

Date: 15 April 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 3 May 2011, 2.00 pm at Exmouth Town Hall**

The above meeting will be held in at **Exmouth Town Hall, St Andrews Road, Exmouth** 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.

Members please note that there will be no Planning Inspections Committee until after the Annual Council meeting. Members are encouraged to visit the sites to be considered in advance of the meeting if they feel this is appropriate.

A G E N D A

Page/s

- | | | |
|---|---|--------|
| 1 | To confirm the minutes of the meeting of the Development Management Committee held on 5 April 2011. | 4 - 14 |
| 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). | |

Matters For Decision

- | | | | |
|---|--|-----------------------------|---------|
| 6 | Devon County LDF – Minerals Core Strategy – Options Consultation Paper | Planning Policy Manager | 15 – 29 |
| 7 | Planning Appeal Statistics | Interim Development Manager | 30 – 33 |
| | To consider the matters to be determined by the Development Management Committee | Interim Development Manager | |

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

- | | <u>District Ward</u> | <u>Ref.</u> | <u>Location</u> | |
|----|----------------------|--------------|---|----------|
| 8 | Axminster Town | 11/0455/FUL | Kylemore, Lyme Road, Axminster | 34 – 44 |
| 9 | Clyst Valley | 10/2537/MFUL | Enfield Farm, Clyst St Mary | 45 – 70 |
| 10 | Ottery St Mary Rural | 10/2375/MOUT | Land Adjacent Greytops, West Hill Road | 71 – 96 |
| 11 | Ottery St Mary Town | 11/0715/FUL | 8 Higher Spring Gardens, Ottery St Mary | 97 - 103 |

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



Exmouth Town Hall is located on St Andrews Road, Exmouth. **Parking** is limited during normal working hours, operated under a pay and display scheme.

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 5 April 2011

- Present:** Councillors:
Paul Diviani (Chairman)
David Atkins
Ray Bloxham
Bob Buxton
Andrew Dinnis
Ray Franklin
Mike Green
Stephanie Jones
David Key
Ann Liverton
Helen Parr
Ian Thomas
Mark Williamson
- Ward Members:** Councillors:
Graham Brown
Graham Godbeer
Tony Reed
- Officers:** Ed Freeman, Interim Development Manager
Nigel Harrison, Economic Development Manager
Kate Little, Head of Economy
Andrew Seddon, Senior Solicitor
Hannah Whitfield, Assistant Democratic Services Officer
- Apologies:** Councillor Jill Elson

The meeting commenced at 2.00pm and ended at 4.15pm.

***76 Minutes**

The minutes of the meetings of the Development Management Committee held on Tuesday 8 February 2011 and Special Development Management Committee held on 15 March 2011 were signed as a true record, subject to minute *68 - Resignation being amended to read 'Standards Committee' instead of 'Standards Review Sub Committee'.

***77 Urgent item – Greendale Business Park Materials**

The Chairman asked the Committee to consider an urgent report from the Head of Economy regarding Greendale Business Park. The Head of Economy explained that when permission had been granted for an extension to the north of the Business Park Members had requested an Informative be applied to the consent regarding a colour scheme for the buildings; this Informative stated that any buildings within the extension should have green wall cladding and a dark roof in order to reduce visibility against the landscape backdrop. However a large company, UK Mail, which would employ 75 people from the site and had commenced putting up steel works within the extension, favoured blue buildings as part of its branding and would leave the site if this could not be accommodated. Members heard that there were blue buildings within the Business Park, as due to the typography of the site there were buildings which had the sky as a backdrop; the plot to be occupied by UK Mail was the closest plot to existing blue buildings on the site.

***77 Urgent item – Greendale Business Park Materials continued...**

The Head of Economy explained that the Informative had been a clear instruction from Members and therefore it was necessary to bring this request for an exception to the condition for this particular plot back to Committee. Members considered that the economic and employment benefits, combined with the plot's proximity to similar coloured buildings justified an exception to the condition in this particular instance.

RESOLVED: that the Development Management Committee approve the blue wall cladding and dark roof for Plot 49 (UK Mail) at Greendale Business Park as an exception to the informative on the planning permission for the Greendale Expansion site but that the remaining plots be required to adhere to the colour scheme suggested by the informative.

***78 Local Development Framework Panel**

RESOLVED: that the report and recommendations of the Local Development Framework Panel held on 10 March 2011 be approved.

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

Consideration was given to the Validation of planning and related applications – Amendments to Local List requirements report presented by the Interim Development Manager.

Members were reminded that in July 2008, the Committee agreed to implement a local validation checklist for planning and related applications, following changes in legislation which allowed Local Planning Authorities to specify their own information requirements for planning and related application over and above the national requirements. Since this time the checklist had been operating successfully, however Members were advised that it was necessary to carry out regular reviews of the requirements to ensure that they were up to date and relevant. Following the latest review it was considered that two key amendments were required; consultation on these two amendments had been undertaken with a number of agents.

RESOLVED: that the following amendments to the local list requirements for the validation of planning and related applications be adopted for Development Management purposes:

- 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 the Council to consider a viability case for not meeting the Council's usual Section 106 agreement requirements pay the cost of having a financial appraisal of the development independently assessed.

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

The Interim Development Manager reported that the Design Review Panel had been tasked with considering a number of comparatively recent schemes involving the conversion/re-use of former rural/farm buildings to business uses in accordance with the provisions of Policy D10 of the East Devon Local Plan; this Policy permitted the re-use, conversion alteration or extension of rural/farm buildings for employment-generating or business uses that added value to the economy.

The schemes at Addlepool Farm, Clyst St George, Home Farm, Nutwell Court, Lymphstone and Venmore Farm, Woodbury were selected as being good recent examples of the diversification of farm enterprises though the re-use of traditional buildings for economic purposes. The Panel, which included the Member Champion for Design, Ward Member and Planning Officers, visited each of the sites, followed by a detailed discussion about each scheme; their considerations were detailed in the report presented to the Committee. The Review had been extremely informative and had highlighted a number of concerns, particularly the need for more effective monitoring, for example on areas such as air conditioning units; however it was recognised that this was largely a resource issue. A member of the Committee drew Members' attention to the acknowledgement in the report that due to limited resources to monitor all schemes there was an inevitable reliance on members of the public and parish/town councils to alert the planning authority to issues/concerns and suggested that the report be circulated to all parish and town councils.

Councillor Andrew Dinnis, Member Champion for Design welcomed the report and thanked the officers and Members involved in the Review. Members commented that that they would like to see more Councillors involved in design reviews.

- RESOLVED:**
1. that the Design Review Panel's Conversion/Re-Use of Rural Buildings for Business Purposes report be noted;
 2. that all town and parish councils be alerted to the need for them to highlight any issues/concerns with developments in their area not being built correctly to the planning authority.

***81 Appeals Status Report**

The Committee received the Appeals Status Report providing an overview of the situation regarding planning appeals for the year from April 2010 to end of March 2011. The Interim Development Manager updated the report, due to its preparation prior to the end of March, advising Members that the 28 appeals had been decided for the year, reducing the percentage allowed to 25%. Members noted that the figures presented were well below the national average; this was felt largely to be a result of the successful systems thinking review of the Service.

A member of the Committee commented that due to the low number of planning appeals lodged presenting the appeals information in percentages was misleading, as one or two decisions had a huge influence on the percentage figures.

- RESOLVED:** that the Appeals Status Report be noted.

***82 Planning Appeal Statistics**

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

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

RESOLVED: that the applications before the Committee be determined as set out in Schedule 12 – 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	11/0335/COU	Personal (remained in the Chamber to speak and vote)	Councillor was an DCC representative on the East Devon AONB Partnership Board
Councillor Bob Buxton	11/0335/COU	Personal (remained in the Chamber to speak and vote)	Councillor was an EDDC representative on the East Devon AONB Partnership Board
Councillor Paul Diviani	11/0075/FUL	Personal (remained in the Chamber to speak and vote)	Councillor was an DCC representative on the East Devon AONB Partnership Board
Councillor Bob Buxton	11/0075/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	11/0290/FUL & 11/0005/LBC	Personal (remained in the Chamber to speak and vote)	Councillor was an DCC representative on the East Devon AONB Partnership Board
Councillor Bob Buxton	11/0290/FUL & 11/0005/LBC	Personal (remained in the Chamber to speak and vote)	Councillor was an EDDC representative on the East Devon AONB Partnership Board
Councillor Helen Parr	11/0290/FUL & 11/0005/LBC	Prejudicial (left the Chamber during discussion and voting)	Councillor was the applicant

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

The following declarations of interest were made during consideration of the applications:
(continued....)

Councillor Paul Diviani	11/0157/COU	Personal (remained in the Chamber to speak and vote)	Councillor was an DCC representative on the East Devon AONB Partnership Board
Councillor Bob Buxton	11/0157/COU	Personal (remained in the Chamber to speak and vote)	Councillor was an EDDC representative on the East Devon AONB Partnership Board

Chairman

Date

**EAST DEVON DISTRICT
COUNCIL**

**DEVELOPMENT MANAGEMENT
COMMITTEE**

HELD ON Tuesday 5 April 2011

SCHEDULE NUMBER 12 – 2010/2011

APPLICATIONS DETERMINED BY THE COMMITTEE

WOODBURY AND 10/2372/FUL
LYMPSTONE
(Woodbury)

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

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 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.)

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 - CO6 (Quality of New Development) and East Devon Local Plan Policies - S4 (Development Within Built-up Area Boundaries) and D1 (Design and Local Distinctiveness).
 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.
-

SIDMOUTH RURAL 11/0335/COU
(Sidmouth)

Applicant: Mr Chris Brookbank - Housing Management Team

Location: Units 1 - 10 Furzehill Sidbury

Proposal: Change of use of amenity land to form off-road parking spaces

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.)

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

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)

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.
-

RALEIGH (Otterton) 11/0075/FUL

Applicant: EDDC – Estates Dept.

Location: Otterton Public Conveniences, Ottery Street, Otterton

Proposal: Detached dwelling

RESOLVED INSPECT

Reason – To consider the highway situation and impact on neighbouring properties.

EXMOUTH HALSDON 10/2438/FUL
(Exmouth)

Applicant: Mr P Saunders

Location: 236 Exeter Road Exmouth

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

RESOLVED INSPECT

Reason – To consider the proposed access and impact on neighbouring properties.

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

Applicant: Mr & Mrs A Parr

Location: Colyton House Vicarage Street

Proposal: Repairs and alterations to stables.

RESOLVED 11/0290/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.)

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

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)

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 character and appearance of the conservation area.
5. The proposal does not harm the setting of a listed building within close proximity to the site.

11/0005/LBC - APPROVED 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.)

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

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)

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 character and appearance of the conservation area.
 5. The proposal does not harm the setting of a listed building within close proximity to the site.
-

BEER AND BRANSCOMBE 11/0157/COU
(Branscombe)

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

RESOLVED

Delegated authority to the Head of Economy to APPROVE, in consultation with the Development Management Committee Chairman, subject to drainage issues being resolved to the satisfaction of the Environment Agency and conditions, which will include native boundary planting.

Members resolved to Approve the application contrary to officer recommendation as the potential economic benefits of the proposal were considered to be sufficient to outweigh impact on the character and appearance of the site, as static caravans already existed on the site, and Area of Outstanding Natural Beauty.

Agenda Item 6

Development Management Committee

3 May 2011

MD



Devon County Council LDF - Minerals Core Strategy – Options Consultation Paper

Summary

- 1.1 East Devon District Council has been consulted by Devon County Council in respect of a 'Minerals Options' consultation document. Feedback from consultation will help inform the County Minerals Core Strategy. The County Council have asked for responses by Friday 29 April 2011. This Committee report will be sent to Devon County Council before this closing date with advice that the final response of East Devon District Council will be agreed at Development Management Committee on 3 May 2011.
- 1.2 The Options document contains a series of questions; this report addresses/ comments on matters common to all parts of the County and to those sections relating specifically to East Devon; it does not consider/propose responses to those sections relating specifically to parts of the County outside of the District.
- 1.3 The Options Consultation Paper sets out a series of topics, with suggested alternative approaches to deal with them. This report covers these topics in order. In formulating a response, broadly speaking, the questions have been answered on the basis of considering that the interests of this District will best be served by seeking to protect the environment but also recognising that economic activity and employment can be generated by mineral extraction. The proposed responses are also formed on the basis of recognising that mineral resources, wisely used, are essential for the building industry and are needed for development to occur and where locally sourced will promote local distinctiveness in development.

Recommendation

That Devon County Council be advised that East Devon District Council comment is as set out in this report under the heading 'The Issues' (see boxed text) in so far as the Options Consultation Paper relates to this District.

a) Reasons for Recommendation

The responses to the Options Consultation Paper will inform the County Council when producing its Minerals Core Strategy in respect of achieving a satisfactory balance between the extraction of valuable minerals (sand and gravel in this District) and providing employment on the one hand, and protecting the high quality environment of the District and the County as a whole on the other.

b) Alternative Options

An alternative response could be to decline to comment on the paper or else to favour options other than those recommended below.

c) Risk Considerations

There are no specific risks identified to the Council.

d) Policy and Budgetary Considerations

The Government's national objectives and policies for minerals planning are set out in Minerals Policy Statement 1: Planning and Minerals, which represent the key policy influences on the Minerals Core Strategy. Key points include:

- Ensuring the prudent, efficient and sustainable use of minerals, with the need for new extraction being minimised by the recycling of suitable materials;
- Safeguarding mineral resources;
- Securing adequate and steady supplies of minerals within environmental limits;
- Maximising the benefits of minerals operations over their full life cycle; and
- Promoting the sustainable transportation of minerals.

Devon County Council has responsibility for planning matters relating to mineral extraction and there are no specific identified budgetary considerations for this Council.

2 Profile of Devon and Role of the County Council as Minerals Planning Authority

2.1 As minerals planning authority Devon County Council are responsible for planning matters relating to identifying and promoting minerals sites and mineral resources. The County Council need to take an overview of actual and potential supply issues as well as understanding demand considerations for areas within and beyond Devon. The County Council are the minerals planning authority, they determine planning applications for mineral extraction purposes as well as setting conditions, including relating to site restoration.

2.2 The County Council report sets out a profile for Devon which in summary advises that a total of 559 people worked in mining and quarrying in Devon in 2009, a 37% decrease from 2007, with 279 being directly employed and the remainder being drivers and contractors. Devon, Cornwall and Dorset are the UK's only sources of ball clay and china clay, with a value of about £127 million in 2008, and 80% of it is exported.

2.3 It should be noted that the Devon County Council Minerals Core Strategy does not cover/address the unitary authority areas of Plymouth and Torbay and the National Park Authority areas of Dartmoor and Exmoor (that part in Devon). These bodies are the relevant mineral authorities in their own right. The Core Strategy, itself, will set out key policies.

3 Devon to 2031 (the Minerals Core Strategy period)

3.1 The options document advises that the increased rate of housing development and its infrastructure will require a higher rate of aggregate mineral production (including secondary and recycled materials). It also points out that the concentration of new development around the main urban areas will reinforce the trend for strategic quarries to be mainly within the M5/A38 corridor. It highlights that the potential level of growth could conflict with the national and regional policy to safeguard mineral resources from sterilisation by other development.

4 Climate Change

4.1 Mitigation of and adaptation to climate change is a key consideration for the Minerals Core Strategy, and there is now a statutory duty for the County Council to take it into account as the minerals planning authority. The management and restoration of mineral sites can provide positive measures for flood water management and habitat creation.

5 Mineral Working in Devon

- 5.1 The document highlights that around 85% of Devon's production of sand and gravel is derived from quarries within the Budleigh Salterton Pebble Beds. Primary aggregates are used for a variety of purposes, including asphalt and other roadstone (34%), concrete (33%) and other uses including building sand, gravels, rail ballast and fill materials.
- 5.2 The options document advises that Devon production over the last 10 years has averaged 2.6 million tonnes of crushed rock and 0.8 million tonnes of sand and gravel, with a steady downward trend.
- 5.3 The report advises that chalk occurs in the eastern corner of Devon, where it is now only worked at Uplyme, following the closure of Beer Quarry. Its use is mainly as a fertiliser and soil conditioner.
- 5.4 Devon County Council advise that the Spatial Strategy is "*Achieving a pattern of mineral development in Devon that minimises the distances that minerals are transported by road, supports the County's economy, protects its environment and has regard to the distribution of new development*".

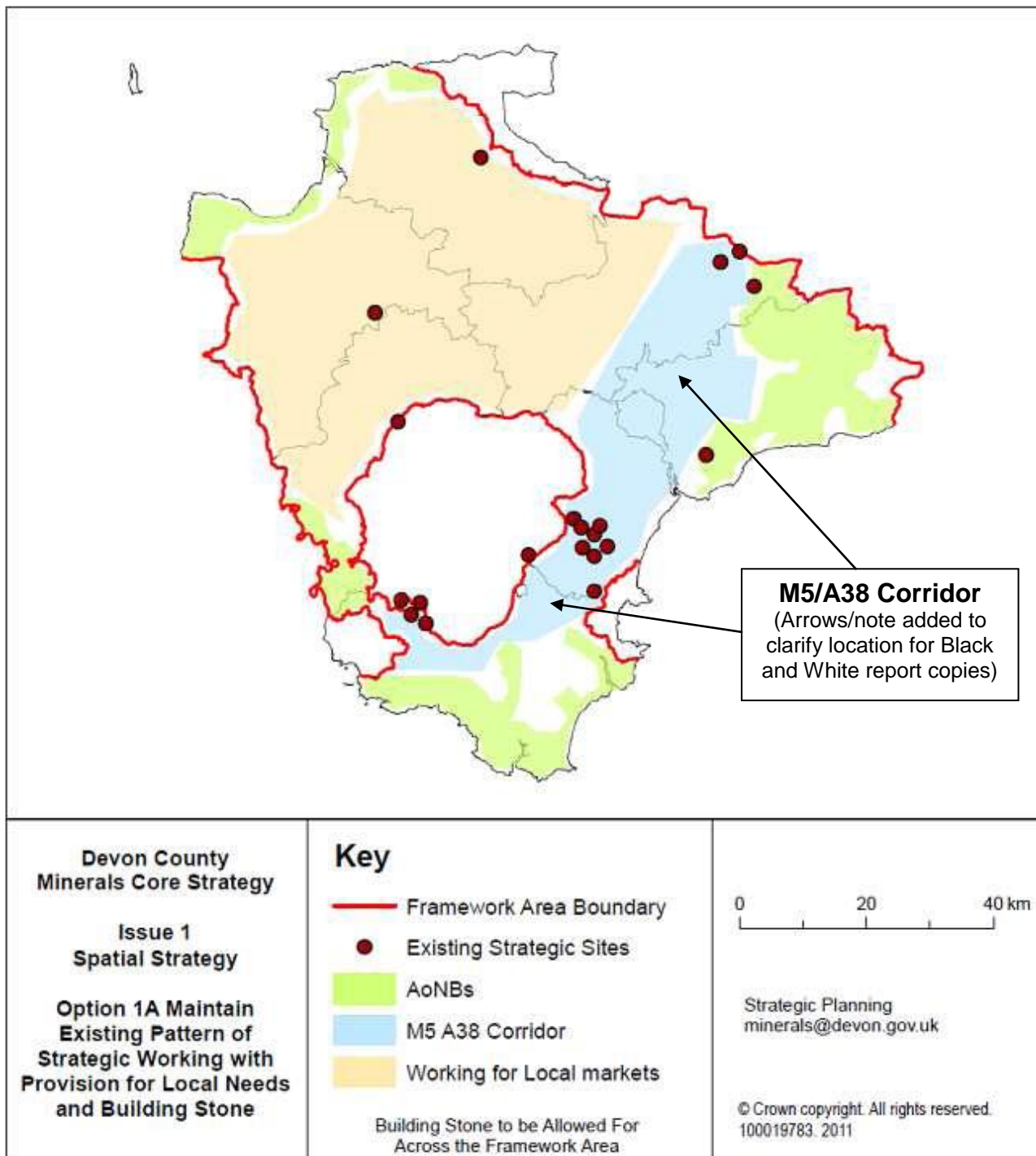
6 Questions in the Consultation Document

- 6.1 The consultation document includes a series of what are termed as 'issues' with associated questions.

7 Specific Issues and Questions and Proposed East Devon District Council Response

- 7.1 Issue 1 is referred to as SPATIAL STRATEGY. The report advises that:
 - Option 1A is to – Maintain Existing Pattern of Strategic Mineral Working with Provision for Local Needs and Building Stone - The current pattern of strategic mineral working in Devon of concentration within the M5/A38 corridor would be maintained, with limited provision for meeting local aggregate needs in northern and western Devon and for enhanced supply of building stone across the county.

The report sets out the plan below that illustrates the spatial strategy.



The report does not include an alternative option but it does ask the following question.

Question 1 - Do you support the spatial strategy for mineral development in Devon proposed in Option 1A? If not, what alternative approach do you suggest?

Proposed East Devon District Council Response to Question 1

East Devon District Council supports the strategy – Option 1A.

Comment: It is recognised that the M5/A38 corridor is both a critical road transportation corridor through Devon and a focal point/area where there are a concentration of existing workings. The need to secure supplies of mineral resources and recognition of future growth and the current population living in/near this corridor is such that it forms a logical location for the concentration of mineral activity. It is critical, however, that overall levels of activity do not result in environmental capacity levels being exceeded with adverse associated impacts, including from traffic. A danger of over-concentration of activity in one area is that it could lead to progressively more intense pressures and concentration of impacts. The strategy does, therefore, also need to recognise the role of workings providing for local markets, not the least because this will help promote local distinctiveness through use of local materials in future development.

7.2 Issue 2 is referred to as - LEVEL OF PRIMARY AGGREGATES SUPPLY OVER THE PERIOD TO 2031. The report provides two options.

- Option 2A - The level proposed in the new sub-regional aggregates apportionment (i.e. annual production of 3.2 million tonnes of crushed rock and 0.93 million tonnes of sand and gravel).
- Option 2B - An average of the past ten years of production (i.e. annual production of 2.64 million tonnes of crushed rock and 0.8 million tonnes of sand and gravel).

Question 2 - What level of primary aggregate supply do you favour, Option 2A or 2B? If you consider that a level of supply different than either of these options should be provided for, please explain what level you consider appropriate and provide the reasons for this.

Proposed East Devon District Council Response to Question 2

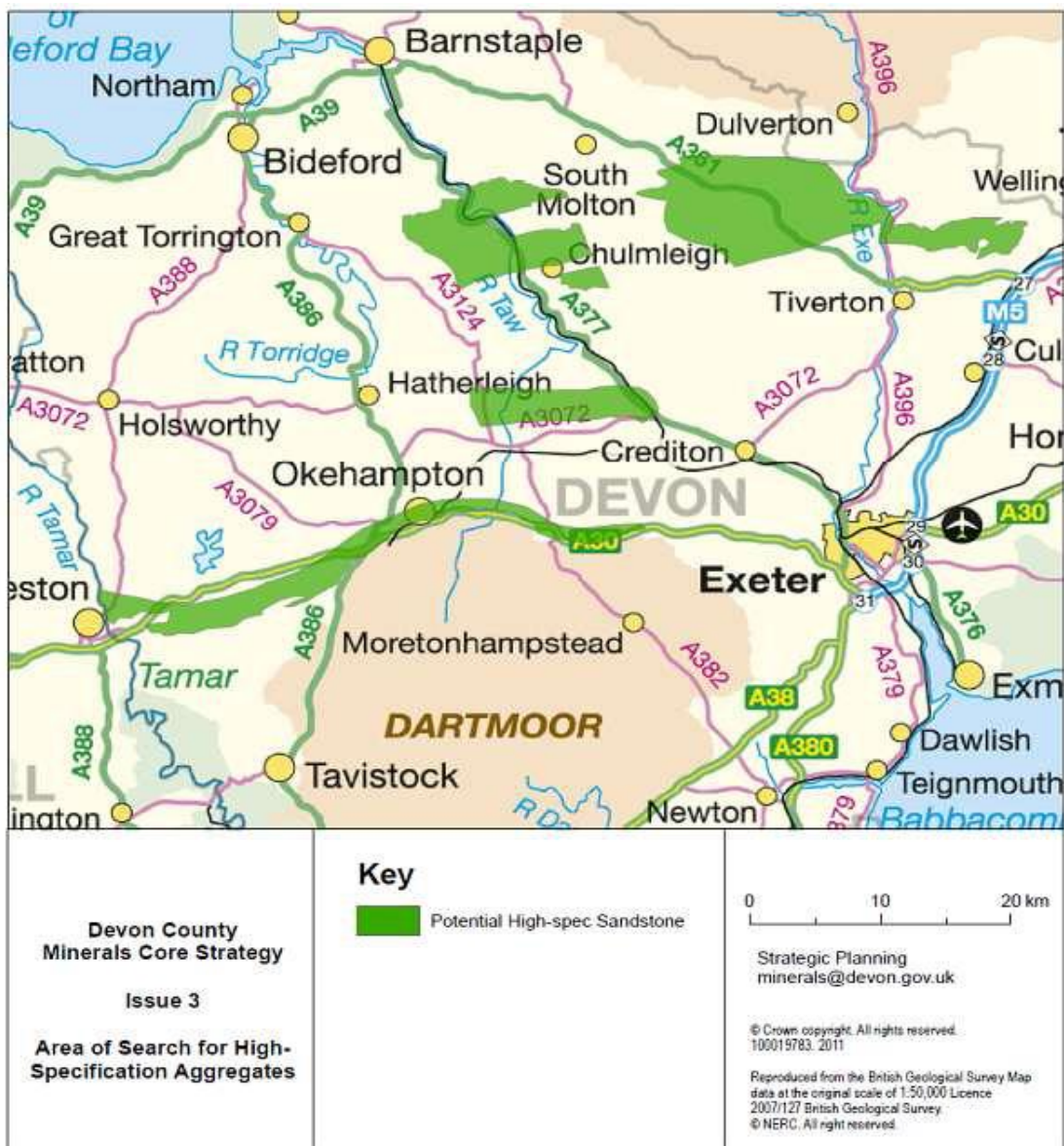
East Devon District Council support option 2A.

Comment: The first of these options would match the sub regional aggregates apportionment, whereas the second would reflect a diminishing trend of extraction; in economic terms, the former would produce more material and would be likely to retain or create more employment though with, presumably, potential for higher adverse impacts. There is the need to mitigate against adverse environmental impacts but so long as there is appropriate mitigation and environmental capacity levels are not exceeded option 2A would appear more likely to support local/Devon wide growth objectives and not place an unreasonable burden on non-Devon locations.

7.3 Issue 3 is referred to as - THE SUPPLY OF HIGH- SPECIFICATION CRUSHED ROCK AGGREGATES. These are defined in a report by Capita Symonds Ltd in a 2004 report as coarse aggregates, that meet physical test criteria, that are suitable for use in road surfacing at the more difficult and/or heavily trafficked sites where high levels of skidding resistance and aggregate durability are required. There are three options.

- Option 3A – Make no Specific Provision for Supply - Make no provision in the Minerals Core Strategy.
- Option 3B – A Criteria-based Policy - Include a criteria-based policy that allows for the development of new sources of high specification aggregates, but does not identify locations.
- Option 3C – Identification of an Area of Search - Make provision for the supply of high-specification aggregates through definition of an Area of Search based on the potential resources identified in the Council’s assessment of aggregate resources.

The report sets out the plan below that illustrates currently identified sources of High-spec sand stones.



Question 3 - Which option for the supply of high specification aggregate do you favour, Option 3A, 3B or 3C? Please let us know if you consider that an alternative option or approach would be more appropriate.

Proposed East Devon District Council Response to Question 3

East Devon District Council supports option 3C (but note comments).

Comment: Inclusion of an area (or areas) of search in the Core Strategy will reflect current knowledge of viable mineral resources. This will provide a degree of certainty/confidence over resource availability for the minerals industry and also inform others of potential resource extraction sites. A criteria, only, based policy would not provide this clarity. However any policy could be qualified/caveated to provide or allow for extraction in non 'areas of search' if new sources of minerals or identified, other circumstances change or extraction/provision from the Area of Search is not credible or forthcoming. Any criteria caveat will need to be supported by strong environmental and other 'safeguards'.

7.4 Issue 4 is referred to as - ENHANCING THE SUPPLY OF LOCAL BUILDING STONES.
The report provides two options.

- Option 4A – Responding Positively to Proposals for New Quarries to Meet Proven Need - Permit proposals to supply a proven local need and where there is no harm to interests of acknowledged importance.
- Option 4B – Encouragement of Use and Extraction of Key Building Stones In addition to the approach in Option 4A, encourage, in partnership with other relevant organisations, the use and extraction of the key building stones identified in Devon's Strategic Stone Study through positive measures such as:
 - ◆ issuing local design guides;
 - ◆ providing positive guidance including a guide to sources of building stone and their uses;
 - ◆ encouraging specification of the use of local building stone in new development and for restoration purposes;
 - ◆ encouraging the reuse of building stone when buildings are demolished and to use stone that becomes available through other development, e.g. during engineering operations or foundation construction; and/or
 - ◆ adopting a Local Development Order for the small-scale working of key building stones at specified locations within Devon.

(Note; A Local Development Order would be considered under the Planning Compensation Act 2004, followed by DCLG Guidance in 2006. Essentially, this involves the County Council as Mineral Authority identifying likely sites for small-scale production (up to about 50 tonnes per annum), suitable for supplying appropriate stone for specific developments, and working with District Councils and Natural England to allow such development without specific planning permission. Beer stone is nationally important and also Salcombe stone.

Question 4 - Which option for the supply of local building stone do you favour, Option 4A or Option 4B?

Proposed East Devon District Council Response to Question 4

East Devon District Council supports option 4B.

Comment: Both options would encourage and promote proposals to supply a local need. However option 4B is more focussed in respect of key benefits resulting from local provision. Support is therefore given for Option 4B, however, it is not explicit enough; rather than 'encouraging' the bullet pointed items the options should (if reasonably possible) 'require' these measures. Use of local materials should provide local jobs, reduce distances minerals are transported and, very importantly, help with objectives of promoting local distinctiveness in development (relevant to building styles, forms and materials). However, in applying option 4B it does need to be recognised that much of Devon (and specifically much of East Devon) is of great environmental importance and all workings/proposals will need to take account of the need to also conserve and enhance the quality of the environment.

A key concern with option 4A is that it refers to "*acknowledged importance*". But it does not define precisely what this term means; "acknowledged" by whom, as what? To be more credible 4A (and to some extent 4B) need to be more specific in terms of defining/setting out environmental importance and the requirement for Environmental Impact Assessment and Strategic Environmental Assessment in recognition of the potential adverse impacts of mineral activities and also mitigation and site restoration considerations.

7.5 Issue 5 is referred to as - SAFEGUARDING MINERAL RESOURCES. The report provides two options.

- Option 5A - Safeguard Existing Quarries and Mineral Resources of National Importance - This approach would safeguard the known extent of mineral resources of national importance (with tipping capacity if necessary) together with other existing quarries with valid planning permissions (i.e. the Mineral Consultation Areas identified in the Minerals Local Plan, with necessary updating).
- Option 5B - Safeguard Strategic Resources This approach would safeguard resources of national importance as Option 5A, together with aggregate mineral resources which are of strategic significance and quarries that have produced key building stones in the past.

There are two maps in the report (not reproduced in this Committee report). A key difference between Option 5A and 5B is that the accompanying map in 5A only shows limited parts of the East Devon Pebblebed Heaths (and small other sites) in East Devon whereas 5B covers a much larger area of the Pebblebed Heaths.

Question 5 - Which option for the safeguarding of mineral resources do you favour, Option 5A or Option 5B?

Proposed East Devon District Council Response to Question 5

East Devon District Council supports option 5B.

Comment: The safeguarding of mineral resources is an important consideration as it seeks to ensure that other types of development cannot occur on land above those resources. If other development occurs it would mean that mineral extraction could not happen, or extraction would be very challenging. It is recognised that the East Devon Pebblebeds Heaths are an important mineral resource though it is noted that they are not of “national Importance”. Given their significance it is felt that they should be afforded ‘protection’/not ‘lost’ to non-minerals related development and as such should be safeguarded. This does not mean that mineral extraction should be freely allowed at the Pebblebed Heaths; the heaths are of exceptional environmental worth and currently benefit from the highest levels of wildlife protection. Policy should recognise this environmental value and worth.

7.6 Issue 6 is referred to as - SAFEGUARDING TRANSPORTATION & PROCESSING INFRASTRUCTURE. The report provides two options.

- Option 6A – Safeguard Current and Former Mineral Transportation Infrastructure - This approach would safeguard the rail sidings and wharves identified as Mineral Consultation Areas in the Minerals Local Plan. No extra provision is made for the safeguarding of processing infrastructure other than facilities at existing quarries.
- Option 6B – Safeguard Current, Former and Potential Mineral Transportation Infrastructure and Processing Infrastructure Remote from Quarries - This approach would safeguard as Option 6A, together with:
 - ◆ other potential facilities that have not previously been used for mineral transportation; and
 - ◆ facilities for the processing of secondary and recycled aggregates and manufacture of concrete and roadstone not located at quarries.

Question 6 - Which option for the safeguarding of transportation and processing infrastructure do you favour, Option 6A or Option 6B? If your preference is for Option 6B is there a particular transportation or processing facility you would like to see safeguarded? If so, please explain why. Please let us know if you consider that an alternative option or approach would be more appropriate.

Proposed East Devon District Council Response to Question 6

East Devon District Council supports option 6B.

Comment: It is recognised that transportation and processing sites are important and therefore it is considered appropriate to safeguard these facilities and to resist their inappropriate ‘loss’ to an alternative use. One caveat is, however, that ‘existing’ sites should not automatically be regarded as suitable/appropriate for any/all mineral related uses. In some existing cases sites can be in sensitive locations and as such a future mineral related use may not be suitable or appropriate. Whilst it is noted and recognised that option 6A would achieve the output of safeguarding existing sites, it is also considered that there could reasonably be potential sites/locations not in mineral related use but which are suited for this use (with potentially no other alternative sites being suited) and as such should be safeguarded for this purpose in the future.

In supporting this approach it is recognised that the intensive nature of many minerals related functions and the supporting infrastructure they may need would make many locations unsuitable, therefore where credible sites do exist there is a case for safeguarding. However a safeguarding policy in this instance (and the identified sites) will need to rest on very strong supporting evidence. There are no specific sites that East Devon District Council would want to see specifically identified and safeguarded under such a policy approach. The extended use of Blackhill, at Venn Ottery, for processing workings is a strong reason for arguing that sound justification will be required for sites especially if it postpones the implementation of restoration programmes

7.7 Issue 7 is referred to as - DETAILED DEFINITION OF MINERAL SAFEGUARDING AREAS. The report does not provide any options but does include the following text and questions:

“4.5.16 Once the strategic approach to safeguarding mineral resources is resolved, it is then necessary to define the detailed Mineral Safeguarding Area boundaries on an Ordnance Survey-based proposals map. Your thoughts on how the boundaries of Mineral Safeguarding Areas should be refined once they have been broadly identified would be welcomed through answering the following questions.

Urban Areas and Settlements

4.5.17 Where mineral resources have already been sterilised by existing built-up areas, it would be sensible to exclude these from Mineral Safeguarding Areas. Similarly, mineral resources underlying any strategic sites allocated for non-mineral development in adopted local plans or development plan documents could also be excluded from safeguarding areas, as there is already a commitment to development that will sterilise the minerals.

4.5.18 Within rural areas, it is not proposed that individual or small groups of dwellings and other buildings be excluded from Mineral Safeguarding Areas as this would result in overly complex boundaries.

Designated Areas and Sites

4.5.19 Almost half of the area of the County has some form of statutory environmental designation, aimed at giving a sufficient level of protection from mineral extraction and other development.

4.5.20 While current national minerals policy may seek to avoid development in particular designated areas, it would not necessarily be appropriate to exclude these areas from Mineral Safeguarding Areas. It is not known what value is going to be placed on mineral resources in the future in relation to environmental values, while sites could be subject to major development proposals (including underground pipelines, roads etc), making it appropriate to consider mineral safeguarding alongside all other planning issues.

4.5.21 As highlighted earlier in this Section, inclusion of land within a Mineral Safeguarding Area carries no presumption that it will ever be quarried.

Question 7.1 - Do you agree with the approach proposed above, which excludes built-up areas and strategic site allocations from safeguarding areas? If not, please explain your concerns and suggest an alternative approach.

Proposed East Devon District Council Response to Question 7.1

East Devon District Council broadly supports the approach detailed in the report.

Comment: Existing built-up areas should be excluded from mineral safeguarding areas as should strategic site allocations. The mineral resources of East Devon are not regarded as significant or important enough to warrant loss/destruction of existing communities/built-up areas to provide for mineral extraction. However, it can be appropriate for isolated dwellings/buildings to legitimately fall in safeguarded areas. In respect to strategic allocations it is reasonable to assume that the arguments supporting strategic land allocations for alternative (non-minerals) uses would have been weighed against the full range of considerations, including a sites' mineral potential, at the time strategic allocations were made. There may be cases, however, where a restriction or condition should apply to a site requiring mineral extraction to occur before other uses/developments are allowed on the land.

4.5.22 In order to (a) safeguard a mineral resource in its entirety, (b) avoid mineral working being constrained by new noise and dust-sensitive land uses, and (c) account for the inexact nature of mapped geological boundaries, a buffer can be added around the mineral resource area. Government guidance supports this approach, stating that "...it should be kept in mind that, in addition to proposed development within a MSA [Mineral Safeguarding Area] incompatible development that is allowed close to a MSA may lead to sterilisation of part of the reserves".

Question 7.2 - Do you agree that we should not exclude environmentally designated areas when defining Mineral Safeguarding Areas? If not, please set out your reasons and suggest an alternative approach.

Proposed East Devon District Council to question 7.2

East Devon District Council broadly supports the approach detailed in the report.

Comment: It would be inappropriate to exclude all environmentally designated areas from mineral safeguarding areas. Though as a qualifier it is not clear what is meant by 'environmental' designations, for example does it include landscape designations (including AONB's and lower 'tiers' of designation)? More importantly, however, it is recognised that availability of minerals is an important issue and this needs to be weighed in the round against other legitimate concerns, a blanket no-safeguarding response would be inappropriate.

It would be helpful if a list was provided of what is meant by environmentally designated areas with commentary on their relative value or worth?

Question 7.3 –

(a) Should the Minerals Core Strategy define two areas on the proposals map, i.e. the safeguarded mineral resource area and a wider area which encompasses the safeguarded area and a buffer? Please let us know if you consider that an alternative approach would be more appropriate.

(b) If it was appropriate to buffer the safeguarded mineral resource do you agree with the British Geological Survey's guidance on buffer size below?

Rock type and extraction method	Resource	Buffer
Hard rock (generally requires blasting)	Limestone, sandstone, igneous and metamorphic rock, tungsten	500m
Soft rock (requires no blasting)	Sand and gravel, building stone, china clay	250m
Soft rock (uses small excavators) chalk	Brick clay, pottery clay, ball clay,	50m

If not, how large do you consider any buffered area should be? Please fully explain your answer.

(c) Current Mineral Local Plan policy (MP16) advises that development will not be permitted where it would constrain existing or possible future mineral development. Would you support retaining such a policy in the Mineral Core Strategy? If not, please set out your reasons and suggest an alternative approach.

Proposed East Devon District Council Response to question 7.3 - Parts (a), (b), and (c)

Question 7.3 (a) - It would be appropriate to define both a minerals safeguarding area on the proposals map and a buffer area. Definition of a buffer area would provide a basis for resisting sensitive uses and also provide some guidance about the physical extent or area likely to be affected by the impacts of mineral activity.

Question 7.3 (b) – The British Geological Survey buffer sizes are assumed to have been defined following a process involving some logical/reasoned assessment. In the absence of knowledge/understanding of alternative approaches the British Geological Survey buffers are considered as likely to be appropriate. However, it is considered that these (or any) standards should form a starting point for buffer consideration with individual locality considerations being taken into account as part of the detailed designation process.

Question 7.3 (c) – in principle retention of policy resisting non-mineral uses in safeguarded areas, is supported. There can, however, exceptionally be cases where a non-mineral use is of such importance or value that it outweighs the mineral consideration. Policy or supporting text could highlight this point.

Sand and Gravel in Eastern Devon

7.8 Issue 8 is about Sand and Gravel in Eastern Devon and specifically refers to FUTURE PRODUCTION OF SAND AND GRAVEL FROM THE BUDLEIGH SALTERTON PEBBLE BEDS

The Budleigh Salterton Pebble Beds account for around 85% of Devon's sand and gravel production. In the southern areas Blackhill Quarry near Woodbury has been the main production site, supplemented in recent years by Rockbeare Quarry; they have limited remaining reserves and working is understood to have recommenced at Venn Ottery Common in 2011. The Consultation Paper states that there are no grounds to allow the further extension of quarries with a minimum of 7 years supply, or new quarries. A large part of the southern outcrop is constrained by environmental designations of national and international importance in the East Devon AONB and important heathland habitats, Special Areas of Conservation and Special Protection Areas. It is assumed that no

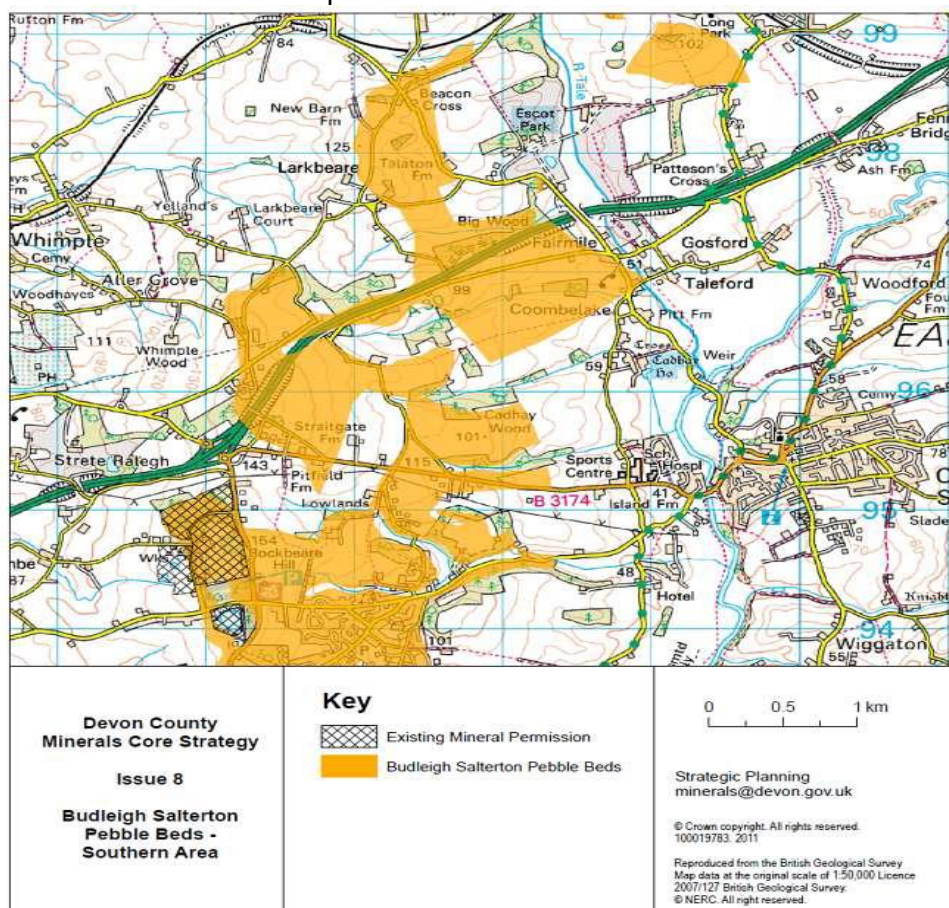
provision for further mineral working within these areas will be made through the Minerals Core Strategy, as alternative locations with lesser environmental impacts exist elsewhere.

To provide evidence for the Minerals Core Strategy, Devon County Council undertook a 'call for sites' in Summer 2010 and Straitgate Farm near Ottery St Mary was proposed by a mineral operator. At Hayes Farm, near Clyst Honiton, the planning permission for sand and gravel extraction has lapsed

The report provides three options.

- Option 8A - Maintain Supply from the Northern and Southern Areas of the Budleigh Salterton Pebble Beds - Maintain working within the northern and southern areas of the Budleigh Salterton Pebble Beds (outside the Area of Outstanding Natural Beauty) by providing for new resources to be worked when the existing permitted reserves in either of those areas expire or the sand and gravel landbank for Devon falls below seven years.
- Option 8B – Priority for the Northern Area of the Budleigh Salterton Pebble Beds - Allow for continued working from the existing permitted reserves in the southern area but make no provision for further resources in that area. Provide for new sand and gravel resources to be brought forward in the northern area when the sand and gravel landbank for Devon falls below seven years.
- Option 8C – Priority for the Southern Area of the Budleigh Salterton Pebble Beds - Allow for continued working from the existing permitted reserves in the northern area but make no provision for further resources in that area. Provide for new sand and gravel resources to be brought forward in the southern area when the sand and gravel landbank for Devon falls below seven years.

The report includes the plan, showing the portion of the pebble beds within East Devon, but an additional plan indicating the northern section, in the Uffculme area of Mid Devon, is not reproduced in this Committee Report.



The Report asks the questions -

Question 8.1 - Which Option for the Budleigh Salterton Pebble Beds do you consider should be followed – 8A, 8B or 8C? Please let us know if you consider that an alternative approach would be more appropriate.

Proposed East Devon District Council Response to Question 8.1

East Devon District Council supports Option 8A.

Comment: It is considered desirable for there to be a choice of site extraction options and for this reason East Devon District Council supports Option A which would give sites flexibility for extraction at both the southern areas (near to West Hill in East Devon) and/or at northern areas (near to Uffculme in Mid Devon). It is stressed, however, that qualifying policy criteria and/or commentary in the plan text should refer to the importance of environmental safeguards.

Question 8.2 - In addition to working within the Budleigh Salterton Pebble Beds, do you consider that the Minerals Core Strategy should also allow for the small-scale working of sand and gravel resources around Exeter? If so, are there any particular resources you feel should be considered?

Proposed East Devon District Council Response to Question 8.2

East Devon District Council considers that the Core Strategy should allow for small workings for sand and gravel around Exeter.

Comment: In principle it is regarded that there should be flexibility and Core Strategy policy should allow for small-scale workings of sand and gravel around Exeter (and potentially elsewhere in Devon). Any policy wording will need to stress the importance of environmental and amenity safeguards; but with these safeguards in place small sites could add to minerals supply and provide positive economic benefits.

7.9 Issues 9, 10 and 11 (and questions 9, 10 and 11) are about Ball Clay and Aggregates in the Newton Abbot Area and no comment is proposed.

7.10 Issue 12 (Question 12) is about Tungsten and China Clay in South Devon and no comment is proposed.

7.11 The final section and question of the document relates to development management issues in respect of minerals and asks the question:

Question 13 - Do you have any particular issues related to minerals development that you consider the County Council should address in its development management policies?

Proposed East Devon District Council Response to Question 13

Comment: It is recognised that the Minerals Core Strategy should not repeat national guidance and other higher tier policy and guidance. However with planning reforms potentially reducing/simplifying national policy it is important that the Minerals Core Strategy is 'future proofed' by addressing relevant strategic matters that could disappear from future national/higher tier policy. In addition it is also important that the Minerals Core Strategy provides a Devon context and picture and translates higher tier policy to a local context.

Key issues that development management policies could address should include:

- Ensuring that plan policy emphasises importance of avoidance of adverse amenity and environmental impacts bearing in mind the high quality environments where much activity is located;
- Reference to importance of sensitive environmental management processes, given that adjoining sites/locations can be of exceptional wildlife importance (e.g. Pebblebed Heaths).
- The need for positive site restoration that reflects local landforms and which is also of wildlife and amenity value.
- Promotion of opportunities for local employment and local minerals availability to support locally distinctive development types.
- Ensuring that the plan and policies take every opportunity to minimise impacts arising from heavy vehicles servicing sites and moving minerals. Policy should strive to ensure that conditions, and encouragement for voluntary agreements, minimise impacts on residential areas and roads and other sensitive land uses.

Positive Impact Overall

Thriving Economy.
Clean Environment.
Recycling.

Legal Implications

There are no legal observations.

Financial Implications

There are no financial implications for this Council.

Consultation on Reports to the Executive

Not applicable.

Background Papers

- Devon Core Strategy Options Consultation Paper. The full report can be viewed on-line on the Devon County Council website at:

http://www.devon.gov.uk/index/environmentplanning/planning-system/planning_minerals_and_waste/minerals_planning/mineralscorestrategy/mcsocp.htm

Frank Woolston - Extension No. 2282
Senior Planning Officer

3 May 2011

AGENDA ITEM 7

East Devon District Council List of Planning Appeals Decided

Ref: 10/0368/VAR **Appeal Ref:** 10/00030/COND

Appellant: Mr Paul Lee & Mr Adam Cooke

Appeal Site: Hawkwell Park Hawkchurch Axminster Devon EX13 5RX

Proposal: Removal of conditions 2 & 3 on the planning permission in respect of a residential gypsy site.
Condition 2 restricted the occupation of the two caravans on each pitch to the same family or relatives of the occupants of the other caravan.
Condition 3 specified that of the two caravans on each pitch only one could be a static caravan.

Decision: **Appeal Allowed** **Date:** 22.03.2011

Procedure: Informal Hearing

Remarks: The Council's reasons for the conditions were on the basis of the advice in the Good Practice Guide on Designing Gypsy and Travelling Sites, the impact on local services and visual impact within an Area of Great Landscape Value.

With regard to the advice in the Good Practice Guide, the Inspector concluded that this is only guidance and there was no evidence in this case to suggest that the occupation of each pitch by more than one family would have an adverse effect on the occupiers of the site.

The Inspector did not consider that the proposal would harm the appearance of the landscape of the area, or that there was sufficient evidence to suggest an adverse effect on local services.

BVPI 204: **No**

Planning Ref: APP/U1105/A/10/2136980/NWF

Ref: 10/2152/FUL **Appeal Ref:** 11/00006/HH
Appellant: Mr A Tweed
Appeal Site: Mile End Cottage High Street Newton Poppleford Sidmouth EX10 0DU
Proposal: Creation of off road parking and retaining wall
Decision: **Appeal Dismissed** **Date:** 23.03.2011
Procedure: Householder Appeal
Remarks: Delegated refusal. Amenity, landscape and conservation reasons upheld. (EDLP Policies D1, EN1 & EN9).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/D/11/2145509

Ref: 10/0387/OUT **Appeal Ref:** 10/00042/REF
Appellant: Ms C & A Bolt
Appeal Site: Land To North West Of Feniton House Feniton EX14 3BE
Proposal: 2 no. dwellings and associated access works (outline).
Decision: **Appeal Dismissed** **Date:** 30.03.2011
Procedure: Written representations
Remarks: Delegated refusal. Policy & amenity reasons upheld (EDLP Policies S5, D1 & D5).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/A/10/2142299NWF

Ref: 10/0982/FUL **Appeal Ref:** 10/00043/REF
Appellant: Hayman Country Homes
Appeal Site: The Drakes Woodbury Exeter EX5 1LZ
Proposal: Re-development of site to create three two-bedroom dwellings
Decision: **Appeal Dismissed** **Date:** 06.04.2011
Procedure: Written representations
Remarks: Officer recommendation to refuse, Committee Refusal. Conservation reasons upheld. (EDLP Policy EN11).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/A/10/2142574/NWF

East Devon District Council
List of Planning Appeals Lodged

Ref: 10/2136/FUL **Date Received** 25.03.2011
Appellant: Mr S Carter
Appeal Site: 5 Hazel Grove Rockbeare Exeter EX5 2HH
Proposal: Retention of previously constructed side extension
Planning APP/U1105/D/11/2149495
Inspectorate
Ref:

Ref: 10/2122/FUL **Date Received** 28.03.2011
Appellant: Mr M Taylor
Appeal Site: 18 North Street Ottery St Mary EX11 1DR
Proposal: Conservatory on front elevation
Planning APP/U1105/D/11/2148841
Inspectorate
Ref:

Ref: 10/2298/FUL **Date Received** 31.03.2011
Appellant: Mr A Kingdon
Appeal Site: 54 Temple Street Sidmouth EX10 9BQ
Proposal: Change of use from office to two flats on ground floor
Planning APP/U1105/A/11/2149294/NWF
Inspectorate
Ref:

Ref: 10/2547/FUL **Date Received** 06.04.2011
Appellant: Jameson Homes
Appeal Site: Sopers Cottage (Land Adj) Chardstock Axminster EX13
7BT
Proposal: Construction of 4no. dwellings and associated external and
internal infrastructure works
Planning APP/U1105/A/11/2150694
Inspectorate
Ref:

Ref: 11/0237/FUL **Date Received** 06.04.2011
Appellant: Mr C Bonner
Appeal Site: 63 York Crescent Feniton Honiton EX14 3DQ
Proposal: Proposed extension to side and front of property
Planning
Inspectorate
Ref:

Ref: 10/2221/COU **Date Received** 11.04.2011
Appellant: Mr B Wright
Appeal Site: The Cellar Talewater Talaton Exeter EX5 2RS
Proposal: Change of use from holiday let to residential dwelling with
associated work facility in adjacent building.
Planning APP/U1105/A/11/2150933
Inspectorate
Ref:

Committee Date: 03.05.2011

AXMINSTER TOWN
(Axminster)

11/0455/FUL

Target Date:
26.04.2011

Applicant:

Mr B Salter

Location:

Kylemore Lyme Road, Axminster.

Proposal:

Construction of coach house dwelling incorporating
garaging for existing dwelling

CONSULTATIONS

County Highway Authority

21/03/11 - Recommendation:

THE EXECUTIVE DIRECTOR OF ENVIRONMENT, ECONOMY AND CULTURE,
ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY,
RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE
INCORPORATED IN ANY GRANT OF PERMISSION:-

1. No part of the development hereby approved shall be brought into its intended use until the turning area, access drive finished surfacing for the first 6 metres back from the highway and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

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

Axminster Town - Cllr A Moulding

21/03/11 - I support this application

EDDC Tree Officer

09/03/11 - Supported

Other Representations

No third party representations have been received.

PLANNING HISTORY

Reference

10/1641/FUL

Description

Construction of coach house
style dwelling incorporating
double garage for existing
dwelling

Decision

Withdrawn

Date

09.11.2010

09/1952/OUT

Erection of dwelling

Refusal

29.01.2010

POLICIES

Devon Structure Plan Policies

CO6 (Quality of New Development)

CO7 (Historic Settlements and Buildings)

East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

D5 (Trees on Development Sites)

EN11 (Preservation and Enhancement of Conservation Areas)

RE3 (Open Space Provision in New Housing Developments)

TA7 (Adequacy of Road Network and Site Access)

Planning Policy Statement

PPS3 (Housing)

Site Location and Description

Kylemore is a detached bungalow situated within the built-up area of Axminster and the site abuts the towns Conservation Area. The surrounding area is characterised by a variety of properties and a mix of styles and materials comprising bungalows and two storey dwellings. The host dwelling of Kylemore is set back from, and slightly elevated above, the road. The property sits in a large plot with an area along the eastern side which contains a number of protected trees.

The site is set back from and slightly elevated above road level and the existing vehicular entrance which runs down the side of the property leads to a small parking area at the rear with a detached single garage.

In planning policy terms, the site falls within the built-up area boundary of Axminster and adjoins the conservation area.

Proposed Development

Full planning permission is sought for back land development within the rear garden of the site in the form of the construction of a 2 bedroom, detached coach house. The proposed building will measure 11.3 metres in length, 5.7 metres in width and 7.1 metres in height and is intended as an independent residential dwelling with living accommodation provided within the roof space and an area for garaging at ground floor. The submitted floor plans indicate that the ground floor of the proposed building will be used as garaging where there will be the provision of a double garage for the owners of Kylemore and a garage for occupiers of the unit. The new dwelling will be accessed via the existing private driveway and allows for the provision of a turning area.

Background:

An outline planning application (09/1952/OUT) for the construction of a new dwelling to the side of Kylemore was refused on 29th January 2010 on the grounds that the protected Yew trees collectively impose constraints which would make the development impossible to achieve without damage to the trees. On 9th November 2010 planning application 10/1641/FUL was withdrawn following discussions between the Council and the applicant. Application 10/1641/FUL sought to overcome the issues raised in 09/1952/OUT through a change in the siting of the dwelling to the rear of the plot as a form of tandem development. However, concerns were raised by the Council about the potential for overlooking from the proposed dwelling in the property to the west of the site. This application seeks to overcome this concern by moving the proposed dwelling further to the east.

Considerations and Assessment**Principle of Development:**

It is generally accepted that the principle of a new dwelling in this location is acceptable in so far as the site falls within the development boundary of Axminster and as such there is a presumption in favour of residential development in line with national, regional and local plan policies. Therefore it is considered that the main issues to consider in determining the application are in terms of the size and scale of the development in relation to the size of the plot and the associated impact on the visual amenity and the character and appearance of the area and the relationship with the surrounding neighbouring properties.

Visual Impact/Character and Appearance:

It is pertinent to note that under the revisions of PPS3 which has recently been amended to remove density requirements and has also removed gardens from the brown field classification, there is no longer a strong emphasis on maximising the efficient use of land and therefore local authorities are in a stronger position to prevent 'garden grabbing' where the development proposed is inappropriate in terms of its scale and location and where it does not fit well with the current character and grain of development. Whilst these revisions to planning policy do not however prevent gardens from being developed, local authorities do now have the power to prevent unwanted development in gardens where the resultant development would be out of keeping with the local character of the area.

The site is located within an area of Axminster where the street scene is characterised by a variety of styles of property, where there are a mixture of bungalows and two storey dwellings on this side of Lyme Road. There is however, a clear pattern of development whereby the site forms the end of a row of a ribbon of residential development along Lyme Road where the properties have large frontage areas and are set back from the road.

Whilst it is acknowledged that the site is relatively flat and that the proposed coach house will not appear unduly prominent or visible within the street scene owing to its position at the rear of the site behind the existing bungalow, it is considered that the proposed dwelling would result in a form of back land development which is out of keeping with the character and general pattern of development in the area. The design and form of the proposed building as a coach house is of a style and design

which would not reflect the surrounding development in terms of its height and scale and would form a dominant feature which would not be in keeping with and therefore detrimental to the character and appearance of the area.

Residential Amenity:

It is considered that the residential development proposed at the rear of the site would have a significant adverse impact on the amenities of the surrounding residential properties and the host dwelling. It is considered that the plot is of an inadequate size to achieve sufficient separation distance between the proposed dwelling and the host dwelling and would thus seriously compromise privacy levels through direct overlooking of the rear of the host dwelling and the private garden area. The proposed dwelling will be orientated such that there are a number of openings on the front elevation facing towards the host dwelling and the rear garden area in the form of dormer windows. Due to having the living accommodation within the roof space of the building, these openings will serve primary rooms such as a lounge/ dining area and a bedroom and would afford views directly into the rear garden of the host dwelling and more obliquely into the garden of Dalhousie as well as from a kitchen window on the gable end of the building. The site plan shows the planting of new tree screening between the site and the host dwelling, however it is considered that this would take a significant amount of time to establish and form a robust boundary and would not be sufficient to mitigate concerns of overlooking. In addition, the proposed kitchen window in the western elevation would be situated just 8.1 metres from the curtilage boundary with the rear garden of Dalhousie, and it is therefore considered that this window would create overlooking into the private garden area of Dalhousie. This would, consequently, result in a loss of amenity to the occupiers of this property.

Highways Issues:

The Highways officer has considered the access arrangements for the new dwelling and has advised there are no objections. However, the Highways Officer recommended a condition should the Local Planning Authority be minded to approve this application.

Protected Trees:

There are a number of protected trees along the eastern boundary of the site which do contribute heavily to the amenity value of the street scene and provides a backdrop which breaks up the built form of development along Lyme Road. The application is accompanied by an Arboricultural report which, it is noted, is a little out of date. Notwithstanding this, the tree officer is satisfied that the development proposal can be accommodated on the site without having a significant impact on the protected trees within the site. Conditions could be imposed reasonably for details of tree protection which would ensure the trees are not damaged through the construction process.

Open Space Requirements:

The application is accompanied by a Unilateral Undertaking with contributions to open space provision. This complies with the requirement of policy RE3 of the East Devon Local Plan.

CONCLUSION

To conclude, it is considered that the proposal constitutes a form of backland development which is out of character with the existing pattern of development to the detriment of the character and appearance of the area. Furthermore, it is considered that the plot is of an insufficient size to accommodate a building of this size and scale without significant adverse impact on the residential amenities of the host dwelling and the neighbouring property in terms of increased overlooking and an overbearing impact. The applicant has failed to demonstrate that an acceptable relationship could be achieved with the host dwelling through the sub-division of the site without detriment to the living conditions of the occupiers of the host dwelling. As such the proposal is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposal would constitute undesirable development that would be out of character with the frontage layout and pattern of the surrounding development along Lyme Road, to the detriment of the character and appearance of the area. This would be contrary to 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.
2. The site cannot accommodate a new dwelling of this size, scale and orientation without detriment to the residential amenities of the host dwelling and the surrounding neighbouring properties in terms of unacceptable levels of overlooking. This would be contrary to 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.

THE REFUSED PLANS ARE THOSE LISTED BELOW:

Location Plan.
BS/10/01 A - Proposed Plans and Elevation.
BS/10/03 REV A - Proposed Site Plan.

List of Background Papers

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

CLYST VALLEY
(Bishops Clyst)

10/2537/MFUL

Target Date: (17.03.2011)

Applicant:

Mr C R Down

Location:

Enfield Farm, Clyst St Mary

Proposal:

Conversion of agricultural buildings (1,2 and 3) to a light industrial use (Class B1c) provision of open storage compounds (revisions to planning permission 07/3108/COU) with associated access and landscaping; Outline application (all matters reserved) for the construction of 7 new buildings (4 – 10) for business use (Class B1) and storage and distribution (Class B8) , associated access, drainage, landscaping works, parking/servicing areas, pumping station and drainage attenuation pond.

CONSULTATIONS

County Highway Authority

The previous application for this site, reference number ED/2007/3106, was recommended for refusal by the highway authority on sustainability grounds. Given that planning permission was subsequently granted, the site has to now be assessed by the Highway Authority as a site with B1 and B8 usage and can no longer be considered as a farm diversification scheme, as was the case previously.

The Transport Assessment (TA) submitted with this latest application has used figures from TRICS for a farm diversification use, rather than straight B1 and B8 uses and as such the traffic generated by the development has been understated. The highway authority met with the applicant's highway consultant and requested that the TA be revised to provide a more appropriate assessment using the correct trip rates, which will be carried out.

As there was insufficient information for the highway authority to make an informed response to the application, as originally submitted, it was recommended that permission be refused based upon the inadequacy of the supporting information.

Subsequent to these initial comments the applicant's consultant engineer was asked to reconsider the traffic generation figures based trip rates acquired from similar land uses on sites in the vicinity. This was to give a more accurate representation of the anticipated generated traffic from the development, although it has been noted that it does not vary much from the original figures put forward in the Transport Statement.

However, the site lies outside of any recognised development limit. The development would lead to additional traffic being generated, over and above the existing and proposed use of the site. While a bus service operates along the A3052

and a footway and cycleway is located adjacent to this strategic road, it is considered that the vast majority of trips to and from the site would be made by private vehicles.

Therefore, the Highway Authority considers that in transport terms the development proposal is objectionable for the reason given below. The Authority has however gone on to say that it is mindful that there may be other Development Plan policies that support this proposal. As a consequence, in principle, the Highway Authority believe it must be largely a planning matter as to whether or not this is an appropriate location for this type of development, in the light of considering the various policies and government guidance relevant to this development proposal.

For the reasons given above, the Highway Authority is minded to recommend refusal of the application on sustainability grounds as with the previous application ED/2007/3108.

In the event that Members are minded to grant planning permission on this site, also as previously, their Development Management Officer has gone on to make the following observations and recommendations:

Subject to the Developer first entering into an appropriate agreement, similar to the previous agreement dated 12 August 2010 (ED/2007/3108) for the widening of Oil Mill Lane so as to provide a right hand turn facility for exiting vehicles and the provision of an improved vehicular access to the application site, all as shown on the application drawing number [G09], the highway authority would recommend the imposition of the following conditions on any permission granted.:-

1. No part of the development shall be commenced until the access, parking facilities, commercial vehicle loading / unloading area, visibility splays, turning area and access drainage have been provided and maintained in accordance with the application drawings.

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

2. Prior to the commencement of the development the applicant shall:

(a) Submit for the written approval of the Local Planning Authority a Travel Plan in accordance with the aims and objectives of PPG13 (March 2001) and the Government White Paper (July 1998) and in general accordance with Section 7 of the Transport Statement.

(b) implement the approved travel plan before first occupation and for each subsequent occupation of the development and thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority.

Reason: To promote sustainable travel modes

3. Before any development hereby approved commences, the site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 20 metres back from its junction with the public highway.

Reason: - To prevent mud and other debris being carried onto the public highway.

4. Following the provision of the access referred to in conditions 1 and 3 above, but otherwise before any other operations are carried out, the existing access to the site shall be permanently closed to all vehicular traffic other than traffic associated with the residential property 'Enfield' in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority.

Reason: - To prevent the continued use of a substandard access by commercial vehicles.

Highways Agency

Initially commented that the forecast peak hour traffic impact on the M5 J30 from the proposed development falls well below the 30 two-way trips threshold in the Highways Agency's new *Protocol for Dealing with Planning Applications* and would have a minimal impact at the M5 J30. On this basis the Agency had no objection to the application.

Upon receipt of the revised trip generation figures supplied in response to the request by the Country Highway Authority, the Highways Agency has stated that as the difference in trips is minimal, it has no further comments to make.

South West Water

No objection

Economic Development Manager

I regard this application as an important and necessary step towards the successful delivery of a proposal approved by the Council in February 2008 (07/3108/COU) to create a combination of B1 workspace, B8 self storage and open storage compounds, with associated landscaping and access works.

The scheme, as originally envisaged, has proved uneconomic. The applicant had first to negotiate the means by which the new access could be constructed over land controlled, in part, by an adjoining land owner. This and the estimated costs of constructing highway and landscaping improvements, site clearance and other infrastructure works cannot be viably recovered from the relatively small amount of commercial (income earning) space this investment was originally designed to facilitate.

This issue is referred to in the 'Planning and Economic Supporting Statement' that accompanies this application. However, I am confident the applicant is willing to elaborate further on his viability appraisal of 07/3108/COU. I hope that by approving the creation of the additional commercial space now proposed (10/2537/MFUL), the economies of scale which will result will facilitate the early delivery of this important scheme.

I am convinced of the need for the Council to continue to facilitate the viable (successful) delivery of work and commercial space throughout East Devon. This was the thrust of my earlier comments on 07/3108/COU. Now in the context of the Government's desire to progress a rebalancing the economy in favour of private sector jobs and sustainable growth, the case for the development of affordable and viable space for existing and emerging businesses is even more compelling.

I would be grateful if you would bring these comments to the attention of Members of the Development Management Committee

TOWN/PARISH COUNCIL

The Parish Council **object** to this application and would make the following comments:

- (1) The proposed development goes beyond reuse of rural buildings and is effectively an application for new development in the countryside.
- (2) PPS 7 (Sustainable Development in Rural Areas): this document, in the Key Principles, paragraph 2, states:

"This should include policies to sustain, enhance and, where appropriate, revitalise country towns and villages (including through the provision of affordable housing) and for strong, diverse, economic activity, whilst maintaining local character and a high quality environment."
- (3) The LDF Strategy Preferred-Approach report lists Clyst St Mary as a hub settlement. It states in paragraph 14.14: "The preferred approach for these smaller towns and larger villages (referred to as 'hub settlements') will be for moderate development, geared around meeting local needs and creating vital, socially balanced communities without overwhelming their existing character."
- (4) Regarding the stated policy in comment (2), the development would not maintain local character and a high quality of environment. Similarly with regard to the stated policy in (3), this proposal is for a large development, not moderate, and with its size would certainly overwhelm the existing character of the village. As a business park, it would add nothing to the amenity requirements of the village but would instead increase the congestion already choking the Sidmouth Road in Clyst St Mary.
- (5) The proposed development is outside the building line. It would not be acceptable to prohibit residential development on the site, while allowing new commercial development of this size, as this would result in an imbalance in the overall development of the village.
- (6) A better approach would be to plan positively for development in Clyst St Mary with areas designated for residential development and commercial development in a balanced way. This would be more in keeping with the Local Plan, paragraph 6.15 which states:

“ . . . policy provides for small-scale business development in locations within settlements.”

- (7) In fact, following a request from the District Council in 2008 to suggest possible sites for residential development, Enfield Farm was put forward by the Parish Council as a suitable site, and the Council would still welcome a proposal for residential development including affordable housing on this site.
- (8) That a commercial development on this site would be against policy, is supported by the inspectors report on the objections to the Revised Deposit East Devon Local Plan, in which the inspector wrote in paragraph 6.22, referring to this site: “There is a more than adequate supply of land allocated under Policy E1 for the anticipated needs in this Plan[, and] it would set an undesirable and dangerous precedent if additional employment land were to be allocated in order to improve the appearance of a derelict site.”

WARD MEMBER(S)

The initial comments of the Ward Member Cllr R C Peachey are -

“Although I note that there has been no ‘Local Objections’ in this case I suggest the final decision is made by Committee

REPRESENTATIONS

One representation has been received, from the Oil Mill Lane Residents Association, objecting to the development. In their letter of objection the Association analyses the proposal against the Local Plan Policies (in particular S5, D10, EN14, EN15, EN21, E5, E6, TA1) and National Planning Policy (PPS7), summarising the analysis as follows:

It is quite clear that National policy guidance and Local Policy intends that new development of this nature in open countryside should be tightly controlled and restricted. There is a recognition of course that conversion or in some cases replacement of the buildings in the countryside may be acceptable but this application goes well beyond conversion or replacement and involves an unjustified large scale intrusive and alien (including two storey modern office buildings) on greenfield high grade land in the open countryside and no support can be found in policy at all.

The letter of objection then goes on to raise the issue of “Project Viability and Market Demand” concluding that given the level of demand there is more than sufficient existing suitable supply available in the very near proximity to this proposal. The source for the Association reaching this conclusion is a letter sent to the Council’s Economic Development Manager by King Sturge in March 2010 in the context of an Employment Land and Premises Review along the western section of the A3052, which formed the subject of a report to The Economy Overview and Scrutiny Committee on 25th March 2010.

The letter of objection also raises the matter of the risk to flooding at the site and the need to improve surface water run-off from Oil Mill lane, southward towards Grindle Brook. In respect of the latter the Association suggests that if the Council is minded to grant permission then it should negotiate the inclusion of a pipe of suitable diameter within the proposed works, laid to a suitable gradient in the same trench carrying pumped sewage between Oil Mill Lane and the Grindle Brook

A copy of the full letter received from the Association will be available at the meeting, should it be required.

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
07/3108/COU	Change of use of agricultural buildings and land to B1 – business use and B8 – self storage units and open storage with associated access and landscaping works	Approved	17.08.2010

PLANNING POLICIES

Government Guidance

PPS1 – The Planning System General Principles

PPS4 – Planning For Sustainable Development

PPS7 - Planning Policy Statement 7: Sustainable Development in Rural Areas

Devon Country Structure Plan (2001-2016)

Policy ST1 (Sustainable development)

Policy ST5 (Development Strategy)

Policy CO6 (Quality of New Development)

Policy CO13 (Protecting Water Resources and Flood Defence)

Policy TR1 (Devon Travel Strategy)

Policy TR3 (Managing Travel Demand)

Policy TR4 (Parking Strategy, Standards and Proposals)

Policy TR5 (Hierarchy of Modes)

Policy TR10 (Strategic Road Network)

East Devon Local Plan (1995-2011)

Policy S5 (Countryside Protection)

Policy D2 (Sustainable Construction)

Policy D1 (Design and Local Distinctiveness)

Policy D4 (Landscape Requirements)

Policy D5 (Trees on Development Sites)

Policy D10 (Re use of rural buildings outside settlements)
Policy EN6 (Wildlife Habitats and Features)
Policy E6 (Small scale employment development in rural areas)
Policy TA3 (Transport Assessments /Green Travel Plans)
Policy TA7 (Adequacy of Road network and site Access)

SITE LOCATION AND DESCRIPTION

Enfield Farm is a semi derelict farm unit occupying a roughly square shaped site on elevated land to the east of the village of Clyst St Mary. The site comprises a range of intensive rearing pig units which are now vacant. These are in varying states of repair not helped by an apparent fire which caused significant damage to some buildings. The site also contains a large slurry storage tank and an open Dutch barn. The site currently has a small access track rising from Oil Mill Lane which also serves Enfield Cottage. Whilst the site is relatively open to view from the west along the A 3052 (where a row of conifers have not yet provided any real screening) the conifers that were planted some 5-6 years ago around the southern and eastern perimeter of the site have now established into a substantial, if not particularly suitable long term, screen. The northern boundary is formed by a more indigenous tree and hedgerow screen.

Whilst in an elevated position relative to the land around it, with the exception of views from the west, the site is well screened in views from other directions, although the large slurry storage tank with its pointed roof is particularly noticeable in views from the A3052.

PROPOSED DEVELOPMENT

This latest application to develop the vacant pig farm site involves varying the permission that was granted in August 2010. That earlier application involved changing the use of the entire site, together with the associated removal of over half the existing buildings, including the Dutch barn and the slurry storage tank. The remaining buildings were proposed to be retained and enhanced in structure and appearance, such that they become capable of the use for storage and light industrial. There were no new buildings proposed in the permitted scheme (which remains valid until August 2013), although the scheme did include some large areas of open storage on the northern, western and eastern sides of the site, close to the site boundaries.

This new application is in two parts. The first relates to the continued conversion of three of the 4 individual buildings that were included within the 2010 permission and which are now numbered 1, 2 and 3 on the layout plan. These buildings, each of which has a floor area of 600 sq m., lie to the south and east of the group and would be converted into small Class B1c (light industrial) units – 2 in building 1 and 3 in buildings 2 and 3. The circulating access road within the site would remain as approved in the 2010 scheme. It would also serve two small open storage compounds in the north-eastern and south-eastern corners of the site, separated by a grassed area along the eastern boundary.

The latest open storage compounds have been reduced in scale from those that were permitted in the 2010 scheme. They would be surrounded by 2.4 metre high steel palisade fencing, coloured olive green (as before), and materials stored within them would be limited to 2.4 metres in height (also as before).

The remainder of the application has been submitted in outline and proposes the erection of 7 new employment buildings to be used for Class B1 (Business) and Class B8 (Storage and Distribution) purposes. These new buildings would also be served off the internal access road, and be located around the perimeter of the site, with 2 along the northern side, 2 along the southern side (either side of the retained building to be converted), 2 along the western side and 1 within the centre, to the west of the other buildings to be retained and converted. A new short spur road would be included within the site to serve buildings 6 and 7 within the north-western corner.

Although submitted as an outline application, the second part of the scheme includes a proposed layout plan showing not only the location of the 7 new buildings, but their breakdown into smaller units, car parking and servicing arrangements. The layout also includes references to existing and proposed planting and proposed bunding and associated planting. The submission is also accompanied by indicative elevation drawings of all of the new buildings, to enable the Council to appreciate their scale and form. In essence the new buildings numbered 4, 5, 6 & 7 would be two storey high with low pitched, hipped roofs and those numbered 8, 9 & 10 would be single storey also with low hipped roofs.

Car parking and cycle storage facilities are shown throughout the layout, to serve each of the units, to the standards set out in Policy TA9.

The final major element of the application is the new access road that would enter the site in the north-western corner and involve re-aligning the existing entrance to the site, where it runs past the property known as Enfield. This part of the development has not changed from the details that formed part of the 2010 permission, creating a new access through the existing boundary hedgerow, to facilitate two-way traffic into and out of the site onto Oil Mill Lane. In addition the application continues to include off-site highway improvements to the Oil Mill Lane/A3052 junction, the details of which were secured as part of a Section 106 Agreement leading up to the grant of permission in August 2010.

The application also involves the formation of an attenuation pond to the south-east of the main application which would discharge into Grindle Brook and a new pumping station to the south of the site, off Oil Mill Lane, to facilitate discharge to the public sewer.

The new application is accompanied by a range of supporting documents dealing with Landscape and Visual Impact, Foul Drainage and Flood Risk Assessment, Habitat Surveys (Including individual reports upon protected species, reptiles and dormice), a Transport Statement and various documents relating to the development of other employment sites within the A3052 corridor. The Landscape and Visual Appraisal includes measures to improve the landscaping around the perimeter of the site. A new field boundary in the form of an earth bank and planted with native

hedgerow species would be formed along the western boundary. A new earth bund would be created along the south and east boundaries, replacing the existing bund and hedge with soil from within the site. A new native hedge would be planted along the top of the bund to replace the existing willow and conifer hedge.

CONSIDERATIONS AND ASSESSMENT

Members will by now have appreciated the fact the Council has accepted the principle of the re-use of some of the existing buildings within Enfield Farm for employment purposes, together with the demolition of some of them, notably the most prominently visible circular slurry storage building. With this in mind it is felt that the part of this latest application that continues to propose the conversion of 3 of the 4 buildings included within the 2010 permission is a perfectly acceptable element of the revised scheme.

The new buildings that are now proposed arise, according to the supporting information, as a direct result of the claim that the costs involved in implementing the conversion scheme, particularly the cost of the new road works and the practicality of converting some of the approved units render that scheme unviable in the current economic climate. This the agents say is supported by advice from local commercial land agents, who have also advised upon the revised scheme in terms of a scheme that would be viable in the short term.

Members will note the views of the Council's Economic Development Manager, who is "convinced of the need for the Council to continue to facilitate the viable (successful) delivery of work and commercial space throughout East Devon." Whilst opposing views have been expressed about the claim that the approved scheme is not a viable proposition, in planning terms the Council's position relates more to whether or not the site is capable of accommodating the proposed development, both in principle and in detail.

The principle

The existing site has been extensively developed in the past as a large, somewhat intrusive pig farm and to that extent it is considerably scarred within the local landscape. The previous scheme included the removal of some of the buildings, including the most prominent slurry storage building. If the approved scheme is not implemented then the character and appearance of the site is unlikely to improve. The approved scheme does however reflect the fact that the Council has accepted an employment use within the site, as a matter of principle, and unless it can be shown that any alternative development of it, involving the erection of new rather than converted buildings, brings with it problems relating to the number of units, access difficulties or any other identifiable detailed objections, then the view is taken that such alternative development should, in this location and on this particular site, be supported, in principle.

That the site is outside of any identified built-up boundary is acknowledged. However, it also has to be acknowledged that it is heavily scarred as a result of its former agricultural use and lies close to the A3052, within the corridor of development along that road that includes some major employment sites, both

permitted and proposed. Whilst the Highway Authority still raise concerns about the sustainability of the site, the view is taken that its location compares favourably with other similar employment sites in the locality, where the case for the development of affordable and viable space for existing and emerging businesses has been found to be compelling in respect of other permissions that have recently been granted on sites along this corridor.

Not surprisingly perhaps in the context of the location of the site and the extant planning permission for employment use of the existing buildings, the applicants agents have relied heavily in their supporting statement upon the Employment Land and Premises Review undertaken in 2010 relating to the western section of the A3052 corridor and recent permissions that the Council has granted for new Class B1, B2 and B8 development at Hill Barton and Greendale business parks, to the east of this site. They make the point that Enfield Farm is a brownfield site that offers the potential to deliver short-term and much needed employment units. Whereas the extensions to the Hill Barton and Greendale parks involved mainly open agricultural land, it could be argued that the brownfield and scarred nature of the Enfield Farm makes it as good, if not better than the other two in terms of its ability to accommodate new employment development. Despite this it must be noted that this application is a departure from the Local Plan insofar as new industrial buildings in the open countryside is contrary to countryside protection policies within the Local Plan. It is therefore necessary to assess whether the impact of this development would be outweighed by its economic benefits.

The details

Even though it has been submitted in outline, layout and indicative design details have been submitted, to enable the scale and overall form of the new buildings within the site to be appreciated. The layout relies almost entirely upon the approved access both into the site and around it, serving the proposed buildings. The new buildings are two and single storey in height, contained within the well defined and heavily screened boundaries. The existing screening and some new planting and bunding around the site would combine to ensure that public views of the new development are restricted.

The Landscape and Visual Impact Assessment submitted with the application deals extensively with the topography of the site, its landscape character in relation to its surroundings and the likely impact of the new development from vantage points all around it. The Assessment concludes that the proposed development would not cause unacceptable landscape and visual impacts and could actually benefit the quality of the landscape within the site, with positive benefits to the wider landscape. There is no reason to challenge or disagree with this conclusion in this case. It is acknowledged that the site is at its most visually exposed to the west where views from existing houses and the A3052 look towards the area where buildings 5, 6 and 7 are proposed. However, the application includes landscape mitigation measures which would reduce the impact in this direction to acceptable levels.

In terms of landscaping issues, there are currently a large number of conifers which provide automatic screening for most of the site. It has also been noted that a large number of new young conifers have also already been planted on the bank that

surrounds the site. While it is recognised that these provide relatively fast screening for the site, they remain an alien form of landscaping and unacceptable on a long term basis. With this in mind, during consideration of the previous application the Council's Arboricultural Officer recommended that in the event of permission being granted for that scheme, the applicant enters into a S106 agreement which provides a long term landscape management plan, enabling native deciduous trees to be planted to the outside of the site (still under the applicants control) and for these to grow up (more slowly) around the conifers which can at a later date be removed but with a screen still maintained.

The planning permission granted in August 2010 was therefore subject to the completion of a Section 106 Agreement to secure the provision of a landscape management plan and it is anticipated that a similar (or varied) Agreement will be needed should a new permission be granted. In any event, if permission is granted for this new development, as an outline application it would need to be conditioned to ensure that full landscape details are submitted with all reserved matters applications, reflecting the requirements of the landscape management plan.

It should also be borne in mind that the precise details of the scale, design and appearance of the new buildings, as well as landscaping throughout the site will all need to form the subject of detailed applications, giving the local planning authority the opportunity to continue to consider and control the finer details of the development.

Highway considerations

Members will have noted the views of the two Highway Authorities upon this latest development. The Highways Agency does not object in terms of the impact of traffic generated by the new scheme upon the J30 of the M5. The County Highway Authority have not raised any concerns in road safety terms to the physical works that are proposed, either to the re-aligned access road into the site or the works to the Oil Mill Lane/A3052 junction, both of which formed part of the previous permission.

The County Highway Authority has questioned the sustainability of the location of the site, but this was not considered to be a deterrent to the grant of permission to convert some of the existing buildings to employment uses and should not, it is felt, count against this revised proposal.

The works to Oil Mill Lane where it joins the A3052 to provide a right turn facility also formed part of the Section 106 Agreement that accompanied the 2010 permission and again will need to be linked to any revised permission.

This application includes a draft Travel Plan within the Transport Statement, which it is considered could and should form the subject of a condition upon any permission that might be granted.

Impact on protected trees

There are a few protected Oak trees along the northern boundary of the site, within the bank through which the new access road would pass. Some concern was expressed as part of the previous application about the impact of the development upon their health and well being. As with the previous scheme it is proposed that these trees are to be retained and as the Council's Arboricultural Officer had considered and determined that they were under no threat as part of the previous scheme (provided suitable root protection measures were in place) and as the access remains as previously approved, again no objections are raised on this issue.

Need for renewable energy production

Policy D2 of the adopted Local Plan deals with Sustainable Construction and requires all major developments of over 1000 sq metres to use forms of development that will significantly reduce operational energy demands and incorporate renewable energy production equipment to provide at least 10% of the predicted energy requirements of the buildings when in normal use. The agents have confirmed that these buildings will incorporate as many energy saving measures as possible, such as the use of ventilation and thermal storage wherever possible to reduce water usage and energy consumption and goods will be sourced from local suppliers.

Again as the bulk of the application is in outline form it will be possible for the Council to require the provisions of Policy D2 to be met within any detailed application that might subsequently be submitted for the individual buildings within the site.

Flood risk

The site lies around an area of land designated by the Environment Agency as a Flood Zone 2 and 3. This designation implies a high risk of flood potential. However the site and cluster of farm buildings are on elevated land as already noted and in this regard are outside the flood zones 2 and 3. This implies a lower risk of flooding potential and, as with the previous conversion scheme it has again been concluded that no Risk Assessment is required, although the agents have on this occasion provided the Council with such an Assessment, which includes reference to the attenuation pond that is included within the application.

The foul drainage strategy that also accompanies the application identifies the need for the pumping station off Oil Mill Lane, linked to the development site via an outfall sewer. The station involves an underground tank and pumping chamber in a small compound formed in a gap in the existing hedge bank for access off the lane. The compound would be surrounded by a 2m high chain link fence with a new hedge around its outside with hedge banks either side of the visibility splays at the entrance.

CONCLUSION

This application involves revisions to an earlier development of Enfield Farm involving the conversion of some of the existing buildings. That scheme is claimed

not to be viable and this alternative development involving the erection of some new buildings has been submitted.

The principle of providing employment units (Classes B1 and B8) within the site in the form of new rather than converted buildings is despite being contrary to policy, considered to be acceptable as the proposal would not cause significant harm to outweigh the major economic benefits of the additional jobs that this proposal would generate. Given the use of suitable controls over such matters as access, landscaping and the scale, design and appearance of the new buildings, it is further considered that there are no sustainable objections to the grant of permission for this alternative form of development.

A range of planning conditions will be required to cover both the detailed elements of the new scheme and other related aspects. These are set out in the recommendation below and, where appropriate and relevant to this development, they follow the form of those imposed upon the Hill Barton and Greendale business park permissions.

RECOMMENDATION

APPROVE subject to the applicant entering into a new or varied agreement under Section 106 of the Town and Country Planning Act 1990 to secure:

- A ten year landscape management plan
- Off-site highway works at the junction of Oil Mill Lane and the A3052

and the following planning conditions:

1. With the exception of buildings 1, 2 and 3 shown on drawing no 5823-19 rev C which are to be converted as part of the overall development, approval of the details of the layout, scale and appearance of the remainder of the development and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline with one or more matters reserved).
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
(Reason - In accordance with the requirements of Section 92 of the Town & Country Planning Act 1990.)
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
(Reason - In accordance with the requirements of Section 92 of the Town & Country Planning Act 1990.)

4. No part of the development shall be commenced until the access, parking facilities, commercial vehicle loading/unloading area, visibility splays, turning area and access drainage have been provided and maintained in accordance with the application drawings.
(Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with the provisions of Policy TA1 of the East Devon Local Plan).
5. Prior to the first occupation of any of the units hereby permitted the applicants shall:
 - (a) Submit for the written approval of the Local Planning Authority a Travel Plan in accordance with the aims and objectives of PPG13 (March 2001) and the Government White Paper (July 1998) and in general accordance with Section 7 and Appendix F of the Transport Statement prepared by clarkebond in May 2010.
 - (b) implement the approved travel plan before first occupation and for each subsequent occupation of the development and thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority.
(Reason: To promote sustainable travel modes in accordance with the provisions of Policies TR3 and TR5 of the County Structure Plan and Policy TA3 of the East Devon Local Plan).
6. Before any development hereby approved commences, the site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 20 metres back from its junction with the public highway.
(Reason: - To prevent mud and other debris being carried onto the public highway, in accordance with the provisions of Policy TA7 of the East Devon Local Plan).
7. Following the provision of the access referred to in conditions 4 and 6 above, but otherwise before any other operations are carried out, the existing access to the site shall be permanently closed to all vehicular traffic other than traffic associated with the residential property 'Enfield' in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority.
(Reason: - To prevent the continued use of a substandard access by commercial vehicles, in accordance with the provisions of Policy TA7 of the East Devon Local Plan).
8. No development shall take place until a plan showing tree protection methods and the positioning for associated fencing has been submitted to and approved in writing by the Local Planning Authority. Such protection measures should use guidance embodied with BS 5837 (2005) and must be implemented prior to any materials or machinery being taken on site. The

fencing shall remain in the agreed positions until the completion of all works. No storage of materials or ground works shall take place within the fenced areas as agreed as part of the submitted plan.

(Reason - To ensure the safeguarding of protected trees and the character and appearance of the area, in accordance with the provisions of Policy D5 of the Local Plan).

9. Outside storage shall be limited to the 2 compound areas only identified on drawing no 5823-19 rev C and shall not take place anywhere else on the site which shall remain free from litter, clutter and other paraphernalia.

(Reason - To ensure a tidy site and prevent the storage areas harming the appearance of the site and the wider landscape, in accordance with the provisions of Policy D1 of the East Devon Local Plan)

10. The permitted storage compounds shown on drawing no 5823-19 rev C shall be enclosed areas formed by 2.4m high galvanised steel palisade fencing coloured olive green. Materials stored within the two compounds shall be limited to 2.4m in height.

(Reason - To protect the character and appearance of the landscape in accordance with the provisions of Policy D1 of the East Devon Local Plan)

11. Prior to the commencement of development full details of all external lighting within communal areas of the development including all roadways and footpaths shall be submitted for the written approval of the Local Planning Authority. The submitted details shall include the siting and design of any proposed lighting columns, details of their method and level of illumination and a scheme to minimise light pollution arising from their use. The submitted details shall also set a framework for types and levels of illumination within the individual plots which comprise the remainder of the site and any subsequent reserved matters applications for development on the plots shall be in accordance with the approved details. Thereafter any external illumination of the site shall be in accordance with the approved details.

(Reason: To minimise light pollution arising from the development that would be detrimental to the character and amenity of the area and its residents in accordance with the provisions of Policy D1 of the East Devon Local Plan).

12. Prior to the commencement of the construction of any of the units hereby permitted full details of sustainable construction measures proposed to be used during the construction and subsequent operation of the buildings on the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and the approved operational measures retained thereafter.

(Reason: In the interests of promoting sustainable energy sources and construction methods and to comply with the provisions of Policy D2 of the East Devon District Local Plan)

13. Prior to first occupation of any of the development hereby permitted details of a timetable for the provision of the proposed attenuation pond and the new pumping station and associated pipe work together with details of their design, siting, construction and future maintenance shall be submitted for the written approval of the Local Planning Authority. Thereafter the attenuation pond and pumping station shall be provided and retained in accordance with the agreed details.

(Reason: For the protection of controlled waters in accordance with the provisions of Policy C013 of the County Structure Plan)

NOTE FOR APPLICANT

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

The proposed development would help to meet a current need for employment land in the district which needs to be met in advance of the Local Development Framework and will not be met by the sites allocated in the current East Devon Local Plan. It is considered that this need cannot be met on sites within existing urban areas or from a more sustainable location than the proposed site. Furthermore it is considered that the proposed development has been designed to minimise its impact on the landscape and the amenities of the area and its residents and would not cause significant harm to highways safety. It is therefore considered that although the proposed development is contrary to Policies ST1 (Sustainable Development) and ST5 (Development Priority 2001 - 2016) of the Devon Structure Plan and Policies S5 (Countryside Protection) and D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan the need for the development and the economic benefits arising from the development outweigh its impact on the landscape and countryside protection objectives.

The proposal complies with the Devon Structure Plan 2001-2016 Policies CO6 (Quality of New Development), CO13 (Protecting Water Resources and Flood Defence), TR1 (Devon Travel Strategy), TR4 (Parking Strategy, Standards and Proposals), TR5 (Hierarchy of Modes) and TR10 (Strategic Road Network).

The proposal complies with the adopted East Devon Local Plan 1995-2011 Policies D1 (design and Local Distinctiveness), Policies D2 (Sustainable Construction), D4 (Landscape Requirements), D5 (Trees on Development Sites), EN6 (Wildlife Habitats and Features), EN20 (River and Coastal Flooding), EN21 (Surface Run-Off Implications of New Development), TA1 (Accessibility of New Development), TA3 (Transport Assessments /Travel Plans) and TA7 (Adequacy of Road Network and Site Access).

The plans relating to this application are listed below:

Drawing No 5823 – 12 rev C Buildings 1 and 2
Drawing No 5823 – 15 rev C Existing Buildings 1, 2 and 3
Drawing No 5823 – 16 rev A Proposed Building 3
Drawing No 5823 – 17 rev C Proposed Buildings 4, 5, 6 and 7.
Drawing No 5823 – 18 rev C Indicative Buildings 8, 9 and 10.
Drawing No 5823 – 19 rev C Site Plan
Drawing No 5823 – 20 rev A Site Survey and Location Plan
Drawing No 5823 – 21 rev C Site Sections
Drawing No 5823 – 22 Location Plan
Drawing No (G) 09 rev B – Proposed Highway Junction

List of Background Papers

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

EDDC Housing

Having had a very quick look at the Design and Access Statement I note the following:

- That 16% provision for affordable homes falls way below the expected amount of 40%.
- That there needs to be a robust housing needs survey undertaken to confirm if there is an affordable housing need within West Hill, I understand that this survey is in hand.
- Unless proven that there is a need for an age restricted affordable housing, I would be looking to encourage a mixed and balanced community.
- As I understand that this site is a departure site we would ideally be looking to secure more than 40% affordable housing.
- No viability study has been produced to suggest that the scheme cannot provide at least 40% affordable housing.
- No evidence provided to suggest why all affordable are shared ownership, I would like to see a 70/30 split in favour of affordable rent the remaining as shared ownership.

Environment Agency

01/04/11 - This application proposes to use a private foul water treatment plant with discharge to watercourse. However, as your Council will be aware, for reasons of sustainability, we resist the proliferation of private foul drainage in sewered areas where it is reasonable to connect to the public foul sewer. This position is supported by the Department of the Environment, Transport and the Regions' Circular 03/99 which states that '...the first presumption must always be to provide a system of foul drainage discharging into a public sewer'. In this case, being close to the public highway, a connection to the public foul sewer should be possible.

On the matter of Flood Risk, the submitted Flood Risk Assessment (FRA) sets out a reasonable strategy for managing surface water flows. It does not promote a fully detailed surface water disposal system however. In due course a detailed scheme for the management of surface waters will need to be submitted to your Council for approval.

Given all of the above, until a satisfactory foul drainage proposal is put forward, we must recommend refusal of this application.

It should be stressed that we are aware of capacity problems in the public foul sewer. As such, it is recommended that the applicant contacts South West Water to discuss a way forward.

South West Water

16/02/11 - I refer to the above application and note that the Environment Agency have already indicated that they will not issue a consent for a private sewage treatment works to serve the majority any of the proposed development.

In view of this the suggested means of providing foul drainage for the entire proposal is unachievable.

As South West Water have no direct powers under the Water Act to prevent a connection to the public sewer once planning permission is gained we cannot support the application as submitted.

Only should you be completely satisfied that you can prevent through planning legislation any connection beyond the 8 dwellings we have agreed to would we be able to remove our objection to the application.

Natural England

25/02/11 - Based on the information provided, Natural England has no objection to the proposed development in respect of legally protected species as they are unlikely to be adversely affected by the proposal. This is subject to the recommendations in the ecological report by Devon Wildlife Consultants dated December 2010 for all species being included as conditions on the permission should the council be minded to grant the application.

However, if any other information such as representations from other parties highlights the possible presence of a protected or Biodiversity Action Plan species, the LPA should request further survey information from the applicant before determining the application in line with paragraph 99 of Circular 06/2005. If the application is amended with this additional information, Natural England should be re-consulted for a further 21 days in accordance with Circular 08/2005.

The protection afforded these species is explained in Part IV and Annex A of ODPM Circular 06/2005 to PPS9 Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System. Paragraph 98 of the Circular states that "the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat."

The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular 06/2005.

Parish/Town Council

23/02/11 - This application was debated at length but was unanimously not supported by the Planning Committee:-

1. Outside of the building line
2. Development contravenes the Local Plan and is out of character with the West Hill Design Statement. A more balanced use of this land would be appropriate
3. Development is overbearing in scale and size representing massive over development of the site
4. Design of the apartment block is completely out of keeping with other buildings in the area
5. Increase flood risk both on the field in question and Ford Lane. Also an impact on an already overloaded sewerage capacity
6. Creation of increase in vehicular and pedestrian access to the site
7. Distinctive character of this semi-rural area would not be upheld as identified in the Design Statement

8. Concerns to damage to Wildlife, Habitats and trees many of which are Protected

County Highway Authority

01/03/11 - The content of this planning application has been the subject of detailed discussions with officers of the Highway Authority prior to its submission. The content of the Transport Statement is broadly agreed as an analysis of the impact that the proposed development will generate on the highway network.

At the entrance to the site is a three-arm mini-roundabout which is less than ideally aligned currently, because the deflection is not quite correct on the main road approaches. This was because its design and installation was a compromise based on the highway land available. The development of the application site allows the possibility to realign the roundabout such that the deflection angles on all approaches will be improved which will consequently improve its function as an effective speed control measure in a 20 m.p.h. zone.

The roundabout can adequately and safely cope with the vehicular and pedestrian traffic that will be generated from the proposed development and the turning geometry of all sized vehicles is accommodated. Heavy goods vehicles over-run the centre island on some manoeuvres, but that is the design ethos for mini-roundabouts. Recent design guidance contained in Manual for Streets 2 (published in October 2010) now accepts that a four arm mini-roundabout may be acceptable to serve as the main access to new development in certain circumstances, such as a 20 m.p.h. speed limit zone.

The access design has been the subject of an independent Stage 1 Safety Audit, which accompanies the planning application. Although there are no Designer's responses to the recommendations, the Highway Authority is satisfied that all the issues raised in the Audit can be addressed in the detailed design of the revised mini-roundabout, in the event that planning permission is granted.

The site is reasonably well located with respect to primary school education and shopping facilities, together with some local services identified in the Transport Statement. It is located on bus route, although the service provided is not ideal. As there is a significant proportion of retirement dwellings proposed, the highway authority would recommend, in the event that planning permission were to be granted, that the applicant should contribute the sum of £12,000 towards TRIP Community Transport Operation to provide an additional day's service for a 5 year period.

The car and cycle parking provided on site complies with the standards adopted in East Devon District Council's Local Plan and is therefore appropriate for the development. It is noted that storage and charging facilities will be provided for mobility scooters which is also welcomed.

The proposals are therefore acceptable in principle from a transportation perspective and the following conditions are recommended.

Recommendation:

Subject to the developer first entering into an appropriate agreement to provide:-

- 1) A contribution of £12,000 towards TRIP Community Transport Operation and
- 2) alterations to the existing mini-roundabout at the site entrance to provide a fourth arm, to include any necessary alterations to carriageways and footways, pedestrian crossing points, street lighting, drainage, signs and road markings all as generally shown on the application drawings,

THE EXECUTIVE DIRECTOR OF ENVIRONMENT, ECONOMY AND CULTURE,
ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY,
RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE
INCORPORATED IN ANY GRANT OF PERMISSION:-

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

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

2. 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 and the visibility splays required by this permission laid out
 - 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

3. The occupation of any dwelling in an agreed phase of 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 within that phase 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 cul-de-sac visibility splays have been laid out to their final level;

D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;

E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;

F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

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

4. When once constructed and provided in accordance with condition 3 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority

REASON: To ensure that these highway provisions remain available

Other Representations

62 letters of objection have been received raising the following points

- Proposed development is in conflict with the character of West Hill
- Proposal is in conflict with both the County Structure Plan and the Local Plan
- Contrary to the West Hill Village Design statement - this site is specifically referenced within the statement as forming part of the distinct character
- Proposal does not meet the affordable housing criteria of 60% for exception sites
- Scale of development is inappropriate and represents over development
- Development could set a precedent for future proposals around West Hill
- Potential flooding from surface water could affect Ford Lane an surrounding roads
- Additional traffic would cause congestion and pollution
- Foul sewerage system cannot cope with additional units as proposed
- Access would have be substantially altered to accommodate the development which would utilise a difficult road junction
- Proposal shows four floors of accommodation which together with the layout is out of character
- Underground parking is out of keeping/character with the village
- Large round-about would present an urbanised centre to the village and is out of character

- Lack of clarity as to how the site would be managed in the future.
- Land should be kept available as amenity land for use by the public
- Environmental survey was undertaken in November after site clearance - this does not give a clear representation of the site
- Support for the scheme has been generated on pro formas and following a presentation of a reduced scheme - not a true representation of the current proposal
- Ottery St Mary Medical centre has no plans to open a new facility in West Hill
- There is no need for a coffee shop in West Hill - suitable premises are already vacant and coffee shops have failed in the past.
- There are alternative sites in West Hill which are more suitable and have better access than the one currently proposed
- Survey undertaken by the applicant is not representative - omitting a number of letters of objection
- Local services would be over whelmed including the school
- Concern about the threat to adjacent trees due to the scale of development and underground parking proposed
- Letters of support have been engaged from around the World and do not reflect local views
- The need for retirement homes has not been established
- Amenity of neighbouring occupiers would be severely affected by the proposed development
- The proposed Commercial units are not sustainable and should not be used to justify the development
- The proposal fails to take account of the impact of light pollution on the area
- Lower part of the site is wet and would need significant drainage work to make it suitable for development

6 letters of support have been received raising the points listed below together with a letter from the applicant rebutting a number of the objections received.

- Accommodation and in particular the retirement homes will provide an important facility for existing and returning residents
- Existing site is an eyesore and development will be beneficial
- Plan accords fully with the SHLAA site identified
- Development would breathe new life into the village and fits with the current government policies
- Improvements to the biodiversity are welcomed
- Preference for a tennis court rather than a bowling green although no information about how such proposals would be funded
- Housing would assist the range of facilities in the village to be retained

In addition the following have also been received:

2 visitor survey questionnaires;

97 pro forma responses supporting the scheme and identifying that the land is in the centre of the village, there is a confirm need for both retirement and family homes

the additional facilities proposed will benefit the village and the appearance of the village will be improved; and

1 neutral letter

PLANNING HISTORY

Reference	Description	Decision	Date
02/P0716	Erection Of Two Dwellings	Refusal	20.05.2002
98/P1116	Residential Development	Refusal	27.03.2000
96/P1844	Residential Development Of 6 Units	Refusal	29.01.1997

POLICIES

Devon Structure Plan Policies

ST1 (Sustainable Development)
ST4 (Infrastructure Provision)
ST5 (Development Priority 2001 to 2016)
ST10 (Exeter Principal Urban Area)
ST16 (Local Centres and Rural Areas)
ST17 (Housing and Employment Land Provision)
ST18 (Affordable Housing)
ST18A (Mix and Type of Housing)
CO1 (Landscape Character and Local Distinctiveness)
CO6 (Quality of New Development)
CO9 (Biodiversity and Earth Science Diversity)
CO10 (Protection of Nature Conservation Sites and Species)
CO11 (Conserving Energy Resources)
CO13 (Protecting Water Resources and Flood Defence)
CO14 (Conserving Agricultural Land)
TR2 (Co-ordinating Land Use/Travel Planning)
TR4 (Parking Strategy, Standards and Proposals)
TR5 (Hierarchy of Modes)
TR6 (Network Integration)
TR7 (Walking and Cycling)
TR9 (Public Transport)

East Devon Local Plan Policies

S2 (Built-up Area Boundaries for Area Centres and Local Centres)
S4 (Development Within Built-up Area Boundaries)
S7 (Infrastructure Related to New Development)
D2 (Sustainable Construction)
D4 (Landscape Requirements)
D5 (Trees on Development Sites)
EN6 (Wildlife Habitats and Features)

EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)
H1 (Residential Land Provision)
H2 (Residential Land Allocation)
H3 (Range and Mix of New Housing Development)
H4 (Affordable Housing)
RE3 (Open Space Provision in New Housing Developments)
TA1 (Accessibility of New Development)
TA3 (Transport Assessments /Travel Plans)
TA4 (Footpaths, Bridleways and Cycleways)
TA7 (Adequacy of Road Network and Site Access)

Planning Policy Guidance

PPG13 (Transport)
PPG17 (Planning for Open Space, Sport and Recreation)

Planning Policy Statement

PPS1 (Delivering Sustainable Development)
PPS3 (Housing)
PPS9 (Biodiversity and Geological Conservation)
PPS10 (Planning for Sustainable Waste Management)
PPS25 (Development and Flood Risk)

Site Location and Description

Land adjacent Grey Tops comprises an informal rural environment made up of a central grassed area (previously cleared from scrub and over grown brambles grass and immature trees) and surrounded by mature trees of varying heights ages and species. The site has a frontage with West Hill Road (the main road through the centre of the village) and is positioned centrally within the village adjacent to the mini roundabout by the village stores car park with access to the school. This frontage is typical of the site as a whole with mature trees on a bank along the road frontage.

The topography of the site comprises an elevated strip to the north (behind the road frontage), with a gradual slope falling away from the trees - a more significant dip/valley drops through the centre of the land. Land at the southern end of the side which is more densely covered in trees continues to slope gently down in a southerly direction. Of note and running contrary to the general trend is a more stepped gradient located along the southern projection of the site and which runs to the east. This boundary is again thickly tree covered and provides a distinct woodland character at the edge of and beyond the site.

Proposed Development

The application seeks permission for the construction of 38 properties comprising 22 retirement apartments and 16 dwellings. While in outline with only access detailed, it is indicated that 10 properties would be located to the south in a mixture of detached, and terraced housing while the remaining 28 would take the form of a single block (L shaped) and be in the form of apartments and town houses. Coupled with the residential development and located within the main block it is also proposed to

provide a surgery and coffee house. To the east of the apartments, community land is also proposed.

Access which is proposed in detail would be taken off West Hill Road with a new junction formed where the existing mini roundabout is located. This would be formed by the provision of a new enlarged roundabout serving through traffic of West Hill Road, the new housing development and Beech Park located opposite.

Indicative landscaping is also proposed, coupled within internal roads, turning areas and parking.

Considerations and Assessment

The main considerations are:-

- Principle of Development and Policy context
- Scale Character and Impact on local Amenity
- Trees and Ecology
- Highways and Access
- Infrastructure provision
- Development Contributions

Principle of Development and Policy context

The application site lies outside the built-up area boundary of West Hill as defined within the East Devon Local Plan 1995-2011. Despite the site being close to the village centre and the built-up area boundary bordering the site to the north, east and west it is considered that the proposed development is contrary to Policy S5 of the East Devon Local Plan which limits development in the countryside to that which accords only with a specific Local Plan policy.

While the position in respect of Policy S5 does not seem to be in dispute with the applicant one key issue arises - namely the weight that can be attributed to the emerging Local Development Framework and the identification of the site as available and deliverable in the recent SHLAA assessment. Other issues which it is prudent to address and which have been debated recently at other proposed development sites – namely Eastfield in West Hill and Land at Otter Close in Tipton St John will also be addressed.

As alluded to above, the East Devon Local Plan is in the process of being superseded by the Local Development Framework (LDF). This is a key policy document that will ultimately set out how development should be accommodated in the District over the next plan period. In preparation for this, two exercises have already taken place. A Strategic Housing Land Availability Assessment (SHLAA) has been carried out for the District. This is a technical exercise which considers those sites that may be available for housing and the technical issues related to their development. The SHLAA process is not part of the housing allocation process but helps to inform this process in terms of the ability to deliver and develop various sites over the plan period. The site currently under consideration was included and assessed as part of the SHLAA process. Unlike Eastfield, it was considered that this

site could be used to meet part of the potential housing requirement for West Hill but still qualified this with the caveat that... "In the case of sites in the settlements of Ottery St. Mary, West Hill and Tipton St. John where major investment is required to provide sewerage capacity all sites found to be developable have been put in the 11-15 year period". These timescales allow this investment to be planned for and provided – This arises because of a severe lack of capacity in the sewage treatment facilities lower down the network and therefore any development that comes forward early in the plan period may give rise to flooding and pollution concerns.

The second exercise which has already been undertaken by the Council was the publication in the autumn of last year (2010) of the first draft of the Core Strategy Preferred Approach which set out the preferred approach for the development of the District over the plan period. This document was prepared following community consultation and itself was subject to a further consultation exercise undertaken with respect to the details proposed. This consultation concluded in December 2010 the clear picture that has emerged from the communities comments is one of too much housing being proposed and that the scale of growth and development should be reduced.

In light of the Localism Bill which has recently been published and the intention by the Government to scrap the Regional Spatial Strategy (RSS) which has previously set the predicted housing numbers required for each District, weight must be given to the views of local residents. This does not mean that all development should be fettered by a "nimby" response, but a clear proportionate and reasoned approach must be established through a plan led system. While the original Core Strategy preferred approach identified West Hill as a potential hub village capable of accommodating up to 50 houses over the plan period, the recent consultation response associated with the Draft Preferred Approach has caused significant uncertainty in this regard. Objections have been raised to the number of dwellings proposed, the suitability of the village as a hub village and the arbitrary nature of the numbers without localised justification. The LDF document therefore carries very little weight as it has not gone through statutory procedures. The policy response therefore has to fall back on the adopted Local Plan and the Built Up Area Boundaries which are a fundamental part of this strategy. In this regard the development is considered to conflict with the established policy.

Previously applicants for other local sites have claimed a second aspect to the policy approach where in the event that there is no direct policy backing found for a development it may be possible to rely on guidance in PPS 3 (Planning Policy Statement 3) and the provision of housing land supply. PPS3 requires Local Authorities to be able to demonstrate that they have a deliverable 5 year land supply which arises from the desirability of having an established and steady approach to development and ensuring that there is a continuous supply of houses that are delivered evenly over time. This helps not only with the housing market but also the related infrastructure provision that is needed for any new development.

East Devon is a District split in its geography and character with part subject to influence from the urban centre of Exeter and the remainder a more rural environment characterised by market towns and a hierarchy of villages set with an attractive landscape much of which is designated as an Area of Outstanding Natural

Beauty. This geography is recognised in the Structure Plan and Local Plans where reference is made to the Exeter Principal Urban Area (PUA). The PUA encompasses the city centre and a projection of land to the east which extends into East Devon. The justification for this definition rests on the growth, role and function of Exeter and availability/suitability of sites in and around the City boundary to meet housing needs (in comparison with sites outside the City boundary). The Structure Plan clearly sees Cranbrook and the PUA in East Devon as a contributor to the role and development of Exeter where it is relevant to note that the Exeter City Annual Monitoring Report (AMR) showed a land supply in excess of the targets necessary.

The division between the two sub areas of East Devon which is most clearly shown within the Devon Structure Plan to 2016 Key Diagram Inset Map B demonstrates that the PUA extends no further to the east than the New community (Cranbrook) boundary and identifies land almost wholly sandwiched between the new A30 and the Exeter-London Waterloo Railway line. This split and the reasons behind it, form the basis of a disaggregation argument that relates to the housing supply figures for East Devon.

The 2009/10 LDF Annual Monitoring Report (reporting to a year end date of 31 March 2010) contains an assessment of land supply in East Devon. The previously completed SHLAA exercise (also reporting to an end date of 31 March 2010) provided further data on land supply, albeit to a slightly different methodology but showing similar conclusions. The Annual Monitoring Report shows that taking East Devon as a whole there was a calculated 4.24 year supply of land for housing. This supply figure is worked out on the basis of assessments of Devon Structure Plan requirements; houses already built and projected future completions. Whilst it is acknowledged that East Devon as a whole does not therefore have a five year supply the AMR provides separate data for two sub areas of East Devon. These sub areas relate to that part of East Devon at the Exeter Principal Urban Area (PUA) with the second being the rest of East Devon – these areas are broken down in line with the areas identified above. Following this disaggregation approach it is clear that the shortfall arises solely in the area of East Devon located within the PUA while the rest of East Devon has a significant over supply of housing which has previously been calculated as a 9 year supply.

The disaggregation approach is one that the developers have previously objected to. However appeal decisions from elsewhere in the country including Wiltshire, and most recently at Blaby District Council, maintain that this is a reasonable and reasoned approach which can be supported. Based on this approach it is not considered that there is any policy support for the application which unless material circumstances demonstrate otherwise, should be resisted as speculative development.

A further development in the policy aspect and which can form a material consideration albeit with limited weight is emerging advice from the Government. In this regard it is noted that within the written statement from Greg Clark (Minister of State for Decentralisation) on the 23 March 2011, the Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. The Government's clear expectation is that the answer to development and growth

should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy

The Chancellor set out details on their commitment to introduce a strong presumption in favour of sustainable development in the forthcoming National Planning Policy Framework, which would expect local planning authorities to plan positively for new development; to deal promptly and favourably with applications that comply with up-to-date plans and national planning policies; and wherever possible to approve applications where plans are absent, out of date, silent or indeterminate.

In this instance and notwithstanding the proximity to the centre of the village, the need to drive economic development and say yes to development must be balanced against the current plan, emerging guidance and the ultimate need for new housing. The lack of policy backing for development of such a site coupled with the current lack of identified need for new housing in West Hill, uncertainty as to what would be required in the future together provides no substantial basis with which to support this application.

Affordable Housing

Policy H4 of the East Devon Local Plan requires that on developments of this size, affordable housing must be provided at a minimum of 40%. The usual requirement is that the split of affordable housing should be 70 % rented and 30% shared ownership.

Within the submitted Planning Statement the applicant claims that the established local demand in West Hill is for retirement housing and not for affordable housing. The age restricted element is welcomed and helps to diversify the type of tenure in the locality, however this by itself is not considered to off-set the requirement for affordable provision. It is also claimed that the cost of land in the centre of West Hill is so high that it would not be practical to provide housing within appropriate rents. Therefore if no government grants are available, the offer for affordable housing is on a shared equity basis of 6 affordable homes, (with 12 offered if full government grant is available).

As the current economic climate is uncertain and as there is almost no grant funding available at the moment it is recognised that full contributions are often difficult to achieve. However in this instance the applicants have not provided a financial viability assessment to demonstrate their position in respect of contributions offered. The view that the land has high value is based on the premise that the land is adjacent residential development land and therefore would attract a higher valuation, compared to a green field site which is unallocated and where housing is not required due to the Council's assertion that it has a suitable 5 year land supply in this area of the District. In such circumstances for land outside of a BUAB and where there is no identified need for new housing, it is argued that the residual land value could be lower and as such the level of affordable housing required by policy (set at a minimum of 40%) should be attainable. It should be noted that the 12 affordable dwellings offered within a development of 38 units (if full grant is available) is still below this 40% requirement.

Without such provision and on the basis of the current policy position in regard to the Local Plan and the housing land supply, this affordable housing offer continues to be considered unacceptable.

Scale Character and Impact on local Amenity

With any outline application the implication for the character of the area is far harder to encapsulate and assess given that, as in this instance all matters with the exception of access are reserved for consideration at a later date (in the event that outline permission is granted). However, the validation requirements seek indicative layouts and the envelopes within which buildings could take place – this helps to provide a degree of certainty about the scale and massing and whether development proposed can be accommodated on the site and is appropriate for the character of the area.

In this instance the applicant has provided both layout plans and indicate elevations and these show a spine road running the length of the site with a four storey block of flats to the north (front of the site) and a series of dwellings (both terraced and detached to the south. While it is recognised that the site levels fall away from the road the provision of a four storey block of apartments in the north area is completely out of keeping with the character of the area, the general grain of development and the style and design of houses found locally. The presentation of a solid mass of built form behind the front tree canopy is considered at odds with the area which coupled with the height would dominate the centre of the village.

While the design of the four storey block of apartments may be substantially altered at reserved matters stage, the number of apartments would not. Having assessed the site, it is not considered this number could be provided onsite without harming the character of the area – either the development has to be too high (as currently indicated) or cover such an area of the site that it would appear cramped and would still be out of character for the area – an area which is generally of detached units with good size gardens and a generally spacious verdant environment.

Currently the scheme shows the retention of many of the boundary trees and further assessment will be given to the specific impact on trees later in the report – however any harm that did arise to the trees would further threaten the character of the site and its relationship to the local area.

The impact on neighbour amenity is another difficult area to assess at outline stage, but given the concerns about scale, density and height that were raised above the potential impact on the closest neighbour at Grey Tops is itself significant. This property which has recently been replaced maintains the character of the area as a single larger property set in spacious and verdant grounds. However the boundary with the application site is thinly vegetated and it currently enjoys a private rear garden. Development as proposed would both dominate and overlook the property and its private rear garden causing significant harm to the amenity of the occupiers of the property.

Properties in Ashley Brake also back onto the site with their rear garden set above the application site. These properties have narrow rear gardens and being elevated the potential impact on amenity would be acceptable – no overlooking, and no resulting dominance. However with the uncertainty over the ultimate layout and housing type, and importantly coupled with the potential for increased density if the height and scale of the apartment block were to be reduced, there remains justified concern.

Trees and Ecology

Typical of the area the site currently retains many important trees which help to maintain the verdant character. While these trees are positioned around the periphery of the site they are largely of mature form and create an important and pleasing back drop both within the site and for views around the surrounding area. Accompanying the application an arboricultural report has documented the trees and assessed the degree of constraint that they have on the development site. This report has been assessed by the Council's own arboricultural officer and serious concerns have been raised regarding the degree of information included and the accuracy with which the information has been recorded and analysed. While only a sample of the trees were checked it has become apparent that the degree of constraint that the trees place on the potential development site has been underestimated and as such the potential developable area should be reduced in order to maintain the health and well being of the trees and avoid damaging works taking place within the root protection area of the trees themselves. Such a constraint not only is important for preserving the character of the area – something which is borne out within the West Hill Village Design Statement, but also clearly has an effect on the numbers of properties that can be accommodated on the site. With an effectively reduced site area the number of units sought (which has already been assessed as being too high) would need to be further reduced.

As with any site the ecological potential needs to be assessed to understand the impact that the development could have. In this instance an ecological report has been submitted by the applicant which recognises that the site currently has significant potential including a number of trees which offer bat roosting potential, foraging areas and flight lines for both badgers and bats (respectively) and the potential for the support of a dormice colony within the coppiced hazel in the far southern section of the site. There is also suitable habitat for other protected species such as otters and reptiles although no survey work has been undertaken to formally assess this aspect.

While Natural England have not currently raised any concerns over the report itself, and seeks to ensure that the recommendations and conclusion are undertaken, it is these that cause significant concern given the current layout and scale of the proposed development. The concerns arise from the proposed felling of two trees in the north eastern section of the site – both of which have been identified as trees having significant potential for bat roosting sites. Additionally, while the boundary vegetation would largely be retained the indicative plan and more particularly the fixed access point is shown in close proximity to the western boundary. An important finding within the submitted report makes it clear that in order to preserve the potential of the hedgebanks as flightlines it was important that no lighting is

positioned on or adjacent to the vegetation and the development should be designed so as not to alter the light levels in the immediate vicinity of the boundary features. Given the position of the main access road which is of a scale and size where some street lighting would be required, it is not clear how this element can be achieved. Aspects such as lighting could normally be conditioned (particularly as the layout remains a reserved matter) – however in this instance with such doubt over the scale and density of the development and given the narrow constrained and tapering site, it is not clear how the road could be repositioned without the potential for harm arising. Additional information or details should therefore be sought if the principle is found to be acceptable. In addition there is also a lack of survey work with respect of the trees to be felled – to approve an application where such doubt occurs would be irresponsible and contrary to European legislation concerning protected species.

Highways and Access

Currently at the entrance to the site there is a three arm mini-roundabout which the proposal seeks enlargement of, to include a further 'arm' belonging to the site access road. The existing roundabout has previously been installed at a less than ideal alignment due to the restricted highway land available. The development therefore provides the possibility of re-aligning this current roundabout to a correct position. This re-alignment will consequently improve its function as an effective speed control measure in a 20 m.p.h zone.

The Highway Authority has been consulted on the application and considers that the proposed roundabout can adequately and safely cope with the vehicular and pedestrian traffic that would be generated from the proposed development and the turning geometry of all sized vehicles is accommodated. Additionally the car and cycle parking provided on site complies with the standards adopted in the local plan and is therefore appropriate.

The site is reasonably well located with respect to primary school and shopping facilities, with other local services identified in the applicants Transport Statement. As there are a significant proportion of retirement dwellings proposed, the Highway Authority would recommend that the applicant should contribute the sum of £12,000 towards TRIP Community Transport Operation to provide an additional day's service for a 5 year period. In the event of an approval this commuted sum and off-site alterations would require the developer to first enter into an appropriate agreement. Other highway requirements, such as carriageway and footpath specifications, visibility splays, parking provision, street lighting etc to be suitably conditioned.

Infrastructure provision

The preferred means of disposal for foul water is for all of the proposed properties to connect to an existing sewer which runs through and adjacent to the site. However, South West Water (SWW) has indicated that there is no spare capacity to the sewage treatment works at Fluxton. Furthermore, there are no plans or indeed funding to provide the necessary upgrades to these works in South West Water's current business plan to 2015.

The site in question falls outside of a designated built-up area boundary and is not allocated for development. SWW would have had no indication that development might be brought forward on this site and sought to allocate funding into the upgrading of the Fluxton Sewage Treatment Works. The applicant has stated in the Drainage Statement the cost of upgrade works required would be disproportionate to the size of the current proposal. Accordingly a connection to the public sewer for the whole development is not economically viable at present. As a means of addressing the limited capacity the applicants propose disposal of foul water by allowing eight dwellings to connect to the combined sewer with the remaining units using a temporary package treatment solution. Circular and PPS guidance recognises that the planning system may be complementary to other legislative regimes and that the capacity of existing and potential infrastructure (including for water supply, sewage and sewerage provision) may be material in the consideration of individual planning applications.

However, the Environment Agency (EA), for reasons of sustainability and pollution control, has resisted the proliferation of private foul drainage in sewered areas where connection to a public foul drainage sewer is a reasonable alternative. This position is supported by Circular 03/99 which states that ‘..the first presumption must always be to provide a system of foul drainage discharging into a public sewer’.

SWW have been consulted on the application and have stated that as they have no direct powers under the Water Act to prevent connection to the public sewer once planning permission is gained they cannot support the application. Only if planning legislation can prevent any connection beyond eight dwellings would SWW be able to remove this objection. The sewerage considerations raised in this case will not be served properly under other legislation. The vulnerability of leaving this all to the Water Industry Act 1991 would be that, irrespective of the capacity and funding issues, there would be no right for SWW to refuse the developer the right to connect, post-planning. Without being able to secure this and with the concern raised by the EA regarding the proliferation of private foul drainage for the remainder of the dwellings it is considered that the scheme can be refused on this issue.

With regards to Flood Risk the submitted FRA sets out a reasonable strategy for managing surface water flows. However, the information lack detail regarding the management of a surface water disposal system and therefore officers cannot take into account fully potential issues that may arise.

Development Contributions

A Heads of Terms has accompanied the application agreeing obligations and financial contributions towards the provision of necessary infrastructure to serve the site, including:

- Contribution to public open space (of £3698.81 per dwelling)
- Education Contribution (relevant amount to be determined by Devon County)
- Highway Works and contributions (requested by the Highway Authority)
- Affordable housing Provision (see below)

CONCLUSION

Despite the proximity to the village centre, the site remains outside the development boundary (as drawn by the current Development Plan) and has been brought forward at a time when little weight can be attributed to the emerging Local Development Framework and during a period of significant uncertainty over the housing numbers that the District should accommodate. Coupled with an over dense development, implications for the character of the area and trees and ecology on site and a sewerage system that is at capacity, it is considered that the scheme is contrary to the West Hill Design Statement and there are no material benefits to outweigh the harms that have been identified. The proposed development is therefore considered to be unacceptable.

RECOMMENDATION

REFUSE 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 and
 - c. 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 is 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 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) and ST17 (Housing and Employment provision) of the Devon Structure Plan, Policy S5 (Countryside Protection) of the adopted East Devon Local Plan and the West Hill Village Design Statement.
2. The proposed development, by reason of the application site's location and the policy approach adopted in respect of this location, should provide a minimum of 40% affordable housing. To fail to achieve such provision on a departure site where there is no policy support for its development, results in the proposal being considered contrary to guidance contained in PPS1, and PPS3, Policy ST 18 (Affordable Housing) of the Devon Structure Plan and Policy H4 of the adopted East Devon Local Plan 1995 – 2011.
3. The proposed development through the indicated density, size of the site and the constraints that the site has, is considered to result in a scale of development (either through the resulting height and massing of the buildings) or through a cramped layout with lack of space between the buildings, fails to recognise the distinct elements that make up the character area and would

harm the spacious and verdant environment. The proposed development is therefore considered to be contrary to the West Hill Village Design Statement, guidance in PPS 1 and PPS 3, and Policies CO1, and C06 of the Devon Structure Plan and Policy D1 of the East Devon Local Plan.

4. The proposed development by reason of a lack of detailed and accurate information fails to accurately reflect and take account of trees of high amenity and ecological importance around the site with resultant threats to the trees and harm to the character of the area. As such the application is considered to be contrary to good practice in accordance with British Standard 5837 (2005), Policies D1 (Design and Local Distinctiveness) and D5 (Trees in relation to development) of the adopted East Devon Local Plan and the West Hill Village Design Statement.
5. Submitted information demonstrates the potential for the site to be an area of ecological importance. However insufficient survey work and a scheme that is considered too high in terms of density, results in a lack of evidence to demonstrate that the recommendations and conclusions set out within the submitted report can be adhered to - most particularly in terms of the necessary felling of trees which have the potential to act as bat roosts and the potential for light spill along boundaries which could act as flight paths for bats and an important foraging corridor. The development is therefore considered contrary to guidance in PPS9, Policy CO9 (Biodiversity and Earth Science Diversity) of the Devon Structure Plan and Policy EN6 (Wildlife Habitats and Features) of the East Devon Local Plan.
6. Insufficient information has been submitted to adequately demonstrate that suitable provision has been made to accommodate the additional surface and foul water drainage requirements arising from the proposed development. As such the proposal is considered to be contrary to Policy ST4 (Infrastructure Provision) of the Devon Structure Plan 2001-2016 and S7 (Infrastructure Related to New Development) of the East Devon Local Plan 1995-2011.

Refused Drawings

03 Site layout Plan
10036 L 04.01 Elevations
10036 L 03.01 Sections

List of Background Papers

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

Committee Date: 03 May 2011

OTTERY ST MARY
TOWN
(Ottery St Mary)

Target Date:
24.05.2011

Applicant: East Devon District Council
Location: 8 Higher Spring Gardens Ottery St Mary
Proposal: Single storey extension

CONSULTATIONS

Other Representations
None received

PLANNING HISTORY

Reference	Description	Decision	Date
10/2427/FUL	Single storey extension	Approval - standard time limit	10.02.2011

POLICIES

Devon Structure Plan Policies
CO6 (Quality of New Development)

East Devon Local Plan Policies
D1 (Design and Local Distinctiveness)
S4 (Development Within Built-up Area Boundaries)

Site Location and Description

8 Higher Spring Gardens is a semi detached dwelling located on a housing estate with a mix of properties in terms of size character and layout. Within the immediate vicinity of the application site there are several pairs of semi detached properties which typically have a small front garden, side access to a rear garden and out houses that run front to back along the party boundary between the respective pairs.

Proposed Development

The application proposes the reuse and extension of the outhouse belonging to 8 Higher Spring Gardens to provide a pitched roofed extension joined to the main property. This would fill the space between the side elevation and side boundary and extend into the rear garden by 3.8m. The extension would provide an additional ground floor bedroom and WC.

Considerations and Assessment

This application is reported to the Development Management Committee as the application has been made by this Council on a property within its housing stock. Members may recall a similar application was reported to the February meeting. Following the approval of that application, further survey work was undertaken which necessitated a redesign of the proposal and a fresh application.

The main issues with the application concern the design and appearance of the extension and its impact on the character of the area and the impact that the works would have on neighbour amenity.

In terms of design and appearance the proposed extension has limited design merit. However it would be located to the side and rear of the main house, and receive only limited appreciation from the street scene to the front where glimpsed views would be obtained between the retained outbuilding and the side wall of the main house. In this instance it is considered that the extension which is essentially functional, poses no harm to the character of the area or the design of the property.

In terms of the impact on neighbour amenity, the proposed extension would extend no further than the rear projection of the existing outbuilding. Indeed, the height of the existing outbuilding would be slightly reduced on the boundary with the neighbouring property and the ridge height of the extension would be similar to the height of the existing outbuilding. Therefore, it is considered that there would be no harm arising in terms of both dominance and overlooking.

CONCLUSION

The proposed extension is not considered to cause harm to either the character and appearance of the area or neighbour amenity and is considered in accordance with Policy.

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).

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

D1 (Design and Local Distinctiveness)

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.

Approved Plans

10:11:LP01	Location Plan	29.03.11
10:11:SO1A	Combined Plans	29.03.11
10:11:PL01B	Plan Existing	29.03.11
10:11:PL02B	Proposed Elevation	29.03.11

List of Background Papers

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