Woodbury)

10/2372/FUL

Target Date:
19.01.2011

Applicant: Mr P Whatley

Location: 18 Brent Close Woodbury

Proposal: Construction of two storey extension to front elevation and enlargement of side first floor window

CONSULTATIONS

Parish/Town Council

07/02/11 - Councillors reiterated their previous objections to this application due to the overwhelming nature of the proposal. The removal of one window does not change the scale of the proposal. The property was originally built as a one-bedroom starter home, this being the concept of this area in Fulford Way and it is felt that the concept is still relevant.

Parish/Town Council

14/12/10 - Object on the grounds that the proposed extension completely overshadows and overlooks the property at 39 Fulford Way. It represents overdevelopment of the site and the loss of a 1 bedroom starter home. It is out of character and out of keeping with the area where parking is also very restricted.

County Highway Authority

02/12/10 - Does not wish to comment

Woodbury - Lympstone - Cllr D Atkins

21/12/10 - I support the views as expressed by the Woodbury Parish Council. I have particular comments in respect of overlooking, over development, loss of 1 bedroomed property, loss of light and air and despoilation of original layout of the whole development. If it comes to committee I reserve my final views until I have seen all the officer and other consultees comments.

Other Representations

One letter of objection has been received raising concerns over the overbearing, over dominant impact of the extension, loss of privacy, loss of light, loss of outlook and a devaluing of the property.

POLICIES

Devon Structure Plan Policies

CO6 (Quality of New Development)

East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

Site Location and Description

The site refers to 18 Brent Close, a two storey one bedroom property which forms part of a block of 4 located at the spur of a cul-de-sac in Brent Close. The site is located within the built-up area boundary of the village of Woodbury and is not subject to any additional townscape or landscape designations. The property is of part render and part brick construction under a tiled roof and occupies a reasonably elevated and prominent position within the streetscene.

Proposal:

This proposal is for the construction of a two storey, pitched roof extension to the front of the property which will provide additional living accommodation in the form of a sitting room at ground floor level and a bedroom at first floor. The proposed extension will project 3.0 metres from the front wall of the property and will measure 3.8 metres in width and 6.5 metres in height. The extension will be half brick and half rendered construction to match the existing building.

Issues and Assessment:

The main issues to consider in determining the application are in terms of design, size and scale and the impact on the character and appearance of the dwelling and the surrounding area and the impact on the residential amenities of the surrounding neighbouring properties in terms of an overbearing/ over dominant impact, loss of light and loss of privacy.

Principle of Development:

The site falls within a residential estate of approximately 98 dwellings developed following an approval in the 1980s. The approved layout from the 1980 permission shows that twenty of these dwellings were approved as one bedroom properties and as such given their limited size they are likely to be ideal and indeed marketed as starter homes for those trying to enter the property market. Whilst the concerns of the ward member and the Parish Council are noted in so far as approving an extension to the property would result in the loss of a one bedroom starter home and thus undermine the concept of the development it should be noted that whilst the property was originally built as a one bed starter home there is no planning reason to resist its enlargement. The dwelling is not considered to be an 'affordable home' in so far as it is not owned by a Housing Association and therefore forms part of the housing stock on the open market. It is not considered unreasonable for the

occupiers of the property to require additional living space particularly when considering the current state of the housing market where the high house prices could force them out of the locality.

In the absence of a specific local plan policy which seeks to retain smaller more affordable units within the locality it is therefore considered that it would be unreasonable to resist this modest sized extension on the grounds of a loss of a one bed starter home. If planning permission is granted for this extension, this will be the first of the twenty units to be extended and as such there will still remain a number of one bed starter homes with Woodbury for those seeking to enter the housing market. This being the first of the 1 bedroom houses to be extended in approximately 30 years the risk of other being similarly extended would appear to be minimal.

Character and Appearance:

It is considered that the proposed two storey extension to the front of the property will not have a significant impact on the character and appearance of the dwelling or the area. The property sits within a large block of four, which exhibits little in the way of architectural detailing or relief such that the building appears expansive and bulky and has little architectural merit or appeal. It is considered that an extension to the front of the property would add interest to the building and would break up the mass and bulk of the property and thus would improve its appearance within the streetscene.

Whilst it is acknowledged that the area around the property for an extension is limited, it is considered that the proposed extension is of an acceptable design, size and scale which would have a limited impact on the character and appearance of the area. The extension will have a limited projection from the front of the house of 3.0 metres and as such will not project any further forward than no 39 Fulford Way which is located to the south west of the site and is orientated in the plot such that it projects beyond the site of no 18. As such it is considered that the proposed extension will be read against the roof of the property behind such that it will not appear unduly prominent or intrusive within the streetscene. The visual impact of the extension will be further reduced in so far as it will be set well down from the ridgeline of the property which will ensure it is a subservient addition which will not over dominate the building. As such it is not considered that the site will appear over developed or cramped within the plot. The extension will be of half brick and half render construction with a concrete tiled roof to match the existing building.

Residential Amenity:

It is considered that the proposed extension will not have a significant impact on the adjoining semi detached property. The extension will have a limited projection of 3.0 metres and will be set in 1.8 metres from the boundary of the neighbouring property which will ensure it does not have a significant over bearing impact. The adjoining semi-detached property is handed and as such its internal layout means that the windows closest to the boundary of the site will be a kitchen window at ground floor and an obscure glazed bathroom window at first floor. It is therefore considered that the impact on the adjoining property will not be significant. The elevational drawings show no openings to the side wall of the extension and it is considered necessary to

remove permitted development rights for any additional openings to the ground floor which could result in an unacceptable level of overlooking and loss of amenity to the adjoining occupier. Any additional openings at first floor would require planning permission.

It is considered that the proposed extension will have its most significant impact on the occupiers of no 39 Fulford Way located to the south east of the site. The proposed development has been assessed from no 39 Fulford Way and it is pertinent to note that no 39 has a kitchen window at ground floor and a bedroom window at first floor which face toward the site and that part of the side garden also faces towards the site.

In acknowledging the fact that the extension will have an impact on no 39, it is the degree of harm caused to the living conditions of this property that must be fully assessed. Whilst the extension will project in front of no 39 and in front of the kitchen window, it is considered that the impact will not be so significant in terms of being overbearing or over dominant as to warrant a refusal. The main garden area for the property is located to the rear of the property and this is likely to be the main amenity space for the property. It is considered the extension will be positioned such that there will be a sufficient distance (approximately 8.0 metres) between no 39 and the extension which will maintain a gap between the two properties and thus will not have a significant overbearing or over dominant impact. This coupled with the fact that the ridgeline of the extension has been designed with a low profile pitched roof which will ensure the height of the extension is not excessive and falls well below the ridgeline of the property and that the roof will be sloping away from no 39 will ensure that, on balance the impact will not be harmful enough to justify refusing the proposal.

The Parish Council, ward member and the occupier of No 39 have also raised concerns over loss of light and overshadowing as a result of the extension projecting beyond the front building line of the property. However in having due regard for the orientation of no 39, which is north facing, it is not considered that the proposed extension would result in a significant loss of light to the property or the side garden area. Any loss of light caused by the extension would be likely to be when the sun sets. At this time of day the sun would be low in the sky such that the loss of light to the property, if any, would be limited. In his letter of objection, the occupier of no 39 fully acknowledges the fact that the main windows of his property face north across the small garden and therefore already suffers a lack of sunlight. It was noted that the inside of no 39 already suffers from minimal levels of natural light due to its orientation within the site and as such it is not considered that the extension would have a significantly greater impact on levels of natural light received to the side garden or the kitchen of the property.

There are no openings proposed to the south east elevation facing no 39 and it is considered necessary to remove permitted development rights for any additional openings to the ground floor which could result in an unacceptable level of overlooking and loss of amenity to the adjoining occupier. Any additional openings at first floor would require planning permission.

Concerns over the impact of the proposed development on the value of the property is not considered to be material to the consideration of this planning application

CONCLUSION

To conclude, it is fully acknowledged that the layout of the estate is such that the relationship of the properties in Brent Close and Fulford Way is fairly close knit. It is also accepted that there is limited space within the garden area of no 18 such that a two storey extension to the front of the property will have an impact on no 39 Fulford Way. This proposal has however been carefully considered and assessed in terms of its impact on no 39 and in having due regard for the distance between no 39 and the site, the limited size and design of the extension and the orientation of no 39 in relation to the site that on balance the impact of the proposed development on the residential amenity and living conditions of no 39 and indeed the other surrounding neighbouring properties would not be so significant to warrant a refusal. In addition it is not considered that there is any over-riding policy which would seek to retain this property as a one bedroom starter home. As such the proposal is recommended for approval subject to the following 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those of the existing building.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the existing building in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no windows doors or other openings other than those expressly authorised by this permission shall be inserted at ground floor level in the north west and south east elevations of the extension hereby permitted.
(Reason - To protect the privacy of adjoining occupiers in accordance with policies D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan).

4. 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 and in the interests of proper planning.)

NOTE FOR APPLICANT

1. IN GRANTING PLANNING PERMISSION FOR THIS DEVELOPMENT, THE FOLLOWING IS A SUMMARY OF THE REASONS FOR THE DECISION:

The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies

CO6 (Quality of New Development)

East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

The proposal does not adversely affect the privacy or amenity of neighbouring properties.

The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.

Approved Plans

003	Location Plan	24.11.10
002 A	Amended Plans	20.01.11

List of Background Papers

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

Site Location and Description

The application site is an area of land comprising an existing hardstanding and part of the rear gardens of 5, 6 and 7 Furzehill. It is accessed via a driveway between 20 and 21 Furzehill and currently has one marked parking space. At the time of the visit there were two vehicles parked in the turning head. Leading off the hardstanding there are paths to the adjoining dwellings and a path down to the main road.

Proposed Development

This application is brought before members because it has been submitted by the Council's Housing Management Team on land in the ownership of the Council. It seeks to provide dedicated parking for the residents of 1-10 Furzehill. It would involve the excavation of some land in order to provide level parking and the construction of a small retaining wall with railing on top.

Considerations and Assessment

The main issues to consider are:

- The design and layout
- The impact on the character and appearance of the area and the wider AONB
- The impact on the amenity of occupiers of adjoining residential properties

The existing hardstanding covers quite a small area and provides very little parking and turning space. Surrounding it there are areas of lawn and several hedges. The proposal would increase and formalise the hardstanding but in the context of the surrounding gardens would still be a fairly unobtrusive feature of the area. Indeed, from wider vantage points, particularly from the main road it would not be noticeable. While the loss of gardens is regrettable, the benefits of providing parking spaces for the residents in an area of severely limited parking outweigh any harm. The proposed area of hardstanding represents a small proportion of the surrounding gardens and therefore would not have a significant impact on the Area of Outstanding Natural Beauty.

While the provision of additional parking spaces would inevitably create more traffic movements to and from the site it is considered that traffic would remain light and would not cause significant noise and disturbance to surrounding properties. Behind number 6 there would be a row of 6 spaces at an elevated level compared to the floor level. While this would alter the outlook for the occupiers of that dwelling, and to a lesser extent number 5, the separation would be such that their amenities would not be harmed and no loss of light would arise.

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 and in the interests of proper planning.)

NOTE FOR APPLICANT

1. IN GRANTING PLANNING PERMISSION FOR THIS DEVELOPMENT, THE FOLLOWING IS A SUMMARY OF THE REASONS FOR THE DECISION:

The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies

CO6 (Quality of New Development)

CO3 (Areas of Outstanding Natural Beauty)

East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

S4 (Development Within Built-up Area Boundaries)

The proposal does not adversely affect the privacy or amenity of neighbouring properties.

The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.

The proposal does not harm the natural beauty of the landscape designated as an Area of Outstanding Natural Beauty.

Approved Plans

HOUSING 1 A	Layout	02.03.11
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List of Background Papers

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

Committee Date: 05.04.2011

RALEIGH (Otterton) Applicant: 11/0075/FUL EDDC – Estates Dept.
Location: Otterton Public Conveniences, Ottery Street, Otterton
Proposal: Detached dwelling
Target Date: 11.03.2011

CONSULTATIONS

Conservation

08/02/11 - PROVISIONAL RECOMMENDATION - PROPOSAL
ACCEPTABLE

SUGGESTED CONDITIONS; window details and finishes, rainwater goods, stone sample panels, no render beads, conservation roof lights.

Environment Agency

03/02/11 - This application occurs on a site that has been the subject of a previous consultation and our comments of 11th August 2009 (see below) are applicable to this application.

Environment Agency Comments - 11 August 2009

As you will be aware from our earlier letter of 2 November 2007 (ref: DC/2007/102063), we have approved a Flood Risk Assessment (FRA) for the proposed replacement of the existing toilets with a pair of semi-detached dwellings. The approved FRA addresses the principle flooding concerns by establishing floor levels at or above 15.9m O.D. The submitted FRA satisfies only part (c) of the Exceptions Test however and as you quite rightly advise in your email, it is for your Council to firstly undertake any necessary Sequential Test and, if appropriate following this, remaining parts of the Exception Test.

For information, the development site is shown to be located in "Flood Zone 3 :High probability of flooding" on this Agency's Flood Zone maps. However, the more detailed work undertaken by the consulting engineer as part of the FRA has shown that the Flood Zone is, not surprisingly, generous. Even with an allowance being made for culvert blockage and climate change, any flood waters are confined to the road to the west of the existing toilet block. As such, where the Council deems that the Sequential Test (and Exception Test as appropriate) has been satisfactorily passed, providing site levels are not lowered and any floor levels are established as specified in the FRA (at or above 15.9m O.D.) the proposed dwellings should, in effect, conform to the requirements of Planning Policy Statement 25.

Parish/Town Council

08/02/11 - At the meeting held on 7th February, the Parish Council considered the above application having listened to the parishioners who spoke prior to the meeting.

The Council would like to make the following comments:

The following comments were made:

1. There was a query as to the ownership of the whole plot under consideration.
2. The proposed building should be inside the current 5.5m boundary as recommended by the Engineering report.
3. There should be a drainage channel positioned in front of the site to direct water downstream of the site.
4. All the buildings in the immediate vicinity were advised by the Environment Agency that they were reclassifying the brook as a river and consequently, one house sale fell through and properties have had their insurance increased.
5. Parking is already congested in the area: the 4 properties upstream from the site have 5 vehicles and the properties in lower part of Dukes Close have 5 vehicles and there are 4 garages rented by vehicle owners not living in this part of Otterton. Any owner of the site will probably not park in the designated car parking area on site but will probably park in front of his building. Furthermore, as it is a three bedroom house, the likelihood of two adults working is high and hence a second vehicle will be used.
6. Immediately opposite the site is an open space which has had planning permission for two pairs of houses. Once these are built, there will be too many vehicles joining the highway on that part of Ottery Street that is known to be a bottle neck.
7. The buses which come into and out of the village have a designated safe turning area up Ottery Street to avoid the dangerous habit of turning at Cross Trees. Their route has to pass through this bottle neck.
8. The design of a three bedroom house within this tiny plot which includes a 'lawn' is unbelievable.
9. Will there be any restrictions on a purchaser removing the obscured glass and replacing it with clear glass or is it just an architect's gimmick.

The Parish Council on listening to the various points and after discussion amongst themselves voted unanimously against the proposed application. In conclusion, the Council feels that the application should be rejected on the grounds of overdevelopment and overburdening the already narrow, busy highway that takes rat-run traffic to and from Sidmouth and lorry drivers slavishly following a "sat-nav" ordained route. It was also suggested that as the toilets had originally been purchased as an amenity for the village, it should remain within the village's control.

Other Representations

Three letters of objection have been received. In summary;

- The development would block light and impact on the surrounding privacy of the nearby neighbours.
- There is a shortage of available parking in the area. The proposal would increase the likelihood of cars parking on the road with a detrimental impact on the free flow of traffic and specifically the Bus route.
- Development would look out of place.
- The site is too restrictive to accommodate a dwelling.
- The potential flood risk would be increased as a result of the proposal.

OFFICER REPORT

Relevant Planning History

07/2625/CAC - Demolish existing toilets - Withdrawn

07/2623/FUL - Demolish existing toilets and replace with semi-detached dwellings - Withdrawn

99/P1611/FUL - Extension to promote disabled facilities – Approved

Policies

Planning Policy Statements

PPS1 (Delivering Sustainable Development)

PPS3 (Housing)

PPS5 (Planning for the Historic Environment)

PPS25 (Development and Flood Risk)

Devon Structure Plan Policies

CO6 (Quality of New Development)

CO7 (Historic Settlements and Buildings)

CO3 (Areas of Outstanding Natural Beauty)

ST1 (Sustainable Development)

East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

S4 (Development Within Built-up Area Boundaries)

EN11 (Preservation and Enhancement of Conservation Areas)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

RE3 - (Open Space Provision in New Housing)

Other Guidance

Otterton Village Design Statement

Site Location and Description

The application site is situated within the settlement of Otterton and is within the designated AONB and conservation area. Currently a single storey flat roofed building - Otterton toilets - occupies the site. There are neighbouring properties on the north, east and south of the application site. The application site fronts on to Ottery Street, which is one of the main routes through the settlement. The Otterton Brook runs down beside Ottery Street and then under this road to eventually join the River Otter to the west of the settlement.

Ottery Street contains several of the earliest domestic buildings in a terrace arrangement. A further pair of Rolle cottages built in 1875 of flint with brick dressings is approached by footbridges over the stream.

Proposed Development

The proposal seeks planning consent for the creation of a dwelling on the site of Otterton Toilets. In place of the existing toilet block would be a detached two storey dwelling with a hardstanding area for car parking within the site. In terms of the footprint of the proposed dwelling this would be positioned closer to the road than the existing toilets, which would leave room for amenity land to the rear. Along the front of the property a new stone boundary wall is proposed.

Internally the dwelling would accommodate 3 bedrooms on the first floor with a single bathroom. The ground floor would provide an open plan kitchen/dining area and lounge. The rear elevation first floor windows would be obscurely glazed to protect the amenity of the properties to the rear. A small lean to porch structure would be positioned on the side elevation.

The proposed dwelling would be 6.6 metres in total height from the immediate ground level, have a length of 8.5 metres and a width of 6.3 metres (all measurements approximate).

The roof level of the proposal would be slightly higher than the property to the north, but lower than the property to the south.

Considerations and Assessment

The planning application is presented to the Development Management Committee as EDDC are the applicants.

The main issues in the consideration of the proposal are;

1. The impact on neighbouring amenity.
2. Design, impact on street scene and conservation area.
3. The impact on the AONB.
4. Highway Issues.
5. Potential flood risk and drainage issues.
6. The provision of open space.

Addressing each matter in turn.

The impact on neighbouring amenity

In terms of amenity the proposal has been careful not to create overlooking to the property to the east of the site. Obscure glazing is proposed on the rear elevation and can be conditioned to be retained as such in perpetuity. In terms of the proposed height and size of the structure it is not considered that the resulting dwelling would create unreasonable overbearing or loss of light to the surrounding properties due to the distances and alignment of the sun. The neighbouring property to the north east has window and door openings on a rear single storey extension, although it is unlikely that a significant loss of light would be experienced. The footprint of the proposed dwelling is closer to the road, and is further away from the property to the rear than the existing toilets.

Design, impact on the street scene and conservation area

In terms of design the proposal has been through the pre-application process which has resulted in several design alterations. These include removal of front dormers, the ridge height altered, the number of down pipes reduced and the building footprint shifted back

away from the road. This process has produced an acceptable design of the dwelling within the street scene that reflects the height, massing and traditional proportions of the surrounding dwellings. The conservation officer has been consulted on the application and considers that the existing toilet building has no architectural merits and its removal would benefit the street scene and conservation area. The size and scale of the building would complement the proportions of the surrounding properties and is considered acceptable. The rear elevation would present a contemporary design and would not impact upon the character and appearance of the conservation area. The success of the design would be in the detailing and finishes and therefore it is deemed necessary to condition that appropriate colours and materials to be used.

The impact on the designated AONB

The proposed site is well within the settlement boundary and as such would not have a significant impact on the natural beauty of the wider area. The site is within the historic heart of the village which has seen growth beyond this in recent years. In terms of ground levels the proposal is set within a generally depressed area in the landscape with a higher mound to the west (Anchoring Hill) and steadily raising ground to the east (in the general direction of Ladrum Bay). From these public vantage points the development would be read within the context of the existing settlement and would therefore preserve the AONB.

Highway Issues

The proposal would provide an off road car parking space for 1 vehicle, which many of the existing surrounding properties do not benefit from and is considered acceptable in this location. Turning and access can be achieved without compromising the flow of the highway traffic and the informal comments of the Highway Authority are that on-site turning would not be essential in this instance. The proposal is within maximum parking standards of PPG13 which remains, at present, a material consideration. The planning authority is restricted in preventing on road parking by the intended occupiers, however the parking offered by the proposal surpasses existing standards in the locality and therefore is considered to accord with Local Plan policies TA7 and TA9.

Potential Flood Risk and Drainage Issues

The proposal is sited within 'Floodzone 3: High probability' of flooding according to the Environmental Agency (EA) maps. More detailed work within the Flood Risk Assessment (FRA) submitted with the application has shown this designated flood zone to be generous. This document assesses the hydrological regime of the brook adjacent to the site, and assesses this regime under different scenarios that may result due to an increase in debris down the channel. The current topography on the site falls from approximately 15.7 m Above Ordnance Datum (AOD) in the north east corner to 15.5 m AOD in the south west of the site. The road adjacent to the site falls away from the site towards Otterton Brook. Even with an allowance being made for culvert blockage and climate change, any flood waters are likely to be confined to the road to the west of the existing toilet block. The EA are satisfied that provided the site levels are not lowered and any floor levels are established at or above 15.9m OD the proposed dwelling should in effect conform to the requirements of PPS25.

Despite the limited risk in this case the Local Planning Authority (LPA) has a duty, under PPS25 to apply a sequential test to allow dwellings within flood zone 3. It is for the applicant to provide evidence to the LPA to demonstrate that they have adequately considered other reasonably available sites. This involves considering windfall sites against other sites allocated as suitable for housing in development plans and demonstrating that there are no alternative sites at lower risk that could be brought forward. In this instance and as the

development is for one dwelling it would be difficult to prove that this cannot be provided elsewhere within the district.

However, the submitted FRA has effectively re-defined the flood zone in this specific location. The FRA appears to be of sound methodology and the findings regarding the potential flood impact have been agreed with the EA. The application has supplied evidence that the EA map designation of floodzone 3 is not as extensive as previously thought. Therefore the evidence submitted is considered to provide exceptional circumstances to overcome the issues of the sequential test. Following this the exception test should also be considered and the following criteria applied;

- a) It must be demonstrated the development provides wider sustainability benefits to the community that outweigh flood risk;
- b) The development should be on developable and previously-developed land, and that no reasonable alternative sites on previously developed land;
- c) A FRA must demonstrate that the development will be safe, without increasing flood risk elsewhere.

The proposal is situated on a previously developed brownfield site, and would provide regeneration of an unused site. The site, within the development boundary is considered to be within a sustainable location, with local amenities in close proximity. The proposal would also make the site economically viable, as indeed the current building a public toilet is no longer in use, and is highly likely to remain redundant unless developed. The proposal would remove a redundant building, which does not retain any particular design merits, to the visual improvement of the location.

The existing building has an existing boundary wall located approximately 2.0 metres from the watercourse which is to remain and be extended to accommodate the proposed residential property behind. However, the development area is not being extended out towards the watercourse and therefore access and maintenance of the main river would not be affected by this proposed development according to the FRA. The drainage channel should be installed at the end of the driveway with ground levels rising away from the road, through the site and behind the drain as per the recommendation of the FRA. The EA response has confirmed that requirement 'c' of the exception test has been met by the proposal. Therefore in light of the submitted FRA and in accordance with the EA comments it is considered that the development does not increase flood risk elsewhere.

Provision of Open Space

In most instances the applicant would submit a Unilateral Undertaking securing the appropriate provision for open space in accordance with local plan policy RE3. However, in this instance EDDC are the applicant and as such cannot enter into a legal agreement with themselves. Therefore the EDDC Estates Department have agreed to impose the full financial open space contribution upon the sale of the property, which would be paid by the purchaser.

CONCLUSION

It is considered that the proposed dwelling can be sensitively accommodated within the application site without increasing the potential flood risk to the locality and without compromising the character and appearance of the designated conservation area.

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 approved shall be built in strict accordance with the recommendations of the submitted Flood Risk Assessment conducted by Clarkebond and dated September 2010 and further details contained within their email dated 02 March 2011.
(Reason - To ensure the proposal does not result in a possible flood risk, in accordance with Planning Policy Statement 25.)
3. Notwithstanding the submitted details the fenestration joinery shall be painted timber, with casements that are flush fitting and glazing bars no greater than 22mm in width, and retained as such in perpetuity.
(Reason - To conserve and enhance the designated conservation area, in accordance with PPS5, policy CO7 of the Devon Structure Plan and Policies D1 (Design and local Distinctiveness) and EN11 of the adopted East Devon Local Plan.
4. The rainwater goods shall be constructed of extruded metal or cast iron, and painted.
(Reason - To conserve and enhance the designated conservation area, in accordance with PPS5, policy CO7 of the Devon Structure Plan and Policies D1 (Design and local Distinctiveness) and EN11 of the adopted East Devon Local Plan.
5. Prior to the commencement of any development above slab level, a 1 -2 square metre sample panel of boundary walling to be used shall be constructed on site for inspection by an officer of the Local Planning Authority. The boundary wall to the front of the dwelling shall be constructed of either local red sandstone or Chert bound with a suitable lime mortar. Any such sample provided shall be agreed in writing with the Authority and any variations as to coursing, pointing lime mortar mix and/or material finish to be used. All walling as may be agreed, shall be completed prior to the beneficial use of the building to which the application relates.
(Reason - To conserve and enhance the designated conservation area, in accordance with PPS5, policy CO7 (Historic Buildings and Settlements) of the Devon Structure Plan and Policies D1 (Design and local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the adopted East Devon Local Plan.)
6. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no works within Schedule 2 Part 1 Classes A, C, D E and F for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than for works that do not materially affect the external appearance of the buildings shall be undertaken.
(Reason - In the interest of preserving and enhancing the designated conservation area, reduce the potential for future development to impact on flood risk and control development that may lead to an impact on the amenity of the occupiers in the adjoining properties. This is in accordance with Planning Policy Statement 5: Planning for the Historic Environment, Planning Policy Statement 25: Development and Flood Risk, Devon Structure Plan Policies CO7 (Historic Building and Settlements), and East

Devon Local Plan Policies D1 (Design and local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas).

7. 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 and in the interests of proper planning.)
8. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To conserve and enhance the designated conservation area, in accordance with PPS5, policy CO7 (Historic Buildings and Settlements) of the Devon Structure Plan and Policies D1 (Design and local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the adopted East Devon Local Plan.)

NOTE FOR APPLICANT

1. IN GRANTING PLANNING PERMISSION FOR THIS DEVELOPMENT, THE FOLLOWING IS A SUMMARY OF THE REASONS FOR THE DECISION:

The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies

CO6 (Quality of New Development)
CO7 (Historic Settlements and Buildings)
CO3 (Areas of Outstanding Natural Beauty)
ST1 (Sustainable Development)

East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)
EN1 (Developments Affecting Areas of Outstanding Natural Beauty)
S4 (Development Within Built-up Area Boundaries)
EN11 (Preservation and Enhancement of Conservation Areas)
TA7 (Adequacy of Road Network and Site Access)
TA9 (Parking Provision in New Development)
RE3 - (Open Space Provision in New Housing)

The proposal does not adversely affect the privacy or amenity of neighbouring properties.

The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.

The proposal does not harm the character and appearance of the conservation area.

The proposal does not harm the setting of a listed building within close proximity to the site.

The proposal does not cause a significant flood risk.

The access to serve the proposal does not prejudice highway safety.

The proposal includes the use of previously developed land.

Informative

1. The applicant is advised that a separate Conservation Area Consent is required for the demolition of the existing building on the application site.

Approved Plans

T1	Location Plan	07.01.11
S1	Plan Existing	07.01.11
A1	Site Plan	07.01.11
A2	Plan Proposed	07.01.11
A3	Plan Proposed	07.01.11
A4	Plan Proposed	07.01.11
A5	Proposed Elevation	07.01.11
A6	Proposed Elevation	07.01.11
A7	Proposed Elevation	07.01.11
A8	Proposed Elevation	07.01.11
VIEW 1	Perspective Drawing	07.01.11
VIEW2	Perspective Drawing	07.01.11
VIEW 3	Perspective Drawing	07.01.11
VIEW 4	Perspective Drawing	07.01.11

List of Background Papers

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

Committee Date: 05.04.2011

EXMOUTH HALSDON 10/2438/FUL
(Exmouth)

Target Date:
02.02.2011

Applicant: Mr P Saunders

Location: 236 Exeter Road Exmouth

Proposal: Construction of detached dwelling and double garage with alterations to access

CONSULTATIONS

Parish/Town Council

09/03/11 - Comments 07.03.11

OBJECTION to continue on the following grounds: -

Over-development.

Impact on adjoining properties.

Parish/Town Council

22/12/10 - OBJECTION on the grounds of: -

Overdevelopment.

Overlooking of nearby bungalows in Thornfield Close.

Highways & traffic safety issues as the access is on the brow of a hill.

County Highway Authority

06/01/11 - LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION:-

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in a northerly direction and 43 metres in the southerly direction when measured at 1.4 metres out from the nearside kerb towards the centreline of the carriageway.

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

2. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway

Exmouth Halsdon - Cllr J Elson

15/12/10 - Object.

The site of the new dwelling is directly at the rear of number 236 Exeter Road. It is also very near a property in Thornfield Close. I am also concerned over nearness to 236. Its proposed access is on the hill in Exeter road near to Featherbed Lane turning where there exists crossed hatch lines because of traffic danger.

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

Other Representations

8 representations were made in respect of the original plans and 5 representations with regard to the amended drawings raising the following points:

1. Overshadowing of several small gardens and too close to them resulting in loss of sunlight and natural daylight.
2. Will make neighbouring garden unusable.
3. Another feeder road onto Exeter Road at the top of the hill will add to accident rate.
4. Development will exceed ridge height of neighbouring property and will be overbearing.
5. Nothing to stop roof lights from being installed which will cause loss privacy.
6. Scale of development far too large for the plot which will be odd and disproportionate to its surroundings.
7. Proposal is designed to minimise impact and devaluation of property at No. 236 at the expense of the impact upon neighbouring properties.
8. Garage would be right up against boundary fence on higher ground with mass of gable wall within feet of adjacent property blocking out light.
9. Loss of enjoyment of garden through noise and pollution.
10. Completely spoil character of area and set a precedent for similar applications.
11. Will require felling of trees which is not good for the environment.
12. Contrary to PPS3 and the exclusion of gardens from definition of previously developed land.
13. Detrimental effect upon open character and appearance of the garden which contributes to the open nature of the area.
14. Contrary to Policy D1 of the Local Plan on account of the detrimental impact upon neighbours.
15. Potential flooding from flow of water on a mainly built on area.

POLICIES

Devon Structure Plan Policies

- ST1 (Sustainable Development)
- ST3 (Self Sufficiency of Devons Communities)
- ST5 (Development Priority 2001 to 2016)
- ST15 (Area Centres)
- CO6 (Quality of New Development)

TR2 (Co-ordinating Land Use/Travel Planning)
TR10 (Strategic Road Network)
East Devon Local Plan Policies
S2 (Built-up Area Boundaries for Area Centres and Local Centres)
S4 (Development Within Built-up Area Boundaries)
D1 (Design and Local Distinctiveness)
RE3 (Open Space Provision in New Housing Developments)
TA1 (Accessibility of New Development)
TA7 (Adequacy of Road Network and Site Access)

Relevant Planning History

There is no previous history relating to the site.

Site Location and Description

236 Exeter Road is a detached bungalow positioned towards the road frontage of a comparatively deep but narrow plot that extends back from the highway by around 77 metres and has a relatively consistent width of around 19 metres, tapering slightly to approximately 17 metres towards the rear boundary.

The site is located within an area of predominantly residential character towards the northern edge of the built-up area of the town around 1.5 km. to the north of the town centre.

There are residential properties, mainly detached bungalows, in both Thornfield Close and Elmfield Crescent to the north and east of the site respectively whilst part of an L-shaped rear garden of No. 1 Featherbed Lane borders the rear garden of the property to the south.

The application site comprises a plot of around 0.55 hectares that occupies the majority of the present rear garden of the property and just under half of the area of the curtilage as a whole. It also incorporates a long and narrow neck of land extending from the existing vehicular access to the property off Exeter Road alongside the southern boundary (with both No. 234 Exeter Road and 1 Featherbed Lane) to the plot. This part of the site includes a garage attached to the side of No. 236.

The plot, which is essentially level, is currently occupied by a number of fruit and other trees and shrubs and bound by a mix of hedge banks and fencing.

The site and area are not the subject of any specific designations or constraints.

Proposed Development

The application proposal relates to the construction of a detached three bedroom bungalow on the plot together with the removal of the garage attached to the side of No. 236 to facilitate an extension of the existing access driveway to serve the plot. The site layout would also incorporate the laying of a parking and turning area within the site at the end of the proposed driveway and the construction of a detached outbuilding comprising a pair of single garages and an attached lean-to open sided log store.

The submitted details show what would essentially be a T-shaped building when viewed on plan form with the main part of the building, measuring 14 metres by 8 metres and orientated west/east parallel with the southern boundary of the site, comprising the three bedrooms, a bathroom, study and lounge with a smaller wing extending north from this main element, measuring 6.5 metres by 4 metres, housing a combined breakfast room and kitchen and utility room.

In terms of form, the principal part of the building would exhibit a shallow but fully pitched roof of a ridge height of 4.5 metres and gables at both ends with the smaller north-projecting wing incorporating a pitched roof with a full hip end and a slightly reduced roof ridge height of 4.2 metres.

Externally, the building would be finished in face brickwork with a slate roof (details not specified). It would be positioned within the plot 3.1 metres from the northern boundary with No. 4 Thornfield Close and, at its nearest point, 7 metres from the rear eastern boundary with No. 44 Elmfield Crescent.

The detached double garage and log store building would be positioned to the west of the bungalow and adjacent to both the northern site boundary and an existing hedge to the west that would be retained as the boundary between No. 236 and the proposed development plot. It would have maximum dimensions of 8.7 metres by 6 metres and would feature a shallow fully hipped roof form with a ridge height of 3.7 metres. The external wall and roof finishes would match those proposed for the bungalow. This element of the scheme would be intended to provide a garage for both No. 236 and the proposed bungalow.

The scheme has been modified insofar as the bungalow has been re-orientated through 180 degrees from its original position with the longer side elevation previously running close to, and parallel with, the northern boundary with 4 Thornfield Close now facing towards the southern boundary. The form has also been amended from a bungalow with accommodation within the roof space and a greater roof ridge height of 6.5 metres to a conventional bungalow. These changes were made in response to Officer concerns with regard to the overall height of the development, its proximity to the northern and eastern site boundaries with 4 Thornfield Close and 44 Elmfield Crescent and the perceived dominating and overbearing impact upon the private rear gardens of both properties that would have resulted from the development.

A copy of the revised site layout, floor plan and elevation details is attached.

Considerations and Assessment

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

Principle of Development

The site lies within the built-up area boundary of Exmouth as defined in the Local Plan within which the principle of new residential development is generally acceptable subject to consideration of the detailed issues set out below.

It is accepted that the emphasis placed upon securing the efficient use of land through the facilitation of development of 'previously developed land', including land in built-up areas such as private residential gardens, has been reduced through the exclusion, of gardens from the definition of such land. This is not however taken to mean that the principle of their development is to be regarded as being unacceptable particularly given the shortfall of land within East Devon which does now fall within the definition of previously developed land. Proposals are still required to be assessed having regard to material planning considerations, such as those set out below, and in many cases such development will be acceptable.

Impact upon Character and Appearance of Area

The site occupies a backland location at the rear of established residential development that fronts both Exeter Road and Elmfield Crescent. The proposed development would be around 50 metres from both. As such, and coupled with it being set at the rear of the existing bungalows in both roads with only limited glimpses of the development likely to be available in the gaps between them, it is not thought that the bungalow or garage would adversely detract from the character or appearance of the area.

Although representing a classic form of backland development, with the level of both vehicular and pedestrian activity that would be generated likely to have some impact upon the level of amenity enjoyed by the occupiers of No. 236, as the frontage property, it is reiterated that one of the proposed garages would serve the existing property. This would in itself generate a proportion of the vehicular and pedestrian activity that could reasonably be expected. It is not considered therefore that the backland nature of the development would have a materially damaging impact upon the living conditions of the occupiers of No. 236 to an extent that would justify opposition on this ground.

In terms of the effect of the development upon the character of the layout of development in the area, it is duly acknowledged that the majority of the surrounding residential properties are of conventional frontage character with the nearest examples of backland development occupying large plots in Seaford Avenue to the west of Exeter Road. However, notwithstanding this, the size and configuration of the plot are thought to be sufficient to accommodate a development of the size and scale proposed in a manner that would be in keeping with neighbouring development without detracting from the character or appearance of the surrounding area or the character of the layout of development in the area.

Whilst the Town Council's continued objection to the development on overdevelopment grounds is noted it is not thought that the size and footprint area of the bungalow, as modified, would be excessive for the area and shape of the plot. Indeed, it is considered that the proposed development could sit quite comfortably within the site in a manner that would not detract from the character or appearance of the area.

Although site clearance works would require the removal of the considerable majority of the existing tree and shrub cover from the plot, none of the former are thought to be of significant amenity value, either individually or collectively, to justify retention

and/or consideration for the formal protection offered by a tree preservation order. Moreover, no trees are readily visible from public land or highways.

Impact upon Neighbour Amenity

It is considered that due weight has been given to the concerns expressed by the occupiers of neighbouring properties by Officers in seeking to negotiate the revised scheme that is now before Committee. These amendments involve a significant reduction of 2 metres in the roof ridge height of the bungalow from the original proposals together with a re-orientation to ensure that the longer and potentially more dominating elevation (i.e what is now the south elevation) of the development would be positioned adjacent to the boundary of the site that is furthest from residential properties, namely those in Featherbed Lane that have longer rear gardens than those in either Thornfield Close or Elmfield Crescent, with a lesser impact upon the level of amenity enjoyed by occupiers of adjacent properties as a result.

Whilst it is accepted that the development would remain in view from both of the nearest neighbouring properties at 4 Thornfield Close and 44 Elmfield Crescent, it is thought that the height reduction and repositioning of the bungalow would reduce its overall impact to an acceptable level. The nearest parts of the dwelling to the boundaries with these properties would be 3.1 metres and 7 metres respectively, as referred to above. Taken together with the revised lower roof ridge height of the bungalow and the proposed retention of existing screening along the northern, eastern and southern boundaries of the plot, it is not thought that the development would be unduly harmful to the living conditions of the neighbouring residents.

The distance of the development from the rear of No. 236 itself would also be adequate, and the retained screening sufficiently robust, so as to mitigate against any damaging impact from the proposed bungalow upon the living conditions of the occupiers of that property.

Similarly, although close to the northern boundary of the plot, it is considered that no material harm would be caused from the proposed double garage and log store building upon the amenities of the occupiers of No. 4 Thornfield Close. This element of the scheme has also been amended from its original proposed form, incorporating a fully pitched roof with front and rear gable walls, and roof ridge height at 4.6 metres so as to reduce its visual impact when viewed from this property. Although not having been amended in respect of its intended siting within the plot, it is thought once again that the revisions to its roof form and overall height would be sufficient to reduce its impact to an acceptable level and that objection based upon any overbearing, dominating or intrusive impact upon the neighbours at No. 4 Thornfield Close could not be supported.

Impact upon Highway Safety

The objections raised by the town council and ward member in respect of the proposal on highway safety grounds are duly noted. However, these are not shared by the County Highway Authority who raise no objection to the development subject to the provision of visibility splays of 2.4 metres by 43 metres in both directions, which in the case of the northern visibility splay (i.e. in the leading traffic direction) is achievable within the confines of the site provided that alterations to the existing

boundary wall to reduce its height to 600mm above carriageway level are undertaken.

These works, in addition to a modest widening of the previous narrow splayed access to a width of 5 metres, have already been carried out by the applicant in accordance with details shown on the submitted access plan.

The County Highway Authority also require provision to be made within the site for the disposal of surface water to ensure that none drains onto the adjacent County road.

Conditions are recommended in relation to the visibility splay and surface water drainage requirements identified.

The access widening works would satisfactorily enable two vehicles to pass one another upon entry/exit to/from the site and would not therefore result in conflict between vehicle movements generated by the existing and proposed dwellings.

In the light of the absence of any highway safety objections to the proposal from the Highway Authority, it is not thought that any objections to the development could be reasonably sustained.

Contributions

The application is accompanied by the requisite unilateral undertaking in relation to the payment of an open space contribution towards the demands for open/play space generated by the development. This would accompany any grant of planning permission that may be forthcoming.

CONCLUSION

Having regard to the balance of the considerations set out above it is concluded that the submitted scheme, as amended, would be acceptable. Although the objections that have been received are based upon material issues, it is thought that these have been largely satisfactorily addressed through the revisions that have been made to the proposal in an attempt to satisfy these concerns which were shared by Officers. As such, it is now thought that objection to the development could not be reasonably sustained.

It is therefore recommended that approval be granted to the proposal, as modified, subject to conditions tying the permission to the revised details, requiring the submission for approval of details of materials and removing permitted development rights in respect of extensions (including roof enlargements) so as to prevent overdevelopment of the site and in order to safeguard the privacy and amenities of the occupiers of the neighbouring residential properties.

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 permission hereby granted relates to the submitted application as amended by the details shown on the revised drawing nos. 10-132/SPA, 10-132/GA, 10-132-1 A and 10-132-2 A received by East Devon District Council on 4th February 2011 insofar as they relate to the revised siting, orientation, height and design of the development hereby permitted.
(Reason - To define the permission, and in the interests of the character and appearance of the development and surrounding area and the privacy and amenities of the occupiers of neighbouring residential properties and to comply with the provisions of Policy CO6 (Quality of New Development) of the Devon Structure Plan 2001-2016 and Policies S4 (Development Within Built-up Area Boundaries) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 1995-2011.)
3. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
4. Prior to the first occupation of the dwelling hereby approved, visibility splays shall be provided, laid out and thereafter maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in a northerly direction and 43 metres in a southerly direction when measured at 1.4 metres out from the nearside kerb towards the centre line of the carriageway.
(Reason - To provide adequate visibility from and of emerging vehicles and to comply with the provisions of Policy TR10 (Strategic Road Network) of the Devon Structure Plan 2001-2016 and Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 1995-2011.)

5. Prior to the first occupation of the dwelling hereby approved, provision shall be made within the site for the disposal of surface water so that none drains onto the adjacent County Highway in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority.
(Reason - In the interests of public safety and to prevent damage to the highway and to comply with the provisions of Policy TR10 (Strategic Road Network) of the Devon Structure Plan 2001-2016 and Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 1995-2011.)
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order, with or without modification), no development of the types described in Classes A, B or C of Part 1 of Schedule 2 to the Order, for the enlargement, improvement or other alteration to the dwelling house or any enlargement consisting of an addition or alteration to its roof, shall be carried out without a grant of express planning permission from the Local Planning Authority.
(Reason - To enable the Local Planning Authority to retain control over operations that would not ordinarily require a grant of planning permission in the interests of preventing overdevelopment of the site, to safeguard the privacy and amenities of the occupiers of neighbouring residential properties and to comply with the provisions of Policy CO6 (Quality of New Development) of the Devon Structure Plan 2001-2016 and Policies S4 (Development Within Built-up Area Boundaries) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 1995-2011.)

NOTE FOR APPLICANT

1. IN GRANTING PLANNING PERMISSION FOR THIS DEVELOPMENT, THE FOLLOWING IS A SUMMARY OF THE REASONS FOR THE DECISION:

The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies

ST1 (Sustainable Development)
ST3 (Self Sufficiency of Devons Communities)
ST5 (Development Priority 2001 to 2016)
ST15 (Area Centres)
CO6 (Quality of New Development)
TR2 (Co-ordinating Land Use/Travel Planning)
TR10 (Strategic Road Network)

East Devon Local Plan Policies

S2 (Built-up Area Boundaries for Area Centres and Local Centres)
S4 (Development Within Built-up Area Boundaries)
D1 (Design and Local Distinctiveness)
RE3 (Open Space Provision in New Housing Developments)
TA1 (Accessibility of New Development)
TA7 (Adequacy of Road Network and Site Access)

The proposal does not adversely affect the privacy or amenity of neighbouring properties.

The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.

The proposal is contained within the defined built-up area boundary of the settlement.

The proposal makes adequate provision for the disposal of foul/surface water in the interest of flood/pollution prevention.

The access to serve the proposal does not prejudice highway safety.

The density of the development is at the highest level possible compatible with the area.

This planning permission is accompanied by the Unilateral Undertaking dated 30th November 2010 relating to the payment of an open space contribution.

Approved Plans

10-132/2A	Amended Plans	15.02.11
10-132/LP1	Location Plan	06.12.10
10-132/SP2	Plan Proposed	06.12.10
10-132/1A	Amended Plans	14.02.11
10-132/G1A	Amended Plans	14.02.11
10-132/SP1A	Amended Plans	14.02.11

List of Background Papers

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

Committee Date: 05.04.2011

COLY VALLEY 11/0290/FUL and 11/0005/LBC
(Colyton)

Target Date:
08.04.2011

Applicant: Mr & Mrs A Parr

Location: Colyton House Vicarage Street

Proposal: Repairs and alterations to stables.

CONSULTATIONS

Parish/Town Council

01/03/11 - *Cllr Parr declared an interest and left the room.
SUPPORTED

County Highway Authority

16/02/11 - Does not wish to comment

Other Representations

None received at the time of writing the report.

PLANNING HISTORY

Reference	Description	Decision	Date
04/P1857	1 No Roof light in lieu of dormer window	Approved	03.09.2004
99/P0507	Alterations to roof (escape window/dormer & rooflights)	Approved	27.04.1999
98/P1807	Repairs/alterations to existing attic rooms	Approved	27.10.1993
93/P1546	Internal Alterations	Approved	25.02.1999

POLICIES

Devon Structure Plan Policies

CO6 (Quality of New Development)

CO7 (Historic Settlements and Buildings)

East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

EN11 (Preservation and Enhancement of Conservation Areas)

S4 (Development Within Built-up Area Boundaries)

EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest)

Site Location and Description

Colyton House and its associated outbuildings are situated within the Built up Area Boundary of Colyton and within the Conservation Area. The property is a Grade II Listed Building. The site is surrounded by a large wall with access gates fronting the road. Glimpses of the stable building are visible through the gates but not to the wider surrounding area from any other vantage points.

The stable range forms an integral and inherent part of Colyton House. The building stands independent of the house and has stone rubble walls, freestone dressings, slate roofs and stone copings to some gables. The main range is single storey with slightly advanced 2 storey gabled wings left and right, with dressed Beer stone quoins and segmental arched carriage entrances.

The stables were constructed in late 18th Century, concurrently with Colyton House and are separately listed as a Grade II structure of architectural and historic interest.

Proposed Development

Full Planning permission is sought for alterations and improvement to the stable building within the curtilage of the grade II Colyton House. In this instance the stable building is also listed in its own right.

Works are proposed as follows:

- Removal of the iron sliding door support rails and installation of a new pair of timber ledged, braced and framed timber doors, side hung to a new timber frame
- Insertion of new window in existing aperture
- Replacement of existing windows

All new/replacement doors and windows are proposed to match the existing joinery and would be constructed in timber and painted to match the stable building.

The application states that the proposal to remove an element of the building that departs from the intended design (sliding door) and reinstate features that would serve to restore the building to its former glory (side hung doors and like for like windows), all amount to works of repair and restoration in keeping with its status as a heritage asset.

Considerations and Assessment

This application comes before committee as the applicant is a member of East Devon District Council.

The issues for consideration relate to the impact of the proposal on the historic fabric and character of the stable building and its setting, the impact on the setting of Colyton House and any impacts on the wider surrounding area.

- Impact on the listed building.

The comments of the conservation officer are as follows:

The proposals have been discussed on site with the applicant. These include the replacement of the two first floor windows on a like-for-like basis and the replacement of a modern sliding door. The windows are clearly beyond economic repair and require replacing. The detailed cross section submitted with the application indicates that the replacements are to be authentically constructed and have a painted finish. With regard to the doors the existing sliding door does not contribute positively to the character of the listed stables and the proposal to replace this with a pair of side-hung timber doors will greatly enhance the principal elevation of the building. The existing steel lintel which is presently a little unattractive would be clad in lead. It was discussed with the applicant whether this could be clad in stone but it is conceded that this would be difficult to achieve and that the result would appear rather incongruous.

It is not considered that the proposal would have an adverse impact on the historic character of the building and its setting.

- Impact on the wider surrounding area.

As stated above, the site is surrounded by a large wall with access gates fronting the road. Glimpses of the stable building are visible through the gates but not to the wider surrounding area. It is not considered that the proposed works would have any adverse impact on the Conservation Area.

CONCLUSION

The proposed works would enhance the appearance and character of the listed stables and the setting of the adjacent listed building. Any impact on the conservation area would also be positive albeit the proposed works would only be glimpsed from the conservation area. The proposal is therefore considered to be acceptable.

RECOMMENDATION

Planning Application 11/0290/FUL:

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 and in the interests of proper planning.)

NOTE FOR APPLICANT

1. IN GRANTING PLANNING PERMISSION FOR THIS DEVELOPMENT, THE FOLLOWING IS A SUMMARY OF THE REASONS FOR THE DECISION:

The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies

CO6 (Quality of New Development)
CO7 (Historic Settlements and Buildings)

East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)
EN11 (Preservation and Enhancement of Conservation Areas)
S4 (Development Within Built-up Area Boundaries)
EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest)

The proposal does not adversely affect the privacy or amenity of neighbouring properties.

The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.

The proposal does not harm the character and appearance of the conservation area.

The proposal does not harm the setting of a listed building within close proximity to the site.

Approved Plans

Location plan
Drawing No. 2 Proposed Plan and south elevations and details

RECOMMENDATION

Listed Building Consent 11/0005/LBC:

Approve subject to the following condition:

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.
(Reason - To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)

NOTE FOR APPLICANT

1. IN GRANTING PLANNING PERMISSION FOR THIS DEVELOPMENT, THE FOLLOWING IS A SUMMARY OF THE REASONS FOR THE DECISION:

Devon Structure Plan Policies

CO7 (Historic Settlements and Buildings)

East Devon Local Plan Policies

EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest)

The proposal does not adversely affect the privacy or amenity of neighbouring properties.

The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.

The proposal does not harm the character and appearance of the conservation area.

The proposal does not harm the setting of a listed building within close proximity to the site.

List of Background Papers

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

Committee Date: 05/04/2011

BEER AND BRANSCOMBE
(Branscombe)

11/0157/COU

Target Date:
31.03.2011

Applicant:

Oakdown Holiday Park

Location:

Oakdown Touring And Holiday Caravan Park
Weston

Proposal:

Change of use of agricultural land to use for siting
of 59no. static holiday caravans

CONSULTATIONS

Devon County Archaeologist

23/02/11 - 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.

Parish/Town Council

18/02/11 - Unable to support.

- Concern regarding density and scale.
- Visual impact on the AONB.
- An unacceptable precedent will be set.
- Highways problems are envisaged.

County Highway Authority

16/02/11 - THE EXECUTIVE DIRECTOR OF ENVIRONMENT, ECONOMY AND CULTURE, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT:-

Clerk To Branscombe Parish Council

18/02/11 - Branscombe Parish Council does NOT support this application due to the following reasons:

1. The number of proposed caravans represents an overdevelopment & high density usage of this greenfield site, and
2. we feel the increased traffic movements would be detrimental to the junction with A3052, thereby posing a direct danger on this very fast junction.

Ward Member- Cllr M Green

14/02/11 - I would request that this application goes to committee so the economic arguments can be balanced against the policy constraints

This is my preliminary statement and I reserve the right to change my mind when I am in full possession of all the facts

3/3/11

I Support this application

If the recommendation from the officers is contrary to this I request that it go to committee

If in that event I retain the right to change my mind when I am in possession of all the facts

10/3/11

I want the committee to decide whether they feel the economic benefits outweigh the conservation arguments.

I realise that officers are not in a position to do this.

I support the application on economic grounds and feel the development can be executed without harm to the AONB

Environmental Health

11/02/11 - I have assessed the application and I have no comments to make

Environment Agency

07/03/11 - Re Foul Drainage Assessment

Unfortunately, the information provided does not enable us to determine whether or not the foul drainage proposals will be adequate. In particular, we need to be sure that the additional loadings from 59 holiday caravans can be satisfactorily managed using the existing system. As such, further information should be provided to demonstrate that the foul drainage is adequate and that there is no need for an upgrade. In line with Circular 03, 99, it is recommended that this application be held in abeyance pending submission of the necessary further information.

A copy has been sent to the applicant's agent.

Economic Development Manager

Earlier this month, the Department for Culture, Media and Sport published a statement of the Government's policy for tourism: **Government Tourism Policy, March 2011**. The statement reflects on the need to boost spending on domestic holidays.

"Britain usually runs a large tourism trade deficit because we are far more likely to travel abroad for our holidays than most other countries. Currently, less than 40% of our total holiday spending goes on domestic tourism – roughly a 2:1 trade deficit."

“There will be big variations from year to year but, over time, our goal should be to persuade more of us to holiday at home. In measurable terms we should increase the proportion of UK residents who holiday at home to match those who holiday abroad each year. For longer stays (4 nights or more) this would mean 29% of travellers holidaying in Britain rather than just 20% today (creating 4.5 million domestic trips each year, £1.3 billion more spend and 26,000 new jobs.”

“The Government is focused on securing economic growth and even though the Tourism Industry is the 5th of the 6th biggest sector of our economy, there is still plenty of untapped potential. Of course the industry is, like most others, affected by micro economic factors such as fluctuating exchange rates which are beyond the scope of government intervention. But nonetheless government can help tackle the barriers to growth.”

“Where the Strategy addresses policies under the responsibility of other Departments across Whitehall, for example, on transport and regulation, the Government will feed the concerns of the Tourism industry into wider work to improve conditions for growth for all businesses. In particular the Government’s Growth Review is examining how to remove planning and regulation barriers to growth for all industries, including tourism.”

I apologise for quoting from this statement so extensively. In my view, it provides important context to the Council’s consideration of this and similar proposals offering the potential to strengthen the District’s tourism infrastructure and to increase its’ visitor appeal.

The policies that most directly seek to frame the Council’s approach to investment proposals from the tourism industry are those contained in the East Devon Local Plan, finally adopted in 2006. In the context of this application (11/0157/COU), Policy TO4 (Caravan, Chalet and Camping Sites): *“Permission will not be granted for new static or touring caravan sites, chalet sites or tent sites or extensions to existing static caravan site or chalet site boundaries within the environmentally sensitive Areas of Outstanding Natural Beauty*” could be seen to be the most relevant. However, the effect of this policy is to freeze the non serviced visitor accommodation offer of roughly two thirds of District, in the moment when the policy was first conceived. In my view, there are sound reasons to look beyond the blanket application of this policy. I hope 11/0157/COU will be considered on its merits and recognition given to the social and economic factors that are central to the care and future maintenance of the District’s protected landscapes.

Oakdown Holiday Park can trace its origins to an enquiry for overnight camping space at a family farm in Weston in 1951. In the 60 years that have elapsed since then, this chance addition to the farm’s income has evolved to become what is now its’ core business. Three generations of the same local family has overseen the development of an enterprise that currently employs 6 full time 5 part time and 7 seasonal staff. These sustain the operation of 150 touring caravan pitches and 60 static caravan pitches within the Oakdown Holiday Park that in peak season, accommodate some 500 holiday makers each night.

Oakdown Holiday Park has been developed in a way that reflects the owner's commitment to landscape husbandry and care for the natural environment. The current site is thoughtfully landscaped so as to minimize its visual impact and to maximise the quality of the visitor's holiday experience. In February 2010, Oakdown was awarded a second David Belamy 'Award of Special Distinction' to celebrate its environmental commitment over the past 15 years.

11/0157/COU 33 relates to the development of an open pasture field of some 2.3 hectares, immediately to the south and east of the existing Oakdown Holiday Park. The field is currently used to graze sheep. The applicant intends to strengthen the landscaping along the boundaries of this field and to create within it, areas of additional planting to frame the creation of 59 new low density pitches for static caravans. The design and layout of the proposal mirrors the quality of what has already been achieved within the existing park. It effectively 'rounds off' the development of the land they control, immediately to the south of the A3052.

The applicant's agent Humberts Leisure, point to a growing demand for domestic self catering holidays. They note that between 2006 and 2009, the number of English holiday trips taken in owned static caravan holiday homes increased by 66.9%, far in excess of the growth in holiday trips overall which increased by 23.7%. The significance of the trend away from serviced accommodation (hotels, guest houses and bed and breakfast accommodation) was a feature of a presentation by the then Chief Executive of South West Tourism to the Local Development Framework Panel in October 2009. He referred to a growing preference for the flexibility, privacy and convenience of self catering holiday accommodation and identified it as likely to be a key component of growth in the District and region's visitor economy in the period between 2009 and 2026.

Humberts note that East Devon currently has the highest proportion of visitor nights in static caravans/holiday centres of any area in Devon. A total of 730,000 visitor bed nights were spent in such accommodation in 2008, generating visitor expenditure of £28.5 million. They identify a total of 43 caravan or camping parks within the District offering a total of more than 2,400 pitches. They also note that more than half of this provision is contained within just one of the parks they identify (Devon Cliffs, Exmouth) and refer to "a noticeable shortage of supply in and around Sidmouth and Seaton in comparison."

The creation of an additional 57 static caravan pitches at Oakdown is likely to lead to the creation of a further 3.7 new full time equivalent jobs and the creation of an additional 352 bad spaces within the park. Humberts estimate that the development would generate an additional 5,412 net additional visitor bed nights annually and a net increase for the immediate area of 1,000 staying visitors per annum. The off park spending potential of these additional visitors is likely to sustain an additional 4.3 full time equivalent local jobs. I hope the Council will welcome the investment proposed at Oakdown Holiday Park (11/0157COU) and regard it as being entirely consistent with its own and Government policy.

Other Representations

2 representations raising following concerns:

- capacity of sewage treatment plant and liquid waste disposal
- sourcing and maintenance of proposed wetland area
- positioning of proposed wetland area
- wet marshy ground conditions

PLANNING HISTORY

Reference	Description	Decision	Date
89/P0066	Permanent Use Of Land For Holiday Touring Units(Caravans:tents: And Motor Caravans).	Approval with conditions	22.06.1989
94/P2175	Use Of Land For 46 Touring/static Holiday Caravans	Approval with conditions	24.01.1995
95/P0569	Variation Of Condition For Restriction Of Time Use For Static Holiday Caravans	Approval with conditions	04.07.1995
96/P2018	Use Of Pitch For Static Caravan, For Seasonal Staff Use,in Lieu Of One Approved Touring Pitch.	Approval with conditions	27.01.1997
01/P1629	Variation Of Conditions 8 & 9 (89/p0066) To Allow Part Of Site For 16 Static Holiday Caravans	Approval with conditions	09.10.2001
01/P1630	Variation Of Condition 2 (95/p0569) To Allow Use For Holiday Purposes All Year Round	Approval with conditions	09.10.2001

POLICIES

Devon Structure Plan Policies

- ST5 (Development Priority 2001 to 2016)
- CO3 (Areas of Outstanding Natural Beauty)
- CO6 (Quality of New Development)
- CO8 (Archaeology)
- TO3 (Tourism Development in Rural Areas)
- TR10 (Strategic Road Network)
- TO4 (Touring Parks and Camping Sites)

East Devon Local Plan Policies

S5 (Countryside Protection)

D1 (Design and Local Distinctiveness)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

EN6 (Wildlife Habitats and Features)

EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)

TO4 (Caravan, Chalet and Camping Sites)

TA7 (Adequacy of Road Network and Site Access)

Planning Policy Statement

PPS1 (Delivering Sustainable Development)

PPS4 (Planning for Sustainable Economic Growth)

PPS7 (Sustainable Development in Rural Areas)

PPS23 (Planning and Pollution Control)

PPS25 (Development and Flood Risk)

Site Location and Description

The application site is an existing camp site set adjacent to the main A3052. The site access is set approximately 66 metres from main road junction.

The site comprises a mix of touring and static pitches with one field in use for tourers and one field in use for statics. There are various single storey ancillary structures adjacent to the site entrance and set within the site.

The application site relates to an undeveloped field set to the south of the touring field and to the west of the static field. The site is relatively flat as is the surrounding topography with established hedgebanks to the eastern and southern boundaries comprising a mix of native hedging and gorse planting. There is a mound of soil in the bottom right hand corner of the site.

There are undeveloped agricultural fields to the south and east of the site.

The boundaries to the camp site are formed by post and wire fencing with mixed hedge/shrub/tree planting.

Views are available out from the site over the hedge and there are partial views back towards the site from the public highway to the south west of the site. The southern boundary to the static field is formed by two lines of hedge/tree planting separated by an existing service access.

There are no views of the site available from the A3052 as the substantial tree belt to the front of the site screens views.

There are no significant trees within the site boundaries.

Access within the site is taken from the existing tarmac and gravel tracks, the track extends past the existing wardens accommodation (static unit) and the remains of a structure and a timber shed.

The site is well maintained with a neat and tidy appearance and the existing statics are laid out with areas of tree planting similar to the proposed layout.

There is a large industrial style building to the north west which is visible from the site and a further touring site and golf course set opposite within the same ownership.

Proposed Development

The application proposes the development of a field on the south-east side of the existing holiday park for 59 static units set around an internal access road and the provision of two separate areas of wetland habitat and swales. The layout shows a similar arrangement to the existing static units and the plan identifies indicative landscape planting comprising tree and natural shrub areas. An indicative plan of the unit is provided but the actual finished design/sizes will be dependent on final customer demand.

The existing park has 150 touring pitches, 44 privately owned static units and 16 static units available for holiday rentals. There are also two caravan storage areas on the site and a number of ancillary buildings. From the submitted information it is clear that the proposed would be sold off to form holiday homes for their owners and would not be rented out as holiday lets.

Relevant Planning History

Permission has previously been granted for the touring and static uses on the site but the only recent permissions on this site have related to variations of conditions on the occupancy of the existing units.

The existing static field appears to have been granted permission without previous use of the field for tents or caravans but the report from that application identifies no conflict with the draft Local Plan and identifies the importance of the enhanced landscaping to screen the development. It is worth noting that the layout approved at this time provided for a much greater level of boundary screening than is shown on the current proposals.

Consideration and Assessment

Principle of Development

Policy T03 of the Structure Plan allows for improvements to holiday and touring parks at an appropriate scale but Policy T04 states that touring parks will not be provided for in Areas of Outstanding Natural Beauty. Policy T04 of the East Devon Local Plan also prohibits new static sites or extensions to existing static caravan site boundaries within the environmentally sensitive Areas of Outstanding Natural Beauty (AONB).

The development clearly amounts to the extension of an existing site for static caravans within the AONB, as the provision of additional pitches is not considered to

fall within the meaning of site improvements which are normally taken to mean new or replacement facilities such as toilet blocks, reception rooms, laundry rooms etc). Therefore this proposal is clearly contrary to both Structure and Local Plan Policies covering tourism.

Policy EC7 of Planning Policy Statement 4 deals with tourism in rural areas and advocates a balanced approach between promoting tourism through the provision of improved and extended facilities and protecting the character and qualities of the countryside and statutorily designated areas.

Notwithstanding the conflict with Structure and Local Plan policy it is therefore considered necessary to consider the economic/tourist benefits of the proposal against the character/landscape impact taking into account the AONB designation.

Economic/Tourism Benefits

The application is accompanied by a Market Need and Economic Impact Assessment which concludes that there is a growing demand for this type of holiday accommodation that is not currently met in this part of the district and that the proposal would generate an estimated additional expenditure per year of £178,177 (based on both direct and indirect estimated expenditure), would create an additional 3.7 FTE jobs on site and would generate a one off revenue increase of £1.57 million potentially spread over a number of years.

The Assessment report identifies the increased period of use modern static units can have thereby generating greater expenditure through a longer visitor season, trends in UK based holidays increasing generally and in the camping and caravanning sector in particular, the relatively robust position of static caravan holiday sales during the economic downturn and the concentration of privately owned and rented static units around Exmouth and the corresponding shortage around Seaton and Sidmouth. All these factors are put forward as justification for the current development to meet growing demand in this part of the district.

In economic benefit terms the Assessment identifies an increase in spending of just under £180,000 per annum in the form of increased spending on services, goods and attractions in the locality from the owners of the units when staying on the accommodation (direct expenditure), the increased spending from the applicants as a result of the profit made from the sale of the units (indirect expenditure), the increased spending from the holiday park to service the additional accommodation (indirect expenditure) and increased spending from the additional staff employed (indirect expenditure). Based on research on the use of owned holiday accommodation the Assessment identifies an additional 5,412 net additional visitor bed nights being created based on an average of 5.4 trips per year to static units by their owners and an average of 3 person occupancy per unit. In terms of job creation the Assessment estimates that the increased units will result in a net increase of 3.7 new Full Time Equivalent jobs based on existing staffing levels with assumptions made about an indirect increase of 1.1 FTE jobs as a result of increased demand for goods and services to support the site.

However it is considered that the economic benefits identified need to be approached with some caution as the static units are proposed for private sale rather than for holiday rental which is highly likely to limit the annual expenditure each unit generates. Notwithstanding the references made to frequent short term use by owners, privately owned units may only be occupied for 2 weeks a year whereas a rental unit could effectively be occupied for 6 - 8 months. The submitted details state that clientele for such privately owned holiday homes are predominantly retired. The details go on to state that "typically residents would stay for periods of two to nine weeks at a time, two to five times a year." This pattern of usage suggests that they would be used as second homes rather than genuine holiday accommodation. The economic benefits of this type of use are limited because the users are not on a short term holiday in the area where their spend on local tourist attractions and within local resorts would be much higher. The luxurious nature of the proposed units with central heating and fully equipped kitchens would further limit spend in local pubs and restaurants. It is therefore considered that the direct economic benefits from this proposed use is much less than other holiday parks where units are let out to tourists even when the caravan itself is privately owned.

The estimates made about the indirect expenditure also need to be taken with some caution as these are only based on estimates of the likely effect of increased activity on the site and cannot be guaranteed. For example the initial income generated from the sale of the units will clearly benefit the applicants directly but there is no way this expenditure can be guaranteed to be spent in the locality or put back into the business to increase its viability and indeed it could be argued that a more viable proposition would be the retention of the units for holiday rentals to provide a continuous income. The estimated indirect expenditure is also based on the average earnings for East Devon (£19,864) but the Assessment does not actually confirm what salaries would be paid for the jobs likely to be created and as these jobs will predominantly be related to the cleaning and servicing of the site it is unlikely that they will be high earning roles. There are also no guarantees that jobs will be taken up by people in the locality.

Therefore while there clearly would be some economic benefits generated by the proposal it is not considered that the benefits are particularly strong on the basis of the way the site is intended to be operated and the type of jobs likely to be created.

Character/Landscape Impact

Clearly the development will have a significant impact on the character of the site because it will fundamentally change the appearance of the site from an undeveloped green field to a relatively densely developed site. Static units are by their very nature intrusive features which do not reflect any local or traditional character and the only way to mitigate their appearance is to provide sufficient screening to effectively mask views of the units.

The site is not open to views from the main A3052 but is open to views from the land and road to the south/south-west and the units will be visible over the existing boundary hedge. In the proposed layout the units are shown in very close proximity to the site boundary which will limit the screening that can be provided. The static units in the adjoining field are not visible from this view point but screening is

provided by two rows of bush/hedge/tree planting either side of the existing service lane whereas for the current scheme very limited additional planting is shown on the southern boundary. A number of the units are also shown very close to the eastern boundary hedge which could raise concerns over the impact on the hedge which if it were to fail would open up views of the site. The provision of visible static units in this location will be out of keeping with the character of the area which comprises large open fields and will adversely affect the natural character and appearance of this part of the site and will adversely affect views to/from the Area of Outstanding Natural Beauty.

It must also be considered that the provision of tree/shrub/hedge planting to a level sufficient to screen views of the static units would in itself be out of character with the character of the landscape and Area of Outstanding Natural Beauty through the provision of artificial landscape features. The prevailing character of this area is large undeveloped fields with native hedge banks to the boundaries and a high concentration of tree planting to the boundary of a field would effectively be an alien feature thereby drawing attention to the site.

Therefore it is considered that the development, whether provided with greater landscape screening than currently proposed or left open to views, will have an adverse impact on the character and appearance of the site and wider area designated as an Area of Outstanding Natural Beauty.

Highways Issues

The Parish Council have raised the highway impact of the development as one of their concerns but the County Highways Authority has not objected to the application. They consider that the existing site access is adequate in terms of highway safety for the proposed increase in traffic movements and the existing access of Gatedown Lane and the A3052 is adequate in terms of highway safety and is able to cope with the proposed increase in traffic movements.

In the absence of any technical highway problems identified by the Highways Authority it would not be reasonable to refuse the application on highway grounds notwithstanding the comments of the Parish Council.

Other Issues

The application is accompanied by an Ecological Report and no evidence of sensitive or protect species were found although recommendations are made concerning habitat mitigation or compensation, hedgerow management and conversion of the adjacent brick bunker to form a bat roost. No comments have been received from Natural England.

The County Archaeologist has identified that the site has potential for archaeological remains but this can be dealt with through the standard recording condition.

A Foul Drainage Assessment Form (FDA) and Flood Risk Assessment and Surface Water Management Plan have been submitted with the application but the Environment Agency consider this information insufficient to allow them to assess

whether or not the foul drainage will be adequate to serve the proposed development. The site is currently served by an existing sewage plant which is a three stage settlement tank with excess water pumped to a reed bed. The FDA form indicates that the existing system will be used for the new static units but the Environment Agency requires further information to demonstrate that the existing system can cope with the additional loadings from the proposed 59 static units. This information has been sent to the agent but no further response has been received so far. The Environment Agency have recommended that the application not be determined until this is resolved but the proposal is not considered to be acceptable in principle. The failure to demonstrate adequate foul drainage therefore forms a second reason for refusal of planning permission.

CONCLUSION

The development is contrary to Structure and Local Plan policies on tourism/holiday park development and would adversely affect the character and appearance of the site and in turn the wider Area of Outstanding Natural Beauty and there is only limited economic benefit which would not override the policy and landscape/character harm identified. Although static caravans have been permitted as expansions of other holiday parks within the district - most recently at Devon Cliffs in Exmouth (also within an AONB) the economic benefits in this case are significantly less because the units would not be let out as holiday lets.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development would form an extension to a static caravan site in the open countryside within the environmentally sensitive Area of Outstanding Natural Beauty and will have an adverse impact on the character and appearance of the site and designated Area of Outstanding Natural Beauty through the introduction of intrusive development and landscape features out of keeping with the prevailing character and appearance of the area. The potential economic benefits of the proposal are not considered to be sufficient to outweigh this harm. The proposal would therefore be contrary to Policies ST5 (Development Priority 2001 to 2016), CO3 (Areas of Outstanding Natural Beauty), CO6 (Quality of New Development), TO3 (Tourism Development in Rural Areas) and TO4 (Touring Parks and Camping Sites) of the Devon Structure Plan and Policies S5 (Countryside Protection), D1 (Design and Local Distinctiveness), EN1 (Developments Affecting Areas of Outstanding Natural Beauty) and TO4 (Caravan, Chalet and Camping Sites) of the East Devon Local Plan.
2. Insufficient information has been submitted with the application to allow the Local Planning Authority and Environment Agency to assess whether or not the existing foul drainage system will be adequate to serve the proposed development. The application is not therefore in accordance with the guidance in Planning Policy Statement 23 (Planning and Pollution Control) and Circular 03/99: Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development.

List of Background Papers

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