

Agenda for Planning Committee Wednesday, 7th October, 2020, 10.00 am



Members of Planning Committee

Councillors E Wragg (Chairman), S Chamberlain (Vice-Chairman), K Bloxham, C Brown, A Colman, O Davey, B De Saram, S Gazzard, M Howe, D Key, K McLauchlan, G Pook, G Pratt, P Skinner, J Whibley and T Woodward

East Devon District Council
Border House
Heathpark Industrial Park
Honiton
EX14 1EJ

DX 48808 HONITON

Tel: 01404 515616

www.eastdevon.gov.uk

Venue: Online via the Zoom App. All Councillors and registered speakers will have been sent an appointment with the meeting link.

Contact: Wendy Harris, Democratic Services Officer
01395 517542; email
wharris@eastdevon.gov.uk

(or group number 01395 517546)

Issued: Monday, 28 September 2020

**Important - this meeting will be conducted online and recorded by Zoom only.
Please do not attend Blackdown House.**

Members are asked to follow the [Protocol for Remote Meetings](#)

This meeting is being recorded by EDDC for subsequent publication on the Council's website and will be streamed live to the Council's Youtube Channel at
<https://www.youtube.com/channel/UCmNHQruge3LVI4hcgRnbwBw>

Speaking on planning applications

In order to speak on an application being considered by the Development Management Committee you must have submitted written comments during the consultation stage of the application. Those that have commented on an application being considered by the Committee will receive a letter or email detailing the date and time of the meeting and instructions on how to register to speak. The letter/email will have a reference number, which you will need to provide in order to register. Speakers will have 3 minutes to make their representation.

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

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

The day before the meeting a revised running order for the applications being considered by the Committee and the speakers' list will be posted on the council's website (agenda item 1 – speakers' list). Applications with registered speakers will be taken first.

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Monday 28 September 2020 up until 12 noon on Thursday 1 October 2020 by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

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

1 Speakers' list and revised running order for the applications (Pages 4 - 5)

The speakers' list and revised running order for the applications has been removed.

2 Minutes of the previous meeting (Pages 6 - 10)

Minutes of the Development Management Committee meeting held on 9 September 2020.

3 Apologies

4 Declarations of interest

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

5 Matters of urgency

Information on [matters of urgency](#) is available online

6 Confidential/exempt item(s)

To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

7 Planning appeals statistics (Pages 11 - 21)

Update from the Development Manager

Applications for Determination

8 19/2197/MRES (Major) - TRINITY (Pages 22 - 58)

Land Adjacent To Lyme Road, (Adjoining Uplyme Village Hall), Uplyme.

- 9 **20/0607/FUL (Minor) - BUDLEIGH AND RALEIGH** (Pages 59 - 68)
Council Chambers, Station Road, Budleigh Salterton, EX9 6RL.
- 10 **20/1185/FUL (Minor) - TALE VALE** (Pages 69 - 76)
Tale End, Payhembury, Honiton, EX14 3HL.
- 11 **20/0753/FUL (Minor) - AXMINSTER** (Pages 77 - 91)
Former Natwest Bank, Victoria Place, Axminster, EX13 5AB.
- 12 **20/1395/FUL (Minor) - SIDMOUTH TOWN** (Pages 92 - 99)
Flat 1, Fernbrook, Convent Road, Sidmouth, EX10 8RB.
- 13 **20/1516/VAR (Major) - SIDMOUTH SIDFORD** (Pages 100 - 108)
Green Close, Drakes Avenues, Sidford, EX10 9JU
- 14 **20/1722/FUL (Minor) - EXMOUTH HALSDON** (Pages 109 - 112)
7 Belle Vue Road, Exmouth, EX8 3DR.
- 15 **20/1683/FUL (Minor) - FENITON** (Pages 113 - 117)
6 Feniton Gardens, Feniton, EX14 3DG.
- 16 **20/1529/FUL (Minor) - WOODBURY AND LYMPSTONE** (Pages 118 - 125)
Runaway, Courtlands Lane, Exmouth, EX8 5AB.

Please note:

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

[Decision making and equalities](#)

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

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EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Planning Committee held at Online via the Zoom App on 9 September 2020****Attendance list at end of document**

The meeting started at 10.03 am and ended at 12.08 pm

145 Minutes of the previous meeting

The minutes of the Planning Committee held on 29 July 2020 were confirmed as a true record.

Councillor Skinner sought clarification following Councillor Faithfull's accusations made at Full Council that Members of the Planning Committee do not declare interests. Councillor Skinner advised in response to these accusations he would seek advice from the Monitoring Officer and he strongly emphasised that committee members have a duty to ensure that this committee is absolutely coherent in the way of its honesty and integrity.

In response the Chairman advised members to seek advice from the Monitoring Officer if they had an issue with regards to probity.

146 Declarations of interest

Minute 148. 20/1482/FUL and 20/1483/LBC (Other) - COLY VALLEY.
Councillor Mike Howe, Personal, Known very well to the applicant of the planning application and advised he would abstain from voting.

Minute 149. 20/1049/FUL (Other) - DUNKESWELL AND OTTERHEAD.
Councillor Colin Brown, Pecuniary, Owner of the property and was removed to the virtual lobby during the discussion, debate and vote of this application.

Minute 149. 20/1049/FUL (Other) - DUNKESWELL AND OTTERHEAD.
Councillor Mike Howe, Personal, As Chairman of the previous Development Management Committee had a close working relationship with Councillor Brown as Vice Chairman and advised he would abstain from taking part in this application..

Minute 149. 20/1049/FUL (Other) - DUNKESWELL AND OTTERHEAD.
Councillor Olly Davey, Personal, Known to Councillor Brown in a working relationship.

Minute 149. 20/1049/FUL (Other) - DUNKESWELL AND OTTERHEAD.
Councillor Philip Skinner, Personal, Known to Councillor Brown as a member of the Planning Committee and is a member of the same political group.

Minute 150. 20/0842/FUL (Minor) - EXMOUTH LITTLEHAM.
Councillor Bruce De Saram, Personal, Exmouth Town Councillor.

Minute 150. 20/0842/FUL (Minor) - EXMOUTH LITTLEHAM.
Councillor Joe Whibley, Personal, Exmouth Town Councillor.

Minute 150. 20/0842/FUL (Minor) - EXMOUTH LITTLEHAM.
Councillor Olly Davey, Personal, Exmouth Town Councillor.

Minute 150. 20/0842/FUL (Minor) - EXMOUTH LITTLEHAM.

Councillor Philip Skinner, Personal, Lived at Maer Farm between the age of 5 to 24.

Minute 150. 20/0842/FUL (Minor) - EXMOUTH LITTLEHAM.

Councillor Steve Gazzard, Personal, Exmouth Town Councillor.

Minute 150. 20/0842/FUL (Minor) - EXMOUTH LITTLEHAM.

Councillor Tony Woodward, Personal, Exmouth Town Councillor.

147 **Planning appeal statistics**

The Committee noted the Development Manager's report setting out 14 appeal decisions notified and was pleased to report that 11 appeals had been dismissed with only 3 allowed.

Members' attention was drawn to the 3 appeals allowed. The Development Manager referred to planning application 19/1525/FUL – Pendor, Exmouth Road, Colaton Raleigh. The Inspector had disagreed with Members decision to refuse on sustainability grounds determining that the location, as a whole, did have acceptable facilities and allowed the appeal. Members noted the Development Manager did not agree with the Inspectors decision as it was contrary to the Local Plan.

The second appeal related to planning application 19/1962/LBC – Fiddles Reach, Preston Farm, Upottery, Honiton. Although the Inspector had accepted the proposed works would result in some changes to the listed building and its features, it was determined the changes would not be harmful to the building and allowed the appeal.

Finally, planning application 19/2233/FUL – Coldharbour Farm, East Hill, Ottery St Mary, EX11 1QL. The Inspector had disagreed with Members decision to refuse on sustainability grounds determining the location of the site was an acceptable distance from the settlement and was an acceptable walking distance of amenities and therefore allowed the appeal.

Finally the Development Manager updated Members on an appeal that had been allowed by the Planning Inspectorate for planning application 19/1351/FUL – Land at Liverton Business Park that Members had previously considered. Members noted that a third party had submitted a Judicial Review against the decision on the following grounds which would go before High Court for determination:

1. The Inspector gave too much weight to National Energy Policy and that policy was dated;
2. If the National Energy Policy was relevant the Inspector failed to apply it properly;
3. A breach of natural justice that the application was dealt with by way of written representation.

The Development Manager advised Members would be notified when a decision had been made.

148 **20/1482/FUL and 20/1483/LBC (Other) - COLY VALLEY**

Applicant:

Mr Hal Johnson

Location:

3 Sunnyside, South Street, Colyton, EX24 6EP.

Proposal:

Take down section of garden wall and re-build.

RESOLVED:

(20/1482/FUL) Approved as per Officer recommendation.

(20/1483/LBC) Approved as per Officer recommendation.

149 **20/1049/FUL (Other) - DUNKESWELL AND OTTERHEAD**

Applicant:

Colin and Jenny Brown and Wheatley-Brown.

Location:

Court Hall, Monkton, Honiton, EX14 9QH.

Proposal:

Conversion of an existing hotel/guest house (C1) to form a single, independent dwellinghouse (C3)

RESOLVED:

Approved as per Officer recommendations.

150 **20/0842/FUL (Minor) - EXMOUTH LITTLEHAM**

Applicant:

Littleham 2010 Limited.

Location:

Land Adjacent To The Meetings, Maer Lane, Exmouth, EX8 5DD.

Proposal:

Conversion of disused agricultural building to create one dwelling, including construction of single storey extension and demolition of outbuildings. Construction of new access and change of use of land from agricultural to domestic to facilitate the provision of two car parking spaces to serve existing dwelling.

RESOLVED:

Approved as per Officer recommendation.

151 **20/0652/FUL (Minor) - SIDMOUTH TOWN**

Applicant:

Lily and Violeta Lunan.

Location:

6 Willoughby House, Peak Hill Road, Sidmouth, EX10 0NW.

Proposal:

Proposed Terrace, access bridge and balustrade. Alterations and new door and new rooflights to north elevation.

RESOLVED:

Deferred for Officers to seek to negotiate amended designs for the balustrades and privacy screens, and to negotiate an increased height to the privacy screens.

Members considered that a more traditional design of balustrades is required, that the wooden hit and miss privacy screens need to be of a more sympathetic design and that the privacy screens should be increased in height. These changes are required in order to provide an acceptable visual impact to the building and AONB and to ensure adequate privacy for the neighbouring residents.

152 **20/0228/FUL (Minor) - WEST HILL AND AYLESBEARE**

Applicant:

Littleham 2010 Limited.

Location:

Barns At Barton Farm, Village Way, Aylesbeare, EX5 2FF.

Proposal:

Conversion of two agricultural buildings into five residential dwellings with access, landscaping and all other associated development.

RESOLVED:

Approved as per Officer recommendations.

Attendance List

Councillors present:

E Wragg (Chairman)
S Chamberlain (Vice-Chairman)
C Brown
O Davey
B De Saram
S Gazzard
M Howe
D Key
G Pook
P Skinner
J Whibley
T Woodward

Councillors also present (for some or all the meeting)

P Arnott
S Bond
P Faithfull
C Gardner
N Hookway
G Jung

Officers in attendance:

Chris Rose, Development Manager

Shirley Shaw, Planning Barrister

Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Wendy Harris, Democratic Services Officer

Amanda Coombes, Democratic Services Officer

Councillor apologies:

K Bloxham

A Colman

K McLauchlan

G Pratt

Chairman

Date:

**EAST DEVON DISTRICT COUNCIL
LIST OF PLANNING APPEALS LODGED**

Ref: 20/0943/FUL **Date Received** 26.08.2020
Appellant: Mr N M Eyres
Appeal Site: 26 & 26A Mill Street Ottery St Mary EX11 1AD
Proposal: Conversion of part existing vacant shop unit (26) and part first floor flat (26A) into one bedroom town house
Planning APP/U1105/W/20/3258355
Inspectorate Ref:

Ref: 19/F0187 **Date Received** 02.09.2020
Appellant: Mr S Broom
Appeal Site: Court Place Farm Wilmington Honiton EX14 9LA
Proposal: Appeal against
Planning APP/U1105/F/20/3258749
Inspectorate Ref:

Ref: 20/0643/FUL **Date Received** 02.09.2020
Appellant: Mr D & Mrs J Presnail
Appeal Site: Taree Cownhayne Lane Colyton EX24 6HD
Proposal: Construction of detached dwelling and associated driveway.
Planning APP/U1105/W/20/3258736
Inspectorate Ref:

Ref: 20/0874/FUL **Date Received** 02.09.2020
Appellant: Mr Tom Chown
Appeal Site: 56 Millers Way Honiton EX14 1JB
Proposal: Proposed demolition of existing garage and construction of new dwelling.
Planning APP/U1105/W/20/3258745
Inspectorate Ref:

**EAST DEVON DISTRICT COUNCIL
LIST OF PLANNING APPEALS DECIDED**

Ref: 19/1852/FUL **Appeal Ref:** 20/00033/HH
Appellant: Mr Hignett
Appeal Site: Greystones Salcombe Regis Sidmouth EX10 0JQ
Proposal: Two storey side extension, single storey side extension (wing), new outbuilding, removal of existing garden buildings.
Decision: **Appeal Dismissed** **Date:** 01.09.2020
Procedure: Written representations
Remarks: Delegated refusal, amenity and conservation reasons upheld (EDLP Policies D1, EN9 & EN10).
BVPI 204: **Yes**
Planning APP/U1105/D/20/3252358
Inspectorate Ref:

Ref: 19/1787/CPE **Appeal Ref:** 20/00001/LDC
Appellant: Mr Derek Branker
Appeal Site: Site Of Spillers Cottage Shute
Proposal: The excavation, laying out and back filling of an inspection chamber and associated pipework ready to connect to a new septic tank for the foul sewage system of the new house granted permission reference 7/87/91/P0654/00119 on 24 June 1991 and validly implementing that the permission so that it remains extant
Decision: **Appeal Allowed** **Date:** 07.09.2020
Lawful
Development
Certificate granted
Procedure: Written representations
Remarks: Delegated refusal.
The Inspector found that on the balance of probability the appellant has proven that the works were carried out prior to the relevant date and the Council's refusal to grant a Certificate of Lawful Use or Development was not well founded.
BVPI 204: **No**
Planning APP/U1105/X/20/3244399
Inspectorate Ref:

Ref: 19/F0054 **Appeal Ref:** 20/00026/ENFAPP
Appellant: Maximum Fun Devon Limited
Appeal Site: Land west Of Crealy Meadows Sidmouth Road Clyst St Mary
Proposal: Appeal against the serving of an enforcement notice in respect of the material change of use of the land from agricultural use to use for the siting of 12 no. mobile homes used for residential purposes, without planning permission.
Decision: **Appeal Dismissed** **Date:** 07.09.2020
Procedure: Written representations
Remarks: Enforcement notice upheld
BVPI 204: **No**
Planning APP/U1105/C/20/3249830
Inspectorate Ref:

Ref:	19/0358/CPE	Appeal Ref:	20/00028/LDC
Appellant:	Mr Burroughs		
Appeal Site:	Thorn Park Family Golf Centre Salcombe Regis Sidmouth EX10 0JH		
Proposal:	Certificate of lawfulness for the use of the land for the siting of a caravan used as an independent dwelling.		
Decision:	Appeal Dismissed	Date:	18.09.2020
Procedure:	Written representations		
Remarks:	Delegated refusal. The Inspector found that on the balance of probabilities, the caravan has not been continuously used for residential purposes for a period of at least 10 years prior to the date of the application and the Council's refusal to grant a Certificate of Lawful Use or Development was well founded.		
BVPI 204:	No		
Planning	APP/U1105/X/20/3250786		
Inspectorate Ref:			

East Devon District Council List of Appeals In Progress

App.No: 18/2173/VAR
Appeal Ref: APP/U1105/W/19/3234261
Appellant: Mr David Manley
Address: Enfield Farm Biodigester Oil Mill Lane Clyst St Mary EX5 1AF
Proposal; Variation of conditions 2,5,7 and 10 of planning permission 17/0650/VAR to allow increase annual tonnage of crop input from 26,537 to 66,000 tonnes and increase annual tonnage of digestate exported from the site from 21,354 to 56,000 tonnes and vary wording of Odour Management Plan
Start Date: 20 August 2019
Procedure: Written reps.
Questionnaire Due Date: 27 August 2019
Statement Due Date: 24 September 2019

App.No: 18/F0034
Appeal Ref: APP/U1105/C/19/3238383
Appellant: Natalie Jones
Address: Otter Valley Golf Centre, Rawridge
Proposal; Appeal against the serving of an enforcement notice in respect of the material change of use of the land from that of agriculture to a mixed use of the land for siting of a mobile home for residential purposes, use of the land as an equine stud farm and use of the agricultural barn for livestock, without planning permission.
Start Date: 6 July 2020
Procedure: Inquiry
Questionnaire Due Date: 20 July 2020
Statement Due Date: 17 August 2020
Inquiry Date: To be arranged

App.No: 19/0078/FUL
Appeal Ref: APP/U1105/W/19/3242773
Appellant: Mr & Mrs Raggio
Address: Lily Cottage Goldsmith Lane All Saints Axminster EX13 7LU
Proposal; Demolition of former cottage and construction of new dwelling.
Start Date: 8 January 2020
Procedure: Hearing
Questionnaire Due Date: 15 January 2020
Statement Due Date: 12 February 2020
Hearing Date: To be arranged

App.No: 18/2445/FUL
Appeal Ref: APP/U1105/W/20/3248692
Appellant: Mr & Mrs D & A Huish
Address: Ellergarth Dalditch Lane Budleigh Salterton EX9 7AH
Proposal; Conversion of existing barn with extension, plus associated works for holiday use only
Start Date: 16 June 2020
Procedure:
Written reps.
Questionnaire Due Date: 23 June 2020
Statement Due Date: 21 July 2020

App.No: 19/0365/FUL
Appeal Ref: APP/U1105/W/20/3248708
Appellant: Ms P Boast
Address: Land Adjacent 4 Cheese Lane Sidmouth
Proposal; Proposed new dwelling
Start Date: 17 June 2020
Procedure:
Written reps.
Questionnaire Due Date: 24 June 2020
Statement Due Date: 22 July 2020

App.No: 19/2348/FUL
Appeal Ref: APP/U1105/W/20/3248907
Appellant: Mr & Mrs B White
Address: 13-15 High Street Honiton EX14 1PR
Proposal; Erection of 2 no. dwellings in rear garden.
Start Date: 15 June 2020
Procedure:
Written reps.
Questionnaire Due Date: 22 June 2020
Statement Due Date: 20 July 2020

App.No: 19/1299/FUL
Appeal Ref: APP/U1105/W/20/3249070
Appellant: Donna Delamain
Address: Hill View Nursery Dunkeswell Honiton EX14 4SZ
Proposal; Change of use and extension of storage building to form a live-work unit
Start Date: 11 June 2020
Procedure:
Hearing
Questionnaire Due Date: 25 June 2020
Statement Due Date: 21 July 2020
Hearing Date: 30 September 2020

App.No: 16/M0001
Appeal Ref: APP/U1105/C/20/3249072
Appellant: Donna Delamain
Address: Hill View Nursery Dunkeswell Honiton EX14 4SZ
Proposal; Appeal against the serving of an enforcement notice in respect of the siting of a mobile home
Start Date: 11 June 2020
Procedure:
Hearing
Questionnaire Due Date: 25 June 2020
Statement Due Date: 21 July 2020
Hearing Date: 30 September 2020

App.No: 20/0015/CPE
Appeal Ref: APP/U1105/X/20/3251141
Appellant: Mrs Veronica Strawbridge
Address: Rhode Hill Farm Rhode Hill Uplyme Lyme Regis DT7 3UF
Proposal; Certificate of Lawfulness to establish substantial completion of a single dwelling without the benefit of planning consent.
Start Date: 2 July 2020
Procedure:
Written reps.
Questionnaire Due Date: 16 July 2020
Statement Due Date: 13 August 2020

App.No: 19/F0171
Appeal Ref: APP/U1105/C/20/3250819
Appellant: Richard House
Address: Land opposite Woodbury Business Park, Woodbury
Proposal; Appeal against the serving of an enforcement notice in respect of the change of use of agricultural land to a car parking area
Start Date: 14 July 2020
Procedure:
Written reps.
Questionnaire Due Date: 28 July 2020
Statement Due Date: 25 August 2020

App.No: 20/0312/TRE
Appeal Ref: APP/TPO/U1105/7890
Appellant: Mrs Kath Pyne
Address: Oasis Toadpit Lane West Hill Ottery St Mary EX11 1TR
Proposal; Fell one Pinus Sylvestris protected by a Tree Preservation Order.
Start Date: 12 August 2020
Procedure:
Written reps.
Questionnaire Due Date: 26 August 2020

App.No: 19/2188/FUL
Appeal Ref: APP/U1105/W/20/3252871
Appellant: Mr Duncan Rawlings
Address: (Land To The South East) 109 Beer Road Seaton
Proposal; Construction of 1no.dwelling, utilising existing access and parking area.
Start Date: 18 June 2020
Procedure:
Written reps.
Questionnaire Due Date: 25 June 2020
Statement Due Date: 23 July 2020

App.No: 19/2650/PDQ
Appeal Ref: APP/U1105/W/20/3253451
Appellant: Mrs M Hazell
Address: Barn West Of Tale Head Cottage Payhembury
Proposal; Prior approval for proposed change of use of agricultural building to form 5 no. dwellings (Use Class C3) and associated operational development
Start Date: 20 August 2020
Procedure:
Written reps.
Questionnaire Due Date: 27 August 2020
Statement Due Date: 24 September 2020

App.No: 19/2346/FUL
Appeal Ref: APP/U1105/W/20/3254025
Appellant: Mr & Mrs B Moore
Address: Land At The Paddock Rousdon Estate Rousdon DT7 3XR
Proposal; Proposed demolition of 2 existing workshop buildings and erection of a 3-bedroom dwelling.
Start Date: 21 July 2020
Procedure:
Written reps.
Questionnaire Due Date: 28 July 2020
Statement Due Date: 25 August 2020

App.No: 19/2374/FUL
Appeal Ref: APP/U1105/W/20/3254084
Appellant: Mr L White
Address: Land Adjacent Valley View Farway EX24 6EE
Proposal; Erection of residential dwelling log cabin.
Start Date: 29 July 2020
Procedure:
Written reps.
Questionnaire Due Date: 5 August 2020
Statement Due Date: 2 September 2020

App.No: 19/2336/LBC
Appeal Ref: APP/U1105/Y/20/3254977
Appellant: Mr Andy White
Address: Former Lloyds Tsb Bank Plc 6 Silver Street Ottery St Mary
EX11 1DD
Proposal; Partial removal of ground floor internal party wall to facilitate
the extension of the London Inn into the former Lloyds Bank
Start Date: 18 August 2020
Procedure:
Written reps.
Questionnaire Due Date: 25 August 2020
Statement Due Date: 22 September 2020

App.No: 19/2092/FUL
Appeal Ref: APP/U1105/W/20/3254997
Appellant: Mr Richard Gray
Address: 1 Victoria Road Exmouth EX8 1DL
Proposal; Replacement windows (17 No.)
Start Date: 29 July 2020
Procedure:
Written reps.
Questionnaire Due Date: 5 August 2020
Statement Due Date: 2 September 2020

App.No: 20/0471/FUL
Appeal Ref: APP/U1105/D/20/3255393
Appellant: Mr & Mrs Kevin & Marianne Howe
Address: Holmleigh Back Lane Newton Poppleford Sidmouth EX10
0EY
Proposal; Raising of roof ridge and insertion of attic windows to south
and north elevation. Construction of front and rear dormer
windows, single storey side extension and provision of render
to existing brickwork.
Start Date: 3 August 2020
Procedure:
Written reps.
Questionnaire Due Date: 10 August 2020

App.No: 20/0595/FUL
Appeal Ref: APP/U1105/W/20/3255514
Appellant: Mr John Lomax
Address: Telecommunications Mast At Mount Pleasant Exmouth Road
Aylesbeare
Proposal; Provision of additional secure storage space adjacent and
within structure
Start Date: 2 September 2020
Procedure:
Written reps.
Questionnaire Due Date: 9 September 2020
Statement Due Date: 7 October 2020

App.No: 19/2828/PDQ
Appeal Ref: APP/U1105/W/20/3255904
Appellant: Mr Karl Mooney
Address: Barn South Of Rull Barton Rull Lane Whimple
Proposal; Prior approval for proposed change of use of agricultural
building to 1 no. smaller dwelling house (class C3 use) under
class Q(a)
Start Date: 20 August 2020
Procedure:
Written reps.
Questionnaire Due Date: 27 August 2020
Statement Due Date: 24 September 2020

App.No: 19/2667/FUL
Appeal Ref: APP/U1105/W/20/3256468
Appellant: Mr Matthew Knight
Address: Land Adjacent 6 The Chase Honiton
Proposal; Construction of 1 no. dwelling (resubmission of application
ref. 19/0754/FUL)
Start Date: 29 July 2020
Procedure:
Written reps.
Questionnaire Due Date: 5 August 2020
Statement Due Date: 2 September 2020

App.No: 20/0611/FUL
Appeal Ref: APP/U1105/D/20/3256604
Appellant: Mr P & Mrs B Keeling
Address: Donnithornes Mill Street Ottery St Mary EX11 1AF
Proposal; Widen existing access; works to include: remove section of wall and re-position 1 no. pillar and re-build 1 no. pillar at entrance and replace entrance gate
Start Date: 20 August 2020
Procedure:
Written reps.
Questionnaire Due Date: 27 August 2020
Statement Due Date: 24 September 2020

App.No: 20/0437/LBC
Appeal Ref: APP/U1105/Y/20/3256621
Appellant: Mr Paul Keeling
Address: The Donnithornes Mill Street Ottery St Mary EX11 1AF
Proposal; Widen existing access; works to include: remove section of wall and re-position 1 no. pillar and re-build 1 no. pillar at entrance and replace entrance gate
Start Date: 20 August 2020
Procedure:
Written reps.
Questionnaire Due Date: 27 August 2020
Statement Due Date: 24 September 2020

App.No: 20/0595/FUL
Appeal Ref: APP/U1105/W/20/3255514
Appellant: Mr John Lomax
Address: Telecommunications Mast At Mount Pleasant Exmouth Road Aylesbeare
Proposal; Provision of additional secure storage space adjacent and within structure
Start Date: 2 September 2020
Procedure:
Written reps.
Questionnaire Due Date: 9 September 2020
Statement Due Date: 7 October 2020

App.No: 19/2591/VAR
Appeal Ref: APP/U1105/W/20/3254780
Appellant: DS Developments (Exeter) Ltd
Address: South Whimble Farm Clyst Honiton Exeter EX5 2DY
Proposal; Removal of condition 16 of 16/1826/MFUL (decentralised energy network connection) to remove requirement for connection to the Cranbrook district heating network
Start Date: 15 September 2020
Procedure:
Written reps.
Questionnaire Due Date: 22 September 2020
Statement Due Date: 20 October 2020

Ward Trinity

Reference 19/2197/MRES

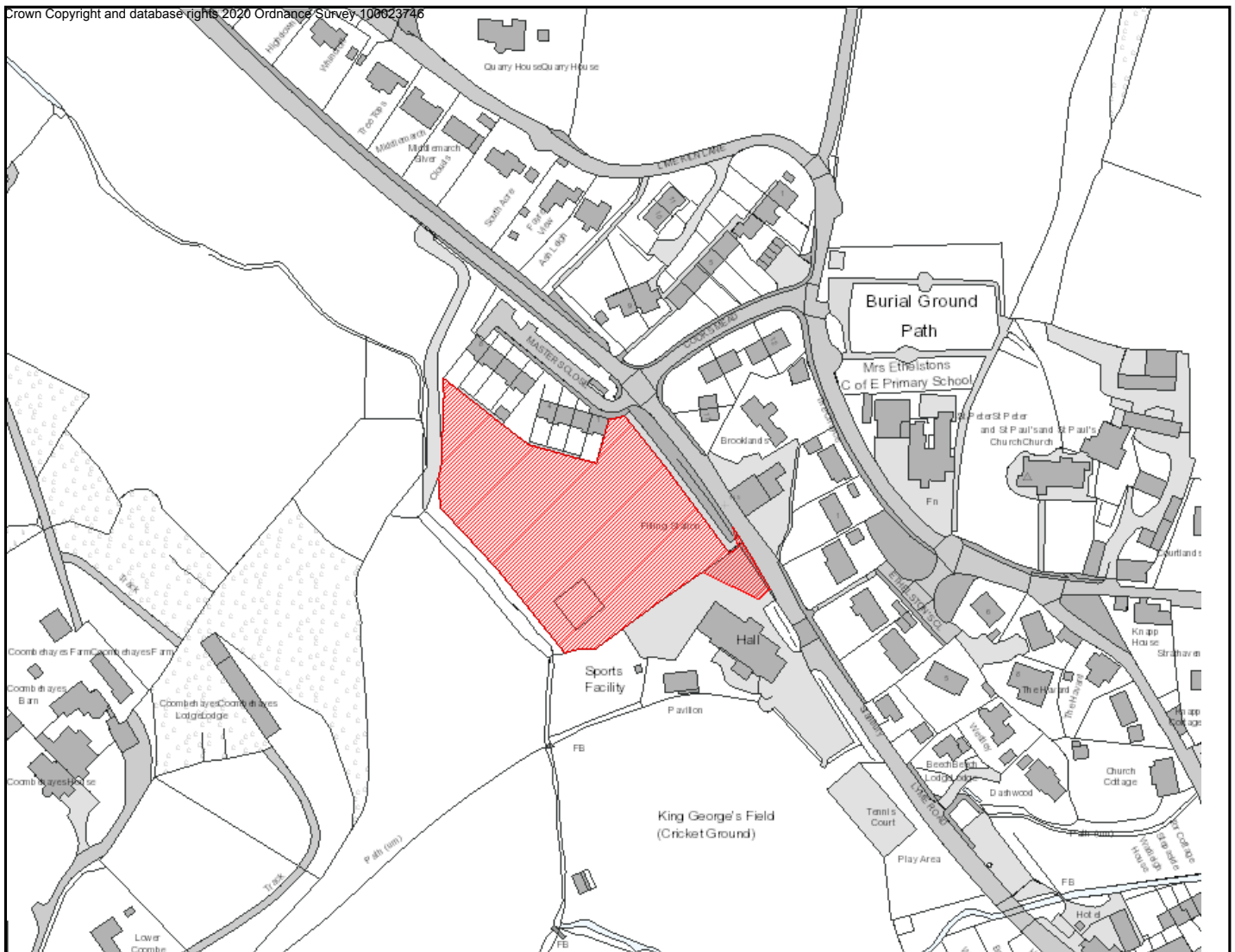
Applicant Bestic Ethelston School Foundation

Location Land Adjacent To Lyme Road (Adjoining Uplyme Village Hall) Uplyme

Proposal Construction of two storey school building; improvements to an existing access off Lyme Road, car parking, all weather play and sports area, grassed playing field and associated infrastructure (Reserved Matters application seeking approval of access, appearance, landscaping, layout and scale)



RECOMMENDATION: Approval with conditions



		Committee Date: 7th October 2020
Trinity (Uplyme)	19/2197/MRES	Target Date: 03.01.2020
Applicant:	Bestic Ethelston School Foundation	
Location:	Land Adjacent To Lyme Road (Adjoining Uplyme Village Hall)	
Proposal:	Construction of two storey school building; improvements to an existing access off Lyme Road, car parking, all weather play and sports area, grassed playing field and associated infrastructure (Reserved Matters application seeking approval of access, appearance, landscaping, layout and scale)	

RECOMMENDATION: Approve subject to conditions

EXECUTIVE SUMMARY

This application is before committee as it represents a major development and the officer recommendation differs from the view of the Parish Council.

The application seeks approval of reserved matters pursuant to outline consent granted for the construction of a primary school on the site. At the time of the grant of outline permission details of layout, scale and access were approved with landscaping and external appearance reserved for future consideration. The current application seeks approval of those matters but also alternative details of access, layout and scale to reflect changes to the design to meet the requirements of the school. The application therefore seeks approval of all matters.

The principle of the development of this site for the provision of a school was established under the outline consent and is supported by the Neighbourhood Plan. In addition, application of the sequential and exceptions tests, with regards to managing flood risk, was undertaken at outline stage with both found to be satisfied. The current application is accompanied by an amended Flood Risk Assessment (FRA) and surface water drainage details which reflect the revised layout but these details are considered to be acceptable by the Environment Agency and Devon County Council, in their capacity as the Local Lead Flood Authority.

In terms of layout and scale the scheme proposes development on broadly the same part of the site as previously approved and whilst the massing of the building has increased the overall height is comparable. The box like form of the

building is somewhat disappointing and lacking in articulation but this has largely been informed by the constraints on layout posed by the small area of the site that lies outside of functional flood plain and the level of accommodation that the school requires. The massing is broken up, to an extent, by the varying roof form and through the use of external cladding materials, which in time will help to 'soften' the appearance of the building. The large area of car parking and perimeter fencing is unfortunately unavoidable, from a visual impact point of view, but significant landscape planting is proposed to the wider site to offset this impact and help to mitigate any wider landscape impact.

The principal objection which has been raised in relation to the scheme relates to the access proposals and the impact of additional traffic movements in this location. The access has moved slightly to the northwest from that approved at outline stage and, as previously approved, provides a single access/egress point. The parish council and operators of the Petrol Filling Station (PFS) opposite both strongly object to the access proposals considering these to conflict with access to and safe operation of the PFS. It is suggested that this could result in the closure of the PFS and associated, post office and store leaving the village devoid of such facilities. It is argued that separate access/egress points serving the school would improve the flow of traffic and provide a more appropriate means of access. It is also suggested that the application is accompanied by insufficient information to fully consider the highway safety impacts of the development. In this respect Devon County Council, as the highways authority, has considered the application in detail and raised no objections to it, considering the single access/egress point to be the most appropriate option to serve the site and that sufficient information has been submitted to consider the traffic impacts. It is also considered that the proposal would be likely to reduce some of the off-site highway issues relating to the current school site which lacks parking provision.

In other respects including amenity impacts the scheme is considered to be acceptable.

Overall and taking into consideration the significant constraints on the development of this site, the submitted scheme is considered to be acceptable. The provision of a purpose built new school building with associated landscaped and formal play areas is likely to provide substantial educational benefits and improved learning opportunities for future users and the application is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

17.07.20 - The Parish Council Planning Committee do not support the amended application.

Again, the Planning Committee expressed their concerns that the entrance on the new drawing appears to be closer to the garage and vital services, the garage and vital services are not depicted on the new drawing plan to show measured distances, there are concerns of the mentioned (Zebra) pedestrian crossing on the B3165 as stated on the new amended plan, the pedestrian crossing on the new plan will cause health and safety issues close to the proposed single combined in and out system, as suggested and recommended repetitively, the Committee are highly favourable of a separate ingress and egress for health and safety reasons for these predicted surges of a high volume traffic at peak times.

Also, please refer to previous relevant consultation comments applied to this application on Thursday 30th Oct 2019 from the Uplyme Parish Council planning committee.

25.03.20 - The Parish Council Planning Committee do not support the amended application.

The Planning Committee expressed their concerns that the entrance on the new drawing appears to be closer to the garage and vital services, the garage and vital services are not depicted on the new drawing plan to show measured distances, there is no existing pedestrian crossing on the B3165 as stated on the new amended plan, the pedestrian crossing on the new plan will cause health and safety issues close to the proposed single combined in and out system, as suggested and recommended before the Committee are highly favourable of a separate ingress and egress for health and safety reasons for these predicted surges of a high volume traffic at peak times. Also, please refer to previous relevant consultation comments applied to this application on Thursday 31st Oct 2019 from the Uplyme Parish Council planning committee.

31.10.19 - The Parish Council Planning Committee do not support the application.

The Planning Chairman stated that the committee contacted EDDC Planning and to this date no communication has been made in connection with the deferment and/or amendment to this plan as agreed from a site meeting between the applicant, Parish Council and DCC Highways on 15/10/2019.

The Planning Committee discussed this current application in full and decided that the following details were unacceptable:

' The area marked in red on the location plan is incorrect and needs to be changed to reflect the exact detail. Most of the ground is owned by the Village Hall trustees and needs to be outlined in a different colour/markings as agreed with the applicant (Bestic Ethelston School Foundation).

' Design is out of character with the Village Plan statement ' Flat Roof and Wood Cladding design is unattractive and will deteriorate rapidly and is out of keeping to surrounding buildings and visual amenities (UEN1, UEN2).

' The current single road entrance/exit is unsafe, with an immense risk of Health and Safety to Residents, Public, School Children, Staff, visitors and vehicles.

' As discussed and agreed by the majority at the recent site meeting, this plan would hugely benefit by a one way system entrance and separate exit for safety reasons and to avoid back up on the main Lyme Road and also causing disruption to the post office, shop and garage.

' As agreed by the recent site meeting with DCC highways, this whole area of the B3165 needs to have a safety audit right up to Talbot Arms public house including the village gate narrow.

' Concerns are also raised at peak times of the Woodroffe School with the traffic accessing the village with large buses, coaches and numerous parental vehicles.

' Current plan would be a threat to the sustainability of future Village amenities with possible closure of the shop, post office and garage.

' Some of the planning detail shown has not been agreed with the area owned by the Village Hall Trustees and is not considered under the legal agreement.

Technical Consultations

Natural England

18.03.20 - Natural England has previously commented on this proposal and made comments to the authority in our letter dated 05 November 2019

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

For applications within the East Devon Area of Outstanding Natural Beauty (AONB) we recommend you seek the advice of the East Devon AONB Partnership.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

05.11.19 - Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

For applications within the East Devon Area of Outstanding Natural Beauty (AONB) we recommend you seek the advice of the East Devon AONB Partnership.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Environmental Health

20.07.20 -The amendment to the H,S&EPMS in the attached document meet the concerns.

You may also wish to add in this case (or not: it may not be the issue here), it may be worth adding that in the current circumstances, the following could be added as an informative. If Covid is being cited as a reason for extending working times - extending finish times on weekdays only:-

"Where developers require longer term or more significant changes to working hours due to COVID-19, they should apply to the local planning authority to temporarily amend a condition or a construction management plan in the usual way. In doing so, it will be important for applicants to consider potential impacts and, where necessary, to put forward brief plans to manage concerns, drawing on existing good practice.

We are sympathetic about the issues developers will have as an impact of the COVID-19 pandemic, but we also have concerns about the impact on residents, in allowing greater flexibility for developers, EDDC recognises the need to mitigate the impact that any temporary relaxation of working hours could have on local residents and businesses. Requests to extend working hours should be proportionate and should not involve working on Sundays or bank holidays. There is no reference to early working hours, however there is reference to later working hours of up to 9pm Monday to Friday.

It is suggested that you formally apply to our planning department outlining the changes and measures you will be putting in place to mitigate the impact on

neighbouring residents, for example if you are requiring extended hours of work you need to provide information relating to the change of hours you are requesting, also including how you intend to communicate with residents if the changes to times are approved.

Until you have submitted a request to change the working hours the construction code of practice still applies".

This information is based on recent ministerial guidance, applied to EDDC policy regarding construction times.

18.03.20 - The Barker submission titled "Schedule of items" with footer reference "BA_04-05.02" states the following on page 2 of 5 regarding lighting:

"Necessary information submitted before any construction works are commenced to ensure that lighting proposals are satisfactory"

Furthermore, I have looked though all the additional information submitted and have not seen any information regarding lighting and therefore I am still currently unable to recommend that condition 6 is discharged.

06.11.09 - I have assessed the above application and note that the following (conditions 6, 15 and 16) from the decision notice for application 12/2399/MOUT, date of decision 10 January 2013, are relevant to Environmental Health and I have commented after each condition.

In summary, I can recommend that conditions 15 and 16 are discharged, but I am currently unable to recommend that condition 6 is discharged.

Condition 6:

The development shall not be brought into use until the following details of external and internal lighting have been submitted to and approved in writing by the Local Planning Authority:-

- i) lighting strategy to include details to minimise energy use and lightspill/skyglow; and
- ii) distance from area to be illuminated to adjoining buildings and spaces; and
- iii) full luminaire specification; and
- iv) monitoring position and height of all luminaires; and
- v) details of any architectural, display, signage and way finding lighting.

The development shall be carried out in accordance with the approved details.

(Reason - In the interests of the appearance of the area, to reduce energy demands and light spill in accordance with policies D1 (Design and Local Distinctiveness), EN14 (Control of Pollution) and Strategy 46 (Landscape Conservation and Enhancement and

AONBs) of the East Devon Local Plan 2013-2031.)

Applicant response - The schedule of items states: "Necessary information submitted before any construction works are commenced to ensure that lighting proposals are satisfactory"

Environmental Health response - The applicant has not provided information to satisfy the condition and therefore we cannot recommend that the reserved matters condition 6 is discharged. I look forward to commenting in the future on the applicants' proposals.

Condition 15:

Prior to the commencement of development a Construction and Environment Management Plan shall be submitted to and approved by the Local Planning Authority, development shall proceed at all times and for the duration of the development in accordance with the agreed details. The CEMP shall include at least the following matters: Air Quality, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements.

(Reason: To ensure consideration is given at an early stage to the environmental impacts of the development in order to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 -2031.)

Applicant response - The schedule of items states: "The details of this are included within the submitted NetZero Building Health, Safety & Environment Project Method Statement".

Environmental Health response - Page 6 of the NetZero Project Management Statement details noise pollution arrangements. Page 6-7 of the NetZero Project Management Statement details dust control arrangements (including commentary regarding wheel wash and mobile crushers). Page 8 of the NetZero Project Management Statement details ground pollution arrangements. The applicant has provided sufficient information to satisfy the condition and therefore we recommend that the reserved matters condition 15 is discharged.

Condition 16:

Notwithstanding the requirements of the previous condition the following restrictions shall be adhered to for the duration of the development:

- Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays

- There shall be no burning on site.

- There shall be no high frequency audible reversing alarms used on the site.

(Reason: To ensure consideration is given at an early stage to the environmental impacts of the development in order to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance

with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 -2031.)

Applicant response - The working restrictions are noted within the cover letter from Barker Associates dated 4 October 2019 their Ref P18-385-RP.

Environmental Health response - The applicant accepts the restrictions as per the condition and therefore we recommend that the reserved matters condition 16 is discharged.

South West Water

10.07.20 - I refer to the above application/amended plans and would advise that South West Water has no objection/comment.

19.03.20 - I refer to the above and would advise that South West Water has no comment on the submitted amendments.

23.10.19 - I refer to the above application and would advise that South West Water has no objection.

Environment Agency

20.07.20 - Thank you for your consultation of 30 June 2020 following submission of additional flood risk information in respect of this planning application.

We have reviewed the various documents submitted for the amended fencing proposal, in particular Drawing no. BA/P19-601-311 (dated 20 December 2019), Drawing no. BA/P19-601-100 Revision E (dated 26 June 2020), P19-601 (dated April 2020), P19-601 Uplyme Fencing Spec Doc 1708621, Drawing no. 0568-PGA-101 (dated 12 May 2020)

We note the amended "Barbican" style fencing in the floodplain which has the appropriate spacings. We also note the addition of the retaining wall and, provided that this has the appropriate openings as advised in our letter dated 31 March 2020, we are satisfied with the fencing proposals.

31.03.20 - Thank you for re-consulting us on this application.

Following review of the additional information submitted with this application, whilst we have no in-principle objection to the proposal, we raise an objection to the proposed fencing design. The reason for this position and advice is provided below.

Reason - The applicant has submitted detail relating to the proposed fencing in the form of plan P19-601 (Proposed Fencing Specifications, dated 6th March 2020. We have reviewed this, and the revised proposed site plan (BA / P19-601-100 Revision B, Barker Associates). This detail has not been available to us until now and we consider that the type of fencing proposed is inappropriate for this site location considering the flood risks. The proposed fencing is within flood zone 3 and has a 45mm gap. This could have a significant impact on the flow and storage of flood water, especially if it is constructed across a flood flow route. This can lead to higher levels of flood water on the upstream side of the fence or wall which will potentially increase the flood risk to nearby areas.

Fencing such as post and rail is acceptable within the floodplain, however the fencing must be permeable to flood water and allow flows to cross the floodplain when in flood e.g. post and rail/wire fencing with either wire strands or at least 100mm spaced mesh. Alternatives to post and rail fencing are hit and miss fencing (vertical slats fixed alternately on each side of horizontal posts) or hedging. If a solid wall is proposed there must be openings below the 1% annual probability (1 in 100) flood level with an

appropriate allowance for climate change to allow the movement of flood water. The openings should be at least 1 metre wide by the depth of flooding and there should be one opening in every 5-metre length of wall.

Notwithstanding the above, we could consider it appropriate to recommend a condition to agree the details of fencing prior to commencement. Suggested wording for the condition is provided below.

Condition - Fencing Detail Design

The scheme hereby permitted must not be commenced until such time as a scheme to ensure the appropriate fencing design has been submitted to, and approved by writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - To ensure that there are no detrimental impacts to flood storage or flood flow routes.

The condition we recommended on our previous letter is still relevant and is reproduced below:

Condition - Implementation of the Flood Risk Assessment

The development shall be carried out in accordance with the submitted Hydraulic Modelling Study Final Report (JBA Consulting, September 2019) and the following mitigation measure detailed within:

- o Provision of compensatory flood storage on the site to a 1 in 1000 year flood event.

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason - To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

Please contact me if you would like to discuss this response further.

05.11.19 - We have no objection to the proposed development subject to the inclusion of a condition regarding flood risk on any permission granted. The suggested wording for this condition and the reason for this position is provided below.

Condition - Implementation of the Flood Risk Assessment

The development shall be carried out in accordance with the submitted Hydraulic Modelling Study Final Report (JBA Consulting, September 2019) and the following mitigation measure detailed within:

- o Provision of compensatory flood storage on the site to a 1 in 1000 year flood event.

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The

measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason - To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

Reason - The site is located partially within flood zone 3, identified by Environment Agency Flood Map as having a high probability of flooding. We have reviewed the "Uplyme Primary School Hydraulic Modelling Study Final Report" Version 4.0 by JBA Consulting dated September 2019. Whilst we consider that evidence is not supplied within this report to show that the applicant has compensated for their built development correctly as Fig. 4.11 on page 26 shows an increase in water flows off-site for the 1 in 1000 year event., we have also reviewed the 1D node points showing the pre and post development flows and are satisfied that the development can take place without increasing flood risk downstream, in line with the requirements set out in the National Planning Policy Framework (NPPF)

Please contact us again if you require any further advice.

DCC Flood Risk Management Team

21.04.20 - Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage.

Observations:

Following my previous consultation response 19/2197/MRES dated 3rd April 2020, the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 17th April 2020, for which I am grateful.

The applicant has confirmed that the Acorn Multi Academy Trust will be responsible for maintaining the surface water drainage network.

The applicant has confirmed that water butts will be used at the site for irrigating soft landscaping. Green roofs can not be used at the school due to proposed solar PV panels on the roof.

03.04.20 - At this stage, I am unable to withdraw our objection, but would be happy to provide a further substantive response when the applicant has formally submitted the additional information requested below to the Local Planning Authority.

Observations:

Following my previous consultation response FRM/ED/2197/2019, dated 7th November 2020, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

- Preliminary Drainage Layout PDL 101 Rev E

We would require information on which body will be responsible for maintaining the proposed surface water drainage network at the site.

The use of green roof or rainwater harvesting was committed to during the outline application. The applicant should explain why this has been discounted.

We are currently unclear if the proposed access arrangement will preclude maintenance being undertaken at the newly installed flood relief culvert. We are awaiting further information on this.

07.11.19 - At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

Although the model outputs submitted indicate the attenuation has been designed to limit flows to the rates as outlined in the approved Flood Risk Assessment (FRA) Uplyme School Report No 11031532 Report Number 01 submitted for the outline application, for a reserved matters application we would require network model indicating all the drainage features such as pipes and drainage channels.

The approved FRA and the subsequent letter from WSP to Devon County Council dated 22nd February 2015 Response to LLFA, submitted as part of the outline application, made reference to rain water harvesting and a green roof forming part of the proposed surface water drainage strategy for this site. It is currently unclear whether these aforementioned features are being proposed for this application. If these features no longer being proposed, robust justification should be put forward as these features formed part of an approved document and provide an element of source control at the site. If these features are being proposed, the green roof should be incorporated within the Micro Drainage model. It should be noted that for the purposes of the calculations we would assume that the rain water harvesting tank is full.

The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

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

DCC Flood And Coastal Risk Management Team recently installed a new flood relief culvert, situated immediately adjacent to the proposed access for the school, to reduce the risk of surface water flooding in Uplyme. With the current layout, unfortunately there is not sufficient space adjacent to the culvert to undertake the required maintenance activities. We do not want to jeopardise the functionality of a newly installed flood relief scheme within the village.

An ordinary watercourse runs through this site, so if any temporary or permanent works need to take place within this watercourse to facilitate the proposed

development (such as an access culvert or bridge), Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of this procedure can be found at: <https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

EDDC Emergency Planning Officer

15.11.19 - I have looked at the Emergency plan which covers all the relevant information set out in the EA Guidance

- o characterise and quantify the flood risk
- o list relevant flood warnings and estimate the likely lead-time available
- o detail who is at risk - including vulnerable people and transient users
- o explain how the EP will be triggered, by who and when
- o define any areas of responsibility for those participating in the EP
- o describe what actions are required by the people in the development
- o set out the type and performance of any flood resistance or resilience measures to be installed prior to a flood
- o establish safe access and escape routes to a safe location
- o outline the evacuation procedure, place of refuge and related equipment needed to serve occupants for the required duration

The safe access and escape routes are within safe parameters, as shown in appendix A sit in an area with no flood risk for pedestrians and vehicular access . The car park at the rear of the development sits at in low hazard as outlined in 1C in appendix B Safe access and escape can be achieved through the provision of appropriate access and escape routes in conjunction with flood warnings. Specific measures include:

- o access routes should allow occupants to safely access and exit the development in design flood conditions for all types of flooding, with an appropriate allowance for climate change
- o vehicular access to allow the emergency services to safely reach the development during design flood conditions(with an appropriate allowance for climate change) will also normally be required
- o wherever possible, access routes should be located above design flood levels (with an appropriate allowance for climate change) and should avoid overland flow and exceedance pathways
- o where routes can't be designed to be dry and access is required through limited flood depths, signage should be provided
- o evacuation triggers should be prior to the development flooding, wherever practical
- o pedestrian routes should not be subject to any combination of depth and velocity that would result in a flood hazard rating¹ of 0.75 ('danger for some') or greater. Flood water can be difficult to walk through and can hide physical hazards like drain covers, open manholes and kerbstones
- o vehicular routes, including for some emergency services vehicles, should not exceed 30cm (12 inches) - less if water is fast flowing - as vehicles can become buoyant and could be swept away in flood conditions. The public should not be expected to drive vehicles through flood waters as part of an EP
- o some emergency services vehicles may be able to cope with slightly greater depths, but site-specific advice from the emergency services should be sought to confirm this

o routes which are subject to a flood hazard rating of more than 2.0 ('danger for all') would be unsuitable for the emergency services

I have not considered NPPF paragraph 163:

163. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁵⁰. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Devon County Highway Authority

16.07.20 - The CHA has been re consulted by the LPA to comment on new plans for the new school access and on a letter of objection on behalf of Mr Ostler by Hydrock.

SCHOOL ACCESS:

The position of the school access from the B3165 Lyme Road appears to be approximately 2.5 metres further north than the existing access, i.e. 2.5 meters closer to the Petrol Filling Station and Keep Clear School 'Zig Zag' road markings have been added to the plan.

EXISTING or NEW ACCESS ?

In my opinion, moving the school access by 2.5 metres will, in itself, not be detrimental to highway safety. As the turning parameters of all sizes of vehicles using the school access or those using the PFS access will be unlikely to impede one another.

It will be for the LPA to say whether moving the access point by approximately 2.5 meters to the north constitutes a new access or a widening of an existing access. It is the CHA's policy to require at least a Stage 1 Road Safety Audit for any new accesses onto A, B & C Class roads. Up to now the CHA has believed the access to be existing access. However, if the LPA deem that what is now proposed is a new access, it will need to be accompanied by a Stage 1 Road Safety Audit.

ZIG ZAG ROAD MARKING - PARKING RESTRICTIONS:

The addition of Zig Zag - Keep Clear School road markings requires a Traffic Regulation Order and whilst it is on the plans and will be required by the CHA, is not something that can be conditioned under planning regulations and will need to be progressed via HATOC (Highway and Traffic Orders Committee).

For clarity, zig zag road marking are a warning regulation that also enforces no parking and no overtaking of vehicles on the section of highway it covers.

HSE REQUIREMENT FOR SAFE EVACUATION:

I am not a petrochemical engineer, but I do not think that the HSE requirement for keeping PFS accesses clear as referred to in the Hydrock recent letter, and previous letter, does not pertain to the highway and therefore vehicles upon it. However, I have consulted with the Devon & Somerset Fire and Emergency Service for their opinion on this matter:

"Thank you for your email asking for our comments on the objections received via Mr Ostler. I write to confirm the following:

The amount of traffic (whether it queuing/stationary or moving) on the main road in front of the PFS should not affect the existing fire evacuation procedure of the PFS. People on site would leave by foot in an emergency and move away from the site via the public footpath.

There shouldn't be an expectation that customers in the PFS leave in an emergency via their cars. Cars queuing would make little difference to people leaving the site on foot. The plans of the school do show that fire appliance (B5) access has been provided via the car park to the front entrance of the building. To ensure access is available at all times, appropriate road markings would be a advisable at the car park entrance to control parking.

If there is an expectation that kerbside will be used as parking on the main road during drop off/pick up times, consideration should be made to what effect this would have on fire appliance access along this main road. We do however appreciate that this would be limited to specific times of day.

We note the contents of email dated 17 November 2019 by Phil Monger, detailing upgrade works that would be needed to the PFS should the school be built."

OTHER PFS SITES and QUEUING TRAFFIC:

There are many PFS's in Devon and the Southwest that are located next to or in traffic junctions where the prevalence of queuing vehicles is ever-present at their accesses and exits throughout the day. I can think of the Shell PFS at Countess Weir Roundabout, Topsham Road, Exeter, and the Sainsbury's PFS at Billet Street in the centre of Taunton, where traffic constantly queues at their accesses and exits due to traffic signals and priority flows systems at highway junctions. These and many other PFS's remain viable concerns which will be conforming within all HSE safety regulations, recommendations and restrictions at apparently no detriment to there wellbeing.

Based on the response from the Fire Safety Officer and other locations where PFS's have traffic queuing on their adjacent highways, I do not agree the argument put forward in the letters of objection from Hydrock or their clients reasoning for closing the Uplyme PFS should this application before them succeed.

NPPF or NPPG and Transport Assessments:

The Hydrock letter suggests that a fuller Transport Assessment should have been requested for a school access with the development GFA of over 1,000 under the former NPPG, rather than "large development" as in the current NPPF.

The scope of the Transport Assessment submitted for the outline application (15/2424/MOUT) was agreed with the CHA and I disagree with Hydrock's suggestion for fuller Transport Assessment. The new school in this case is a replacement school for the one that currently exists in Uplyme and therefore the habits of pupils, guardians and staff travelling to the new school including from which direction they will emanate is largely already known. The Transport Assessment put forward the knowledge that the current 50/50 split between pupils having to cross from the Village Hall Carpark to walk to the existing school and those that can access the existing school from the east side of the B3165 Lyme Road would be mirrored in the other direction for the new school. This is deemed as perfectly logical and appropriate and therefore a fuller Transport Assessment is unwarranted.

ALTERNATIVE SCHOOL ACCESS as put forward by Hydrock letter

The latest letter of objection by Hydrock on behalf of Mr Ostler suggests a solution that the existing southern access to the Village Hall should be utilised as the access to the school.

This prospect has not been put forward by the applicant or by the Village Hall Committee and therefore it is not something that I have considered.

As I understand it, it has always been the intention of the applicant to keep the school access and school parking separate from that of the Village Hall. This makes sense as the operation of the school and of the Village Hall are separate entities and also security for each of the premises will be different and varied. For these reasons I have discounted the solution put forward by Hydrock.

VISIBILITY SPLAYS:

It is not the remit of the CHA to look into the ownership of land of visibility splays and/or the impact on any hedgerows, this is a matter for the LPA.

The CHA only comments whether the proposed visibility splays are commensurate with the signed speed limit or known 85th percentile traffic speed.

PARKING on and off street

Condition 14 of the outline consent (15/2424/MOUT) requires:

"Before the proposed development is brought into its intended use a School Travel Plan to include the details for the carrying out of a crossing study and implementation of any identified mitigation, details relating to mode of travel to school, pupils preferred method of travel to school, measures and targets and proposed control of onsite parking shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation identified as necessary and approved by the Local Planning Authority shall be provided and retained.- (Reason: To ensure consideration is given to the safe and sustainable travel to

Uplyme School in the interests of highway safety and in accordance with policy TC7(Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 -2031.)"

The proposed onsite parking is an improvement from that of the existing school and this condition is specifically there so that the onsite parking can be controlled. The Zig

Zag Road Marking Parking Restrictions will control on-street parking outside of the school entrance. If the School Travel Plan identifies that further measures to control on-street parking are required, the CHA will be happy to consider these.

Note for Applicant:

The provision of the Zig-Zag Keep Clear School road markings Diagram 1027.1 will require authorisation via the Highway and Traffic Order Committee (HATOC) prior to any installation.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1) Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram PGA - 101 Rev G where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level.

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

25.03.20 - Observations:

This application seeks to amend the previous access and layout of the car park to that which was granted permission for 15/2424/MOUT.

The LPA will be aware that there has been some conjecture between the applicant, the Parish Council, the Town Hall Committee and the Petrol Filling Station Proprietor (Mr Ostler) who is also a Parish Councillor, regarding the proposed access, extent of land ownership and the possibility of an "In Out" access maybe using an access from the existing four-armed mini roundabout on Lyme Road.

At the request of County Councillor Ian Hall I attended a site meeting with all representatives and all relevant matters of access was discussed. My preference at the meeting was for a single point of access as I could not see how an access from the existing mini roundabout could be for made to work safely, as the arm serving the small housing estate on the same side of the road was only built to cater for those small number of houses. I did say however, that if a suitable Stage 1 & 2 Road Safety Audit was submitted with an application for an "In Out" access, I would be happy to consider it. The submission of this application without the "In Out" access leads me to think that designs using the mini roundabout would not pass a Road Safety Audit as suspected.

It would appear that the proposed access onto Lyme Road, as shown on drawing PGA-102 Rev.D accompanying this application, is in approximately the same position as that shown on drawing 11/023/03 Rev.B which accompanied the outline permission. The angle of the access road to the car park may have changed, but the centre-line of the access point onto Lyme Road appears the same to me.

Considering the highway issues raised by this application, I am of the same opinion as with application 15/2424/MOUT and recommend that the same planning conditions apply.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

EDDC Landscape Architect - Chris Hariades

20.03.20 -

1 INTRODUCTION

This report forms the EDDC's landscape response to the Reserved Matters application for the above site seeking full/ partial discharge of the following landscape and green infrastructure related conditions attached to the decision notice of the outline consent reference 15/2424/MOUT.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, conditions of the outline approval, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 SCHEME PROPOSALS AND RELEVANT PLANNING POLICY AND GUIDANCE

2.1 Relevant conditions

2. Approval of the details of the appearance of the building 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.

3 REVIEW OF SUBMITTED INFORMATION

3.1 Landscape and layout details

Generally the submitted details are acceptable in terms of hard and soft landscape design but the following changes should be made:

The planting beds to the east of parking bays 40 and 41 is too narrow to support sustainable plant growth and is vulnerable to trampling and vehicle overrun and should be omitted. The space gained should be used to gain an equivalent width to the planting bed opposite, thereby maintaining the width of the access road between them. Refer figure 1, Appendix A.

The triangular beds to the north of parking bays 19 and 50 are similarly problematic. The bed to the north of plot 19 should be omitted and bay 50 relocated to the north of bay 51 and the area where bay 50 is currently shown should become planting. Refer figure 1, Appendix A.

The extent of any required visibility splays and associated vegetation removal should

be plotted on the site layout plans.

The proposed gabion wall to the north of the vehicle turning area should be changed to a straight, stone faced retaining wall. This will create additional planting space behind which should be planted with a suitable native hedge mix to reflect the species mix in the extant hedge beyond the northeast boundary with trailing plants such as *Vinca minor* along the top of the wall. Refer figure 2, Appendix A. This will provide a more appropriate field edge treatment to the northern road approach consistent with the existing field boundary treatment and surrounding rural character.

A construction detail for the proposed retaining wall should be provided showing its relationship with the proposed security fence together with a sample of the proposed facing stone.

Planting plans to Landscaping areas 1 and 8 should be amended accordingly. This should include a small tree to the planting bed to the north of parking bay 50 possibly the *Prunus c. Pissardii* currently shown in the bed adjacent to bays 40 and 41.

3.2 Planting specification

Not provided. A planting specification should be submitted to the LPA for approval. This should provide summary soil specification, cultivation, grass sowing, planting and mulching details and details of tree staking and plant protection together with a plant schedule identifying species, form, size, number and planting density.

3.2 Maintenance specification

Not provided. A five year maintenance specification should be provided to the LPA for approval to cover grass cutting, weeding, watering, firming, adjustment of tree ties, pruning/ hedge-cutting, topping up mulches and removal of tree stakes following establishment.

3.3 Green Infrastructure provision

There does not appear to be any consideration for cycle parking provision. A covered cycle store should be provided for use by staff and pupils with additional open Sheffield stands for visitors conveniently sited.

Arrangements should be made for the collection of roof rainwater for watering planting particularly the allotment area.

A soil protection plan should be provided as part of a CEMP. This should include a plan showing the extent, location and specification for protective fencing to prevent construction access to proposed planting areas around the perimeter of the site in order to preserve soil structure within these areas.

4 CONCLUSION AND RECOMMENDATIONS

4.1 Acceptability of proposals

For the reasons noted above further additional/ amended information is required prior before the pre-commencement elements of condition 2 can be discharged.

Other Representations

A total of 77 no. representations have been received in relation to the application (including from the local MP) of these the majority are in support but there are 4 no. objections (including from the directors of the Petro Filling Station (PFS) opposite and the Village Hall Committee). The reasons for support and objection are summarised as follows:

Reasons for support

- Beneficial in terms of more space for the children and better car parking provision
- Better and safer access to the school for parents and children
- Provision of sports and play facilities on site is of general and, in particular, safety benefit
- The new building would provide a modern, comfortable and spacious learning environment
- The building would improve access and better cater for pupils with physical disabilities
- Current school and facilities inadequate to provide 21st century education
- Existing sports and communal worship needs to take place off-site this would all be provided for at the proposed site.
- Improved sports facilities, dining and outdoor learning opportunities
- Improved office and meeting room facilities
- Benefits to the wider community and appeal of the village to young families
- Benefits to residents of properties in the vicinity of the existing school through the removal of parking on local roads
- The new school would have improved green credentials

Objections/Concerns

- The existing site has the benefit of being housed in an historic building and being located close to the parish church. The move will affect the character of the school and the relationship of it with the village.
- The new site requires children to cross the busy main road.
- Future generations of pupils will lose the benefits of being taught in a historic building of architectural interest.
- Concerns in relation to the potential for queuing to occur outside the PFS and the impact of this on health and safety and the ability to operate the PFS. It is suggested that if the concerns are not resolved the PFS will need to close.
- Concerns over the timing of traffic survey carried out in winter.
- The health and safety requirements related to the increased off-site risk of a primary school opposite the PFS including the potential need to upgrade dispensing pumps and risk from tanker spillage or fire.
- The application incorrectly defines land in village hall ownership
- There are concerns over the use of the existing access for shared access and egress
- The control of the visibility splays at the site access are unclear

- The proposal represents the creation of a new access, as opposed to alterations to an existing one and therefore a Road Safety Audit and new application for this access should be required.
- The application lacks details of pedestrian access across the village hall site.
- Impact of groundworks and level changes in relation to the access way to the village hall car park and on below ground springs which already cause flooding issues
- The flooding data appears to be outdated and does not reflect the flood risks on the site.
- 'Keep Clear' Road Markings should be required outside the school entrance and that of the PFS.
- The car parking provision is considered to be inadequate and the traffic control measures to be introduced are of concern.
- Unclear whether parking and other school facilities (hall) would be made available to the wider community.

PLANNING HISTORY

Reference	Description	Decision	Date
17/1067/FUL	Retention of timber shelter as outside learning environment used in connection with school	Approval with conditions	10.08.2017
15/2424/MOUT	Construction of two storey school building : improvements to an existing access off Lyme Road, car parking, all weather play and sports area, grassed playing field and associated infrastructure (outline application with matters of appearance and landscaping reserved)	Approval with conditions	05.10.2016
12/2399/MOUT	Two storey school building, improvements to existing access off Lyme Road, car parking, all weather play and sports area, grassed playing field and associated infrastructure.	Approval with conditions	10.01.2013

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 7 (Development in the Countryside)

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

Strategy 38 (Sustainable Design and Construction)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

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

EN22 (Surface Run-Off Implications of New Development)

RC5 (Community Buildings)

RC6 (Local Community Facilities)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Uplyme Neighbourhood Plan (Made)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

The application site relates to a parcel of land located to the south west side of Lyme Road between the village hall and the recent Guinness Trust Housing Development. On the opposite side of the road is a petrol filling station and residential development.

The site extends to 0.8 ha and is pasture land, there is a gentle slope from north to south across the site. The site boundaries are generally formed by post and wire fencing, although the stone boundary walls of the residential properties to the north form the boundary at that point. To the northwest side of the site and outside of it a footpath runs inside the roadside hedge from Master's Close to the north to a crossing point opposite the petrol filling station. To the southeast side of the site an open stream forms the south/southwest boundary of the field. The boundary with the village hall overspill car park, to the south east of the site, is currently marked by post and wire fencing.

The site is low lying in the valley bottom and falls within a designated high risk flood zone.

The site lies outside of but adjacent to the designated built-up area boundary of the village and within a designated Area of Outstanding Natural Beauty.

Proposed development

The current reserved matters application follows on from the approval of outline planning permission granted under application 15/2424/MOUT for the development of the site for a new 2 storey primary school, associated access, parking recreation/play facilities and landscaping works.

The application for approval of reserved matters has been submitted within the time period, as set out under condition 1 of the outline permission, it is therefore valid and that permission remains extant and capable of implementation subject to approval of the stated reserved matters.

The matters reserved for subsequent approval on the outline permission were: appearance and landscaping with approval being granted at the time in relation to matters of scale, layout and means of access.

This reserved matters application however seeks to revisit matters of scale and layout and means of access, as well as appearance and landscaping. It is not considered that there is any reason why these matters cannot be revisited, and approval of alternative details sought as part of the current reserved matters application, provided the details otherwise remain compliant with the outline permission and relate to the same site area and description of development.

There are a number of conditions on the outline permission (9 and 17 in particular) which as originally worded require development to proceed in accordance with specific details/reports submitted as part of that application. The proposed development would not be in conformity with those conditions in their original form, for example condition 9 of the outline permission required development to proceed in accordance with a named Flood Risk Assessment (FRA) submitted with the outline permission. This is even though an updated and revised FRA has been submitted with the reserved matters approval and found to be acceptable by the Environment Agency. Given this situation it was considered reasonable to permit amendment to the relevant outline conditions to allow consideration of alternative technical details, such amendment has been dealt with by means of an application for a non-material amendment (NMA) to

allow minor variation to the wording of the relevant conditions. The NMA also makes clear that consideration of alternative plans through a subsequent reserved matters approval is acceptable.

The submitted details indicate a 2 storey building of square plan form sited in the same northeast part of the site as previously approved, albeit with an enlarged footprint. The building would provide for 7 classrooms, a double height school hall and associated office, storage and reception facilities. The building would feature a central shallow mono-pitched roof over the internal double height hall with higher mono-pitch roof sections wrapping around this to the northwest, southwest and southeast sides. Solar PV panels would be sited on the southeast roof slope. An external balcony would wrap around the southeastern and southwestern sides of the building with an open canopy across the front (northeast) elevation. The materials proposed are profiled metal cladding to the roofs over vertical timber cladding/composite red coloured panels to the elevations.

The parking area is sited to the immediate southeast of the building, with the access shown in the same location adjacent to the existing village hall. The parking area indicates the provision of 51 no. spaces, cycle parking is shown under the canopy to the front of the building. A bus drop off area is also shown with turning space in the northeast corner of the site.

The Multi-use Games Area (MUGA) is located to the southwest side of the school and again generally reflects the previously approved layout. The remainder of the site is given over to open play areas/landscaped areas. The whole of the site would be enclosed with secure perimeter fencing.

ANALYSIS

The outline permission established the principle of a new 2 storey primary school on the site together with car parking and associated works. The consideration at the time included an assessment of the appropriateness of the site in flood risk terms and application of the sequential test to site selection. In both respects the proposal was found to be acceptable and the principle of development was found to be supported by policy RC6 of the East Devon Local Plan (EDLP), these matters do not need to be revisited. However, it should be noted that since the granting of outline permission the Uplyme Neighbourhood Plan 2017-2031 (UNP) has been adopted. This policy document allocates the application site for the provision of a primary school and therefore adds further support to the principle of development. This being the case it is considered that the main issues in the determination of this application are as follows:

- Design and Impact on the character and appearance of the area
- Landscape Impact
- Access and Highways Issues
- Flood Risk/Drainage
- Ecological Impact
- Landscaping of site
- Amenity Impacts
- Health and Safety considerations

- Other Issues
- Discharge of outline conditions

Design and Impact on the character and appearance of the area

The current layout largely reflects that approved at outline stage but the changes are significant enough to require the matter to be reassessed. The school building remains positioned at the northern end of the site adjacent to the Masters Close development. This location is largely informed by the flood risk constraints of the site making it the only acceptable location in flood risk terms. However, this location is also well related to existing built form in terms of the Masters Close development and to the south the village Hall. The car parking area provides a visual separation from the village hall allowing views between the buildings and over this area to the countryside beyond.

Policies D1 of the EDLP and UEN3 of the UNP require consideration of the scale of development in relation to the surrounding context with the aim of ensuring this is appropriate and does not result in a visually dominant form of development or significantly change the character of the village. As with the layout, the scale of the building and its two storey square plan form are largely a result of the limited area of the site considered to be acceptable to build on in flood risk terms. A two storey building is required in order to provide sufficient classroom, communal, office and associated floor space to meet the school's requirements. As a result, the building has a relatively bulky form and there is no denying it will have a strong visual presence. Some efforts have been made to reduce this impact and to provide some articulation to the building. The roof, rather than being shallow pitched as envisaged at outline stage now proposes a series of shallow mono-pitched roofs designed to keep the overall height of the building down and to maximise the potential for the use of solar PV equipment. Overall the scale of the building is considered to be acceptable in relation to surrounding development with the higher development to the north and open area to the south of the building helping to reduce its impact in this regard.

In terms of external appearance the upper part of the elevations would be clad predominantly in vertical timber cladding (Western Red Cedar) with coloured composite cladding panels to the lower elevations and feature panels at first floor level. On the south and east elevations the roof overhangs to provide cover to first floor balconies that wrap around the building, a lower entrance canopy is proposed across the front (North) elevation. The elevations are punctuated with regular window/door openings with these being smaller and higher level on the west elevation and with more of a vertical emphasis on the principal elevation.

Policy D1 of the Local Plan requires design aspects including scale, massing and materials to relate well to their context but also to contribute to low embodied energy use and CO2 reduction. UEN2 of the Neighbourhood Plan seeks to ensure that good quality materials which, '*...complement the existing palette of materials within the parish*' are used but also that design is '*...innovative to achieve low carbon sustainable design*'.

The submitted design statement refers to the lack of an identifiable local vernacular to draw inspiration from and evidence of a broad palette of materials in use. Whilst it is accepted that, with the exception of the village hall, there are few non-residential

buildings of a similar scale in the village to which design cues could be taken, neither of the proposed materials are considered to be particularly locally distinct. The submitted design statement sets out how the material palette has been selected following a review of the local area including reference to the red clay of the soil/cliffs. It is also advised that the design has been influenced by the desire to achieve a 'net zero' carbon footprint for the building.

There are some concerns with the bulky appearance of the building and the use of materials proposed, which despite the justification put forward are considered to have limited local relevance. However it is also recognised that the particular constraints of the site severely restrict the form and layout any building could take – effectively requiring a largely square plan building on this part of the site. The series of mono-pitched roofs proposed would also reduce the overall height compared with a single span pitched roof. Despite questioning the relevance of the materials proposed these are recognised to be high quality and through their arrangement would go some way to breaking up the bulk of the building. The use of timber cladding would also soften the appearance of the building as it naturally weathers over time. The building has been designed and incorporates renewable technologies which aim to achieve a 'net zero' development, in terms of carbon emissions, and this weighs strongly in favour of the proposal. Overall, given the constraints in terms of the developable area of the site, the space requirements for the school and the desire to minimise the visual impact of the building the design is, on balance, considered acceptable.

Landscape Impact

The site lies within the East Devon Area of Outstanding Natural Beauty where local and national planning policy seeks to protect AONBs from inappropriate development and where development will only be permitted where it would support the conservation or enhancement of the AONB or would foster its social or economic well-being. Para. 172 of the NPPF states that within AONBs 'great weight should be given to conserving their landscape and scenic beauty...' Major development in an AONB also needs to demonstrate exceptional circumstances, in order to be considered appropriate. At the time of the outline application it was determined that it did not represent 'major development' in an AONB and this remains the case. Nevertheless consideration of the special justification and public benefit issues that would need to be demonstrated, were this to be the case, were considered at that time where it was found that the principle of the development of the site for a school was found to be acceptable and compliant with policies RC6 and Strategy 46 of the East Devon Local Plan and therefore also Strategy 7.

Although matters of scale and layout are now revisited, as the footprint has altered and the massing of the building has increased, the overall height is no higher than previously approved and the building is still located in the same part of the site. The building would be located in the Northeast corner of the site, close to the main road where it would be read in conjunction with existing road fronting development including the village hall to the southeast as and the residential development at Masters Close to the northwest.

The proposal would clearly have some localised visual and character impacts but through the use of recessive materials and partially cutting the building into the site

this impact would be reduced. The retention of the (majority of) roadside hedge – which lies outside the site area - would help to further mitigate the impact, particularly of car parking areas, from the primary public view. The building would provide a transition in height from Masters Close to the village hall representing an infill of the gap between these existing developments rather than extending development and the built form of the village, on this side of the road, further to the north. On this basis and given its low lying location it is considered that whilst there would be landscape impact this would be reduced to an acceptable degree.

In terms of the landscaping proposals put forward, policy D2 of the Local Plan sets out a number of criteria to be met with the overall aim of assimilating the development into its setting. Detailed landscaping proposals have been submitted for the site which includes providing a number of different themed areas to the site providing opportunities for imaginative play and outdoor learning. The proposals also provide for significant areas of new planting including extensive native hedge planting to the northeast and west boundaries. A number of areas where specific additional information was required to address issues raised by the Council's Landscape Architect have now been addressed and overall the submitted landscaping proposals are now considered to be acceptable.

In relation to the treatment of the site boundaries this is proposed to be in the form of secure vertical pale 'Barbican' fencing, which is a requirement to ensure the safety of pupils. The fencing details differ slightly in terms of height to different boundaries but would be in a dark green finish to minimise their visual impact. Across the front boundary of the site the 'public' areas of the car park would be separated from the existing footpath by lower timber post and rail fencing. The MUGA area to the rear of the school building would be enclosed in higher steel mesh fencing.

Access and Highways Issues

The proposed means of access to the site remains similar to that approved under the outline permission. However, the revised details indicate that the centre point of the access has been moved approximately 2.5 metres to the northwest. The proposal also indicates the provision of an upgraded junction with the main road. The current access serves the overflow car park associated with the village hall. Pedestrian access to the site would be both across the village hall site and via the existing footpath that runs parallel to the northwest site boundary and between it and Lyme Road. This path currently provides a link from Masters Close to the north to a crossing point opposite the Petrol Filling Station.

The impacts of the access were considered as part of the outline application. At the time there were concerns expressed by the Parish Council and the operators of the petrol filling station (PFS) opposite with regards to the safety of the proposed single access point. The Parish Council indicated that they would favour a separate access off the no through road (Masters Close) to the northwest of the site whereas the owner of the petrol filling station suggested sharing the main access to the village hall and carrying out other measures to limit potential conflict with traffic associated with the use of the petrol filling station. Similar objections have again been raised in relation to the reserved matters proposals where the Parish Council remain strongly in favour of

separate access and egress points to avoid potential conflict with and impact on the operation of the PFS and shop/post office opposite.

The operators of the PFS have also reiterated objections made at outline stage, considering the reserved matters details a retrograde step by moving the access closer to the southern entrance to the PFS and thereby creating an operational and safety hazard. They suggest that the proposals represent a new access, as opposed to alterations to the existing, and that as such this should be the subject of a fresh planning application and road safety audit. They also consider that a Transport Assessment should be required given the scale and nature of the development. It has also been suggested that the proposal has not taken account of the requirements of the Health and Safety Executive (HSE); has not appropriately assessed the impacts of queuing on the highway to enter the site, or; confirmed land ownership relating to, or impact of, hedge removal/cutting back at the site entrance to provide adequate visibility.

The PFS operator has produced an email from the Petrol Retailer's Association setting out the potential implications for the operation of the PFS in terms of the need to review health and safety procedures and potentially to upgrade equipment on site. It also raises concerns in relation to fuel deliveries to the site were these to coincide with school pick up/drop off times. The PFS operator has suggested that as a result of the onerous requirements and safety risk they would be left with no choice but to shut the business with the resulting loss to the community of both the PFS and the associated shop/post office.

Devon County Council, in their role as the Local Highways Authority (LHA) has considered the suggested alternatives mean of access/egress from the site but found them to be unfeasible, or unacceptable in other respects and at outline stage supported the principle of a single access subject to conditions. Those conditions required: further details of access visibility splays, road marking, parking facilities and turning areas etc. to be agreed prior to commencement; Submission of a Method of Construction Statement, and; submission of a School Travel Plan. Such matters remain to be complied with either through the submission of details as part of the current reserved matters approval, or separately as condition discharge applications.

In relation to the proposed access arrangements, the LHA has considered the access details now proposed and taken into account the objections raised in relation to this, Whilst they raise the question as to whether the access now proposed is a new access or the widening of an existing access (with the former requiring a road safety audit and the latter not), ultimately they raise no objection to the proposal, stating that, the proposal would not be detrimental to highway safety and that vehicles entering/existing either site would be unlikely to impede one another. On this point, officer view is that the proposed access is in broadly the same location as and incorporates part of the existing access and as such is viewed as a widening of this. This being the case there is no requirement for a road safety audit to be undertaken. The LHA further advice that the Zig-Zag road markings proposed at the access would require a separate Traffic Regulation Order, as this is not something that can be controlled via the planning application. A condition though is recommended to ensure the provision and maintenance of visibility splays at the site access and where the applicant has confirmed that the visibility splays are in their ownership or over Highways land. The

parking arrangements proposed are referred to as an improvement on those relating to the existing school and that a combination of the proposed road markings and requirements of the School Travel Plan (to be agreed) provide sufficient means of managing on-street parking. On the matter of the need for a fuller Transport Assessment, they advise that given the particular circumstances of this case (where the proposal is for a replacement of an existing school on a nearby site where the habits of pupils, staff and guardians are already understood) means that a fuller Transport Assessment is not warranted in this instance.

The County Highway Authority has also responded directly to safety concerns raised by the owner of the Petrol Filling Station opposite, these matters are addressed under 'Other Issues' below.

Flood Risk/Drainage

The whole of the site lies within a designated high risk flood zone (FZ3). As such and as part of the earlier outline application it was necessary to carry out the sequential test for site selection to ensure that there were no alternative sites at lower risk of flooding that could meet the needs of the development. The sequential test was found to be met and similarly the exceptions test was passed with the applicant demonstrating that the proposal would be safe for the lifetime of the development and would bring wider sustainability benefits to the community. It is not necessary to revisit these tests in considering the reserved matters application, however, as the proposed layout of the development has been amended and matters of scale and layout are being revisited a new flood risk assessment (FRA) has been submitted which takes into account these changes.

The Environment Agency has considered the revised Flood Risk Assessment and advised that they have no objection to the development as now proposed subject to suggested conditions. They have also advised that they are content with the alternative style of fencing now proposed to ensure the free flow of water at times of flooding.

Devon County Council (as the Local Lead Flood Authority) have also considered the proposals and originally objected to the scheme on the basis of insufficient information to confirm that all aspects of the proposed surface water drainage management system would remain operational throughout the lifetime of the development. Following the submission of further drainage modelling data and of where the responsibilities lie for the ongoing management of the drainage system this objection has been withdrawn.

The development is therefore considered to be acceptable in relation to flood risk and surface water management subject to compliance with necessary conditions.

Ecological Impact

The outline application was accompanied by an Ecological Appraisal report that considered the ecological and biodiversity value of the site. The report found the site to be dominated by species-poor semi-improved grassland and surveys found no habitat suitable for protected species. Policy EN5 of the Local Plan however

encourages habitat creation where the potential arises and the recommendations of the Ecological Appraisal Report include the planting of additional lengths of native hedgerow and bat/bird box provision. The submitted landscaping details indicate compliance with the hedge planting requirements and the other mitigation measures are secured by condition 11 on the outline report which remains to be complied with.

Amenity Impacts

The use of the site for the purposes of providing a primary school has already been granted under the outline consent and the position of the building now proposed is on broadly the same area of the site as previously approved. The general amenity impacts related to a school use, relating to noise and general activity has therefore already been considered at outline stage. In this respect regard was had to the position (of the school building) next to a main road and existing community activity associated with the village hall and recreation fields. In general the amenity impacts were found to be acceptable and would in any case represent a displacement of similar impacts from the existing school site in Pound Lane.

At the time of the outline application whilst layout and scale were known there was a lack of detail in relation to the external appearance of the proposal and therefore any specific amenity impacts which could arise.

The current scheme indicates that the building is positioned sufficiently distant from properties on the opposite side of Lyme Road such that there would be no direct impacts from the building i.e. overlooking or overbearing impact.

The properties which have the potential to be most directly impacted are those to the northwest in Master's Close, particularly those closest to the proposed building. The school grounds would immediately adjoin the rear garden areas of the properties in the Close and the proposed building would be positioned, at its closest point, approximately 12 metres from the south-eastern corner of No. 1 Masters Close, similar to the layout approved at outline stage. At that time whilst there were some concerns with the proximity of the building, particularly given the scale of the school building but it was considered that the fact that the terrace of properties (of which No.1 forms part) was angled away from the building, coupled with the difference in site levels, made for an acceptable relationship. The building now indicated at reserved matters stage is set a similar distance from the properties to the north and the overall height is also comparable. The proposal is for a bulkier building with a higher eaves height and which being set back further from Lyme Road extends deeper into the site. Nevertheless, whilst the outlook and views from the rear of Masters Close properties would be altered, with the school building a prominent feature in the foreground, the view remains that the relationship would remain acceptable and that any harm would not be significant enough to warrant objection on the grounds of loss of outlook or overbearing impact.

In other respects first floor windows on the west elevation of the school building are shown as high level to reduce the potential for overlooking/loss of privacy. The rear gardens of the Masters Close properties are also set at a higher level and enclosed by stone boundary walls preventing views into these spaces from the school grounds. The proposed landscaping of the site boundaries would provide further separation

from activity associated with the site and the perimeter fencing proposed would be set at the lower site level such that it would not appear overbearing. In the northeastern corner of the site is an area shown for (large) vehicle turning, whilst this is very close to the garden of no.1 the frequency of use, likely to be no more than a couple of times at the start and again at the end of the school day reduce the potential for harm to arise to an acceptable degree.

Health and Safety Considerations

In terms of the continuing safe operation of the PFS, it is apparent from the submitted communication from the Petrol Retailer's Association that the PFS operator would need to carry out their own site risk assessment taking into account any increased risk caused by the opening of the school. Such an assessment it is advised would need to consider emissions from dispensing and the potential for oil spill/fire. The communication from the Petrol Retailer's Association appears to be generic, as opposed to site specific, as it is not apparent that any review of the plans or site visit has been undertaken and relies on the PFS operator's own assessment of risk. It is not clear the extent to which such an assessment has been carried out or what the implications of this are. However, certain of the concerns raised, such as the potential for conflict between bulk fuel deliveries and busy times of the school day appear to be resolvable by scheduling fuel deliveries outside of school pick up/drop off times. It may well be that such deliveries already occur outside such times given the proximity of the existing school site to the PFS. Indeed, in terms of traffic generation parents picking up and dropping off children from the current school site utilise the village hall car park, as well as the surrounding road network.

In terms of Health and Safety issues raised it is acknowledged that the PFS operator will have their own guidelines and regulations to adhere to in order to ensure the safe operation of the facility. The HSE provide a web based consultation response service on applications which determines whether or not further involvement is required. In relation to the current application it advises that the application site is not in a hazard zone and that the establishment is not covered by the Control of Major Accident Hazards (COMAH) Regulations 2015, on this basis it advises that the HSE does not have an interest in the development. The LHA has also contacted Devon & Somerset Fire and Emergency service (D&SFES) in relation to concerns over the impact traffic queuing of the highway to enter the school site might have on the safe operation of the PFS. In this respect D&SFES has advised that any queuing traffic would not impact on the fire evacuation procedures related to the PFS with customers/members of the public evacuating on foot and using existing footpaths. The appointed consultants operating on behalf of the PFS owners have suggested that the D&SFES response relates only to fire and not other types of emergencies where advice is to keep all accesses free from obstruction. This concern is acknowledged but it would also be the case in other emergencies that any evacuation of the site is likely to be on foot. The proximity of the PFS to the school is acknowledged but has already been permitted and indeed is specifically supported through the Neighbourhood Plan.

Other Issues

A number of other matters have been raised through the public consultation process and which have not been specifically addressed above, these are considered below:

Parking - The proposal would provide for 53 parking spaces in total, which, survey information from the time of the outline consent, suggests is adequate. It is also envisaged that the school parking will be available for users of the village hall outside of school hours/events, providing a knock on benefit to the wider community. It has also been suggested that the provision would also remove on-street parking.

Improved learning environment – A large number of representations are in support of the proposals citing improved facilities, more indoor and outdoor space, better access and facilities to cater for pupils with disabilities; provision of all learning and recreational facilities on one site.

Sustainability – The new school building is designed to be ‘net zero’ in terms of carbon emissions incorporating a number of measures to improve its sustainability credentials and would certainly represent a significant improvement in this regard compared with the current school building.

Loss of old school site – It has been suggested that future pupils would be disadvantaged by losing the benefit of being educated from the historic school and its close relationship with the parish church. Whilst it is acknowledged that there would be a change in character, overall the improvements in the learning environment are considered to outweigh any concerns.

Land ownership – It is clear that the application includes land in the ownership of the adjoining village hall. The village hall committee were served notice in relation to the application at the outline stage and it has not been suggested that the application includes any additional land in their ownership. Although it is apparent that the village hall committee maintain strong objection to the proposals as submitted the land ownership issue is separate from the planning considerations relating to the proposal.

Discharge of conditions on outline permission

The current application seeks to provide information sufficient to discharge the pre-commencement requirements of a number of conditions imposed on the outline application. In this regard conditions 5 (materials), 6 (external lighting), 7 (hard surfacing materials), 9 (surface water drainage details), 10 (boundary details), 13 (Method of Construction Statement), 14 (Travel Plan), 15 (Construction and Environment Management Plan), 19 (Earthworks) are, in addition to the requirement to provide reserved matters details, considered to be ‘pre-commencement’ conditions requiring approval of further details prior to commencement of development. Added to these condition 18 (Flood Warning and Evacuation Plan) requires approval of details prior to the initial occupation of the building. The submitted information is considered to be satisfactory to meet some but not all of these conditions as set out in the recommendations below.

CONCLUSION

The application provides reserved matters details in respect of outline permission granted in 2016, for the construction of a new primary school on the site. In relation to

access, layout and scale the proposal seeks consideration of alternative details to those approved at the time of the granting of outline permission.

The provision of a new primary school to serve the village has been a long held ambition of the school trust and is included in the proposals map for the Neighbourhood Plan. The principle of the development of this site for the provision of a primary school is established. The site however has a number of technical constraints that pose a challenge to providing a building and associated development to meet the requirements of the school and be acceptable in terms of amongst other matters flood risk and highway safety.

The site of the building is determined by a requirement to site it outside of flood zone 3B and this has also informed the scale and massing of the building, to enable all of the school's requirements to be met. The result is a building which has a rather bulky appearance and which lacks articulation in the elevations. Having said this, efforts have been made to reduce the apparent bulk through the use of materials and fenestration and as a result the appearance is considered acceptable. In terms of landscaping the site would be contained by perimeter fencing which would be a necessity for pupil safety and significant additional native species planting is to be provided together with outdoor zones to provide learning and play opportunities.

On the whole there is considerable local support for the proposal but there has been concern raised specifically in relation to the access to the site and the proximity of the access point to the Petrol Filling Station opposite, as well as how traffic movements related to the site could raise health and safety issues that would affect the ongoing ability of this business to operate. These matters have been carefully considered and despite some amendment to the access details approved at outline stage the highways authority has raised no objection to the current access proposals. They continue to view the provision of a single access/egress point as the most appropriate way of managing traffic related to the site.

Overall, the scheme is considered to provide significant community benefits and is recommended for approval.

RECOMMENDATION

APPROVE Subject to the following conditions:

1. East Devon District Council as Local Planning Authority HEREBY APPROVE THE FOLLOWING RESERVED MATTERS of the above described development proposed in the application numbered as shown above and in the plans and drawings attached thereto

relating to:-

- a) appearance
- b) landscaping
- c) layout
- d) scale
- e) access

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. no. 15/2424/MOUT) granted on 5th October 2016.

The reserved matters details hereby permitted also satisfy the requirements of the following conditions as attached to the Outline Planning Consent (ref. no. 15/2424/MOUT):

2, 8, 10, 13, 19

The following conditions attached to the Outline Planning Permission referred to above must be adhered to but do not require submission of any further details:

1, 3, 4, 9, 11, 15, 16, 17, 18

The following conditions attached to the Outline Planning Permission referred to above require the submission of further details:

5, 6, 7, 12, 14, 17,

The following additional conditions are attached to this reserved matters approval:

2. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram PGA - 101 Rev G where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level.

(Reason - To provide adequate visibility from and of emerging vehicles in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)

3. The development shall be carried out in accordance with the submitted Hydraulic Modelling Study Final Report (JBA Consulting, September 2019) and the following mitigation measure detailed within:

o Provision of compensatory flood storage on the site to a 1 in 1000 year flood event.

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

(Reason - To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031 and guidance on managing flood risk in the National Planning Policy Framework and accompanying Planning Practice Guidance.)

Plans relating to this application:

Flood warning & evacuation plan Flood Risk Assessment 04.10.19

P19-601-901 A	Other Plans	01.09.20
P19-601-312: Proposed Landscaping proposed perimeter section 6-6	Additional Information	21.07.20
P19-601-311 Rev A: Proposed landscaping perimeter sections (Amended)	Landscaping	21.07.20
BET1-NZB-01- ZZ-DR-A-0106- S4-P-27 (amended)	Proposed Elevation	24.03.20
BET1-NZB-01- GF-DR-A-0103- S4-P27 : ground (amended)	Proposed Floor Plans	06.03.20
BET1-NZB-01- 01-DR-A-0104- S4-P27 : first (amended)	Proposed Floor Plans	06.03.20
BET1-NZB-01- RF-DR-A-0105- S4-P27 (amended)	Proposed roof plans	06.03.20
BET1-NZB-01- ZZ-DR-A-0110- S4-P27 : (amended)	Sections	06.03.20
BET1-NZB-01- ZZ-DR-A-0111- S4-P27 : (additional info)	Sections	06.03.20
BA/P19-601-300 (additional info)	Sections	06.03.20

PDL-101 rev E : prelim drainage (amended)	Layout	06.03.20
SD-101 rev A : parking bay/carriageway (additional info)	Other Plans	06.03.20
0568-PGA-101-G	Other Plans	26.06.20
0568-PGA-102-G	Other Plans	26.06.20
0568-SK-105 (Access Overlay)	Layout	26.06.20
2398 01 Detailed Planting Plans - Areas 1 and 8	Landscaping	26.06.20
2398 02 A Landscape Specification & Schedule	Landscaping	26.06.20
2398 03 A Maintenance Schedule	Other Plans	26.06.20
2398 04 Combined Planting Schedule	Landscaping	26.06.20
Jenny Short Landscape Proposals - Areas 2-7	Landscaping	26.06.20
P19-601_Uplyme Fencing	Other Plans	26.06.20
P19-601-100- Proposed Landscaping Plan_Rev.E	Landscaping	26.06.20
P19-601-311- Proposed	Sections	26.06.20

Perimeter
Sections

BA/19-601-100 Proposed Site Plan 19.08.20
Rev. G

List of Background Papers

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

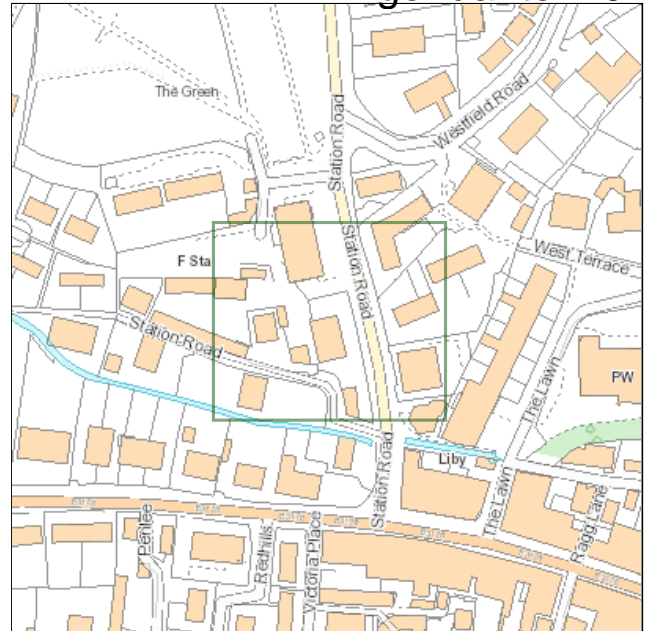
Ward Budleigh And Raleigh

Reference 20/0607/FUL

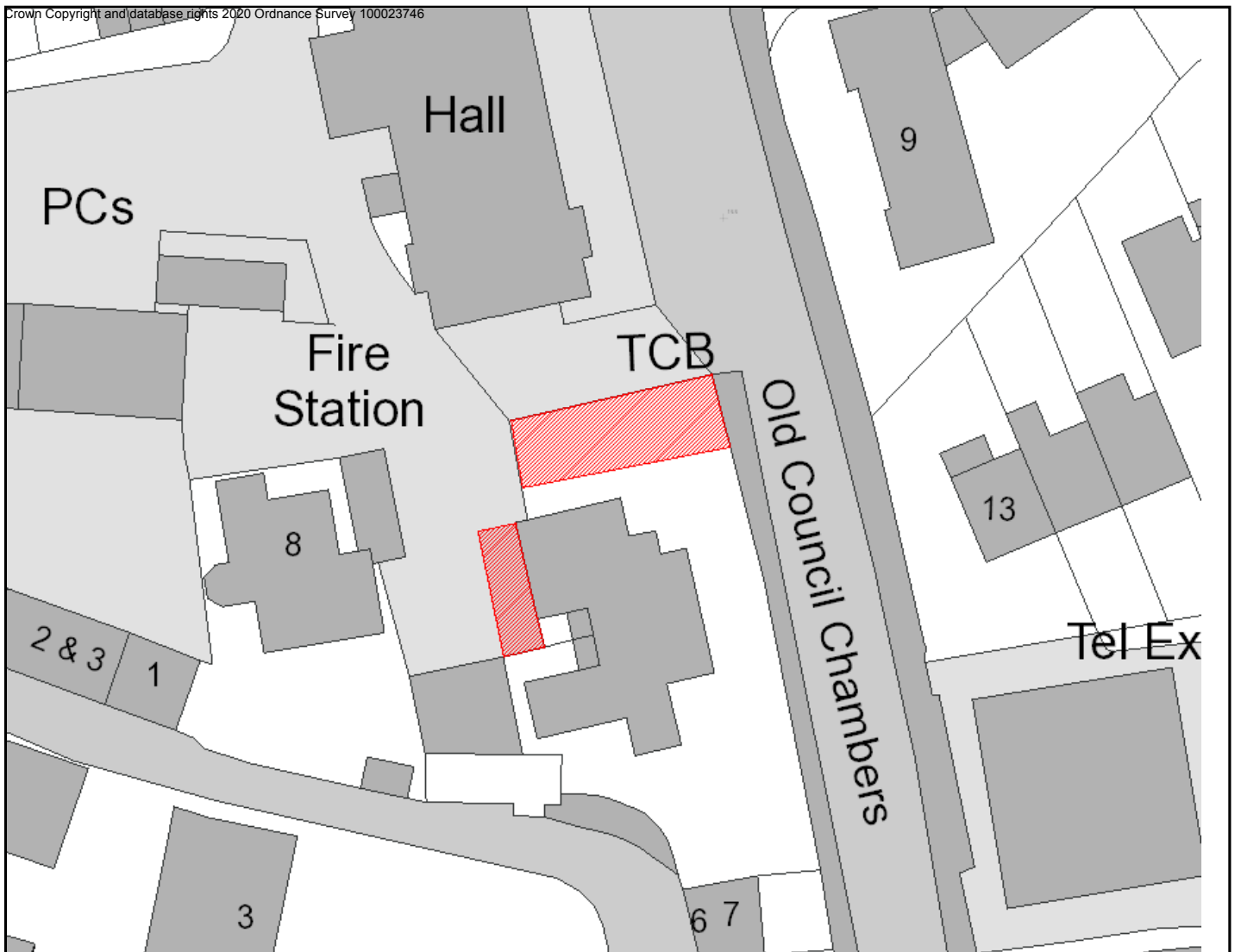
Applicant CL Chambers (Budleigh Salterton)

Location Council Chambers Station Road Budleigh Salterton EX9 6RL

Proposal Provision of altered/additional car parking facilities.



RECOMMENDATION: Approval with conditions



		Committee Date: 7th October 2020
Budleigh And Raleigh (Budleigh Salterton)	20/0607/FUL	Target Date: 22.05.2020
Applicant:	CL Chambers (Budleigh Salterton)	
Location:	Council Chambers Station Road	
Proposal:	Provision of altered/additional car parking facilities.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This proposal is before the Committee because the recommendation is contrary to the views of all three Ward Members.

The application is for the removal of a wall and hedge and construction of six parking spaces on part of a communal lawn serving eight existing flats in the old Council Chambers building. The parking spaces would be for the benefit of the occupants of the 8 flats and would supplement the five spaces retained at the rear of the building. A replacement hedge would be planted around the new spaces.

The proposal would result in no loss of amenity to the occupants of the flats because a significant area of lawn would be retained in front and on the other side of the building. They would also benefit from improved parking and bin storage arrangements. Visually, the parking area would be seen in the context of cars parked on the road to the south and busses using the bus stop in front of the Norman Centre, as well as vehicles accessing the buildings and public parking areas behind. Although the parking spaces would be prominently located, they would not appear out of character in this context. Furthermore, the retained garden and new hedge planting would continue to provide a spacious and attractive setting.

The parking spaces would be situated very close to the junction of the access road with Station Road, where there is on-street parking and a taxi bay, and also opposite the bus stop outside the Norman Centre. The access is used by two-way pedestrian and vehicular traffic accessing the businesses and amenities situated to the west and does not benefit from a pavement. The access is about 6-6.5m wide and it is understood that cars frequently park adjacent to the site of the proposed parking spaces, thereby narrowing the access.

The proposal would remove the cars parked on the access road but would introduce additional parking spaces in this area. Although the access road is well used, it is wide enough to accommodate vehicles manoeuvring into or out of the parking spaces, as well as those passing by. Furthermore, such manoeuvres could be safely carried out because there would be good visibility between the drivers and pedestrians and other cars.

Having reviewed the proposal, the Highway Authority has advised that in the light of the unclassified nature of the road off Station Road and the view that the development would not materially change the direction of traffic movements from the time when the Council Chambers building was in full use for office purposes, they would not wish to raise any objections on highway safety grounds.

In conclusion, having regard to the balance of the material considerations set out in the report and lack of objection from the County Highway Authority, it is thought that objection to the proposed development on the grounds recommended by the town council and ward members could not be sustained on appeal. Therefore the proposal is recommended for approval subject to conditions.

CONSULTATIONS

Local Consultations

Budleigh and Raleigh - Cllr Alan Dent

Thank you for sending me this report. I am unable to attend the virtual delegated meeting due to a prior commitment but do have the following comments to make:

1. The roadway where this development is proposed leads to the Lower Station Road car park, the workshop units behind the old fire station and is heavily used by pedestrians making their way to and from the town.
2. No matter what Highways feel this is a busy, congested strip of roadway which is also used by buses who use the route to the rear of the Town Hall to change direction at the end of their run.
3. Apart from the loss of amenity space for the residents of the flats, the proposal creates a bottleneck for traffic and people.
4. The current arrangement where vehicles park opposite the Norman Centre helps to stem traffic flow and - as an informal arrangement - works very well.

I do not believe this proposed development should be permitted and therefore submit my objections.

Further comments:

Thank you for sight of this report.

Despite the views of officers I feel this is a totally inappropriate development and for the reasons I gave that are in the report I stand by my objections.

Budleigh and Raleigh - Cllr Tom Wright

I totally support Cllr Dent's objections. On paper the application seems to be a simple proposal but the reality on the ground is somewhat different, as is often the case.

Budleigh and Raleigh - Cllr Paul Jarvis

After looking through the application and knowing the area well as do my fellow councillors, I can only agree completely with Cllr Dent's well drawn objections along with Cllr Wright's. Unfortunately due to another commitment I also can not attend the zoom meeting.

Parish/Town Council

This Council is unable to support the application for the following reasons:

1. Over-development of the site.
2. Loss of amenity and green space for the residents of the flats and those living in Station Road.
3. The proposal could cause safety and traffic issues for pedestrians and drivers using the Norman Centre, those working and/or visiting the businesses based at Salterton Workshops and users of the Lower Station Road Car Park.

Members feel the proposal goes against Policy H3c of the Budleigh Salterton Neighbourhood Plan which states "development, including garden size, should reflect the existing grain/density/pattern of surrounding development".

Other Representations

No third party representations have been received in respect of the application proposal.

Technical Consultations

Devon County Highway Authority

Observations:

The County Highway Authority has reviewed the plans under this submission and is content that the alterations proposed will not greatly change the direction of traffic movements from when the Council Chamber was in full use.

Similarly, vehicles are still able to turn off carriageway and re-enter the county highway network in a forward facing motion.

Therefore in summary the County Highway Authority has no objections to this planning application.

Recommendation:

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

PLANNING HISTORY

Reference	Description	Decision	Date
77/C1200	Conversion of offices to form four flats with offices on ground floor (Full). Approved	Approval with conditions	18.10.1977
78/C1622	Conversion of ground floor office into flat	Approval with conditions	09.11.1978
15/0074/FUL	Change of Use of ground floor offices to 3 apartments, replacement windows in existing openings and insertion of new window openings	Approval with conditions	19.06.2015
19/2551/FUL	Demolition of existing building and replacement with a new chalet style dwelling with amenity space and off street parking	Approval with conditions	04.03.2020

POLICIES

Budleigh Salterton Neighbourhood Plan (Made)
H3 (Infill Developments and Extensions)

B1 (Identity of Town and Seafront)

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN22 (Surface Run-Off Implications of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents
NPPF (National Planning Policy Framework 2019)

Site Location and Description

Council Chambers is a detached two storey building housing eight apartments that is located on the western side of Station Road on the edge of Budleigh Salterton town centre approximately 80 metres north of the junction with High Street and West Hill, just outside of the designated Budleigh Salterton Conservation Area.

The building sits within a lawned communal garden and is set back from the road frontage, which is defined by a low wall of brick and pebble construction. A slightly higher brick wall extends along the return northern boundary of the garden and abuts an unnamed road off Station Road that leads to the fire station, Salterton Workshops and a public car park at the rear of the Norman Centre/public hall immediately to the north. A hedge extends along the inside of this wall for the entire length of this boundary.

This road also serves seven parking spaces and a bin storage area used by the occupiers of the Council Chambers apartments to the rear of the building as well as providing access to a private garage/storage building. Planning permission for the demolition of this rear building and redevelopment of the site through the construction of a detached two bedroom chalet style dwelling, incorporating amenity and parking space, was granted in March 2020 (application 19/2551/FUL refers).

Although the applicant for this development owns the land at the front of the garage/storage building, the occupiers of the Council Chambers apartments have a right of access over it that enables them to use the 7no parking spaces.

Proposed Development

The application proposal involves the demolition of the entirety of the brick wall and the removal of the hedge along and inside the northern boundary of the curtilage of the Council Chambers apartments site, the laying out of six parking spaces - oriented 'end in' at right angles to the road to the fire station, workshops and car park - on part of the existing lawned communal garden and the planting of a new hedge around the western end and rear of the new spaces.

Although the width of this part of the site is not quite sufficient to enable the provision of a seventh parking space, it is intended to use this 'spare' area of land to provide a replacement bin storage area for the apartments. It is intended that the proposed hedge would screen this area from general view from Station Road.

Three of the seven existing parking spaces at the rear of the site would be retained as per their present layout. Only two of the remaining four spaces would be retained. A small landscaped area would be introduced between these two groups of spaces.

It is understood that these alterations are intended to relocate some, whilst also providing additional, parking spaces in order to facilitate rationalisation of the use of the space at the rear of the Council Chambers apartments. They will enable the creation of more practical arrangements for refuse collection and improve access and parking arrangements for the approved redevelopment scheme for the garage/storage building site.

ANALYSIS

The principal issues that are material to consideration of the proposal in this case relate to the impact of the proposed operations upon the character and appearance of the street scene of this part of the town centre and the wider area more generally and the extent to which the development would be consistent with highway safety interests.

Character and Appearance

It is clear that the proposed creation of the new parking spaces along the northern side of the present communal garden of the Council Chambers apartments would represent an incursion into the open/green space that is available with some associated loss of amenity to the residents.

However, there are a number of other factors that should be weighed into the overall planning balance in this case.

First, it has been advised by the agents representing the applicants that the scheme for additional parking spaces has come forward as a result of a proposal from the residents of the Council Chambers apartments. As such, it would provide a much-needed facility for them. It is therefore argued that it would not result in a loss of amenity for the occupiers.

The agents also advise as follows:

'The proposal also improves the amenity facilities of residents by forming a formal bin storage area, easily accessible for refuse collections, where currently no such facility is provided with bins currently stored in the forecourt in front of the former council store at the rear of the site; however, this no longer practical with the proposed re-development of this area.'

Equally, whilst 'amenity' in the context of the town council's comments may be intended to refer more specifically to the garden space itself that is available to the residents and the physical reduction in its area that would result from the development, it is not thought that this would be so significant as to justify objection on such grounds when considered in the overall balance of material considerations, including the benefits - in terms of the provision of additional parking spaces and improved bin storage facilities - to the occupiers of the apartments.

Although providing a visually attractive landscaped foreground and setting for the main building as well as an amenity for the residents, it does not have the benefit of any privacy from Station Road and is positioned immediately alongside it where the level of any enjoyment of the space is arguably reduced by the close presence of passing traffic and pedestrian activity. Indeed, it serves as more of a visual amenity to this part of the street scene of Station Road rather than a garden that is actively used by residents.

Furthermore, in terms of the impact of the proposal on the 'public' visual amenity that is provided by the garden, it is not considered that the level of any harm to the

character or appearance of the area that would arise as a consequence of the introduction of the parking spaces would be sufficient to support a case against it on such grounds, or indeed on the basis of overdevelopment as stated by the town council.

Although, again, clearly representing an intervention in a strongly defined boundary that is visually prominent within this part of the street scene, it would introduce more formalised vehicle parking where, anecdotally, there is already intermittent 'informal' parking alongside the wall and hedge on the road. It is also reiterated that the proposal includes the planting of a new hedge, in order to mitigate the loss of the existing hedge, as a means of defining the 'new' northern boundary of the garden beyond the end of the proposed parking spaces.

Moreover, although the point behind the reference to 'overdevelopment' made by the town council is understood, it is generally a term that is used to proposals involving the construction of buildings and relates to issues such as plot coverage, ratios, etc. It is not thought that it could be readily applied in the context of this particular application proposal.

The reference to Policy H3 of the Budleigh Salterton Neighbourhood Plan in the town council's objections is also acknowledged. However, again, its relevance to the proposal is questionable in this instance. Its provisions relate to the schemes involving infill residential developments and residential extensions and their relationship to the grain, pattern and density of existing surrounding development, especially when read alongside the content of the policy justification alongside it. Among other things, this refers to parts of the National Planning Policy Framework and the Budleigh Salterton Design Statement that reference infill and backland development of residential gardens.

It is considered arguable therefore whether its application is intended to extend more generally to proposals such as that proposed in this case.

Drawing these matters together it is thought, subject to the provision of further detail of the replacement hedge planting, that the proposed development would be acceptable in terms of its visual impact upon the character and appearance of the street scene of this part of Station Road.

Highway Safety

Turning to the matter of vehicular and pedestrian safety, this has been raised by the town council and all three ward members in their consultation responses. Owing to these comments and the proximity of the six proposed parking spaces along the northern boundary of the site to the junction of the road off which they are served with Station Road the consultation response of the County Highway Authority (CHA) has been deliberately sought by officers in this case.

This advises that, in the light of the unclassified nature of the road off Station Road and the view that the development would not materially change the direction of traffic movements from the time when the Council Chambers building was in full use for office purposes, the CHA would not wish to raise any objections on highway safety grounds.

As such, although the proximity of the spaces to the junction, as well as a bus stop within a lay-by outside the front of the adjacent Norman Centre on the opposite side of the road to the north, is duly acknowledged, in the absence of any objection from the CHA it is not considered that any grounds for refusal introduced by the Local Planning Authority could reasonably be sustained in the event of an appeal against such a decision, more particularly if they were to form the sole ground(s) upon which the Authority based its determination.

In addition, there is some empathy with the comments received by the applicants' agents who have countered the town council's objection on this ground as follows:

'In (the applicants') experience, there has always been parking issues along the side boundary to Council Chambers, opposite the Norman Centre from visitors to the centre itself, and those using the town to avoid the parking charges imposed by the public car park at the rear. This in turn has resulted in yellow lines recently being painted on the access road although this has had little impact with inconsiderate parking continuing causing obstruction. The creation of the proposed parking area within Council Chambers would prevent vehicles from being able to park on the access road opposite the Norman Centre, thus improving safety for all.'

CONCLUSION

In conclusion, having regard to the balance of the material considerations set out above it is thought that objection to the proposed development on the grounds recommended by the town council and ward members could not reasonably be sustained on appeal.

No representations from any interested third parties have been received in respect of the proposal.

Approval is therefore recommended subject to the submission for approval of a scheme of soft and hard landscaping to include details of both the replacement hedge planting and the surface treatment of the six new spaces proposed along the northern site boundary. A further condition is recommended to ensure retention of these spaces in perpetuity.

RECOMMENDATION

APPROVE subject to the following conditions:

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

3. No development relating to the laying out of the six parking spaces shown numbered 6-11 on drawing no. 100-11 shall take place until a scheme of hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specifically give details of the new hedge to the boundary of these parking spaces shown on drawing no. 100-11, comprising species, sizes, numbers and planting intervals, and the surface treatment of the parking spaces shown numbered 6-11 on the same drawing. The soft landscaping scheme shall thereafter be carried out during the first planting season after commencement of the development, unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority, and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)
4. The six parking spaces shown numbered 6-11 on drawing no. 100-11 shall not be used for any purpose other than the parking of vehicles.
(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policy TC9 (Parking Provision in New Development) of the adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

100-09A	Combined Plans	27.03.20
100-11	Proposed Site Plan	16.03.20

List of Background Papers

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

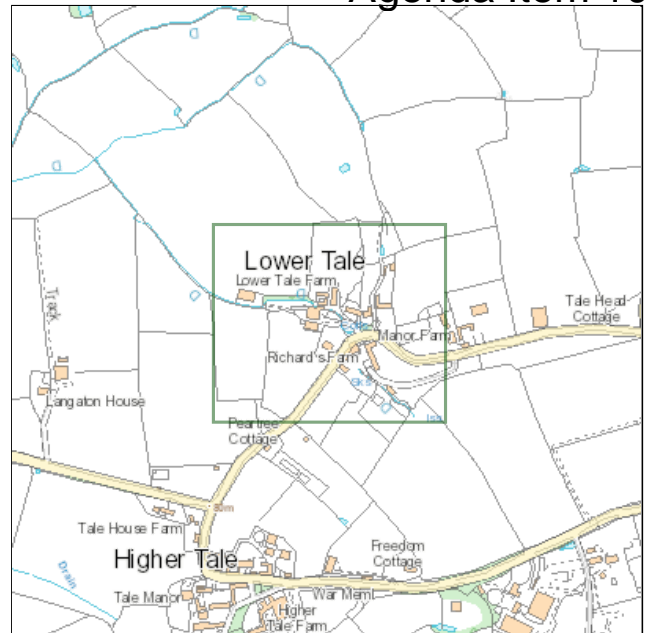
Ward Tale Vale

Reference 20/1185/FUL

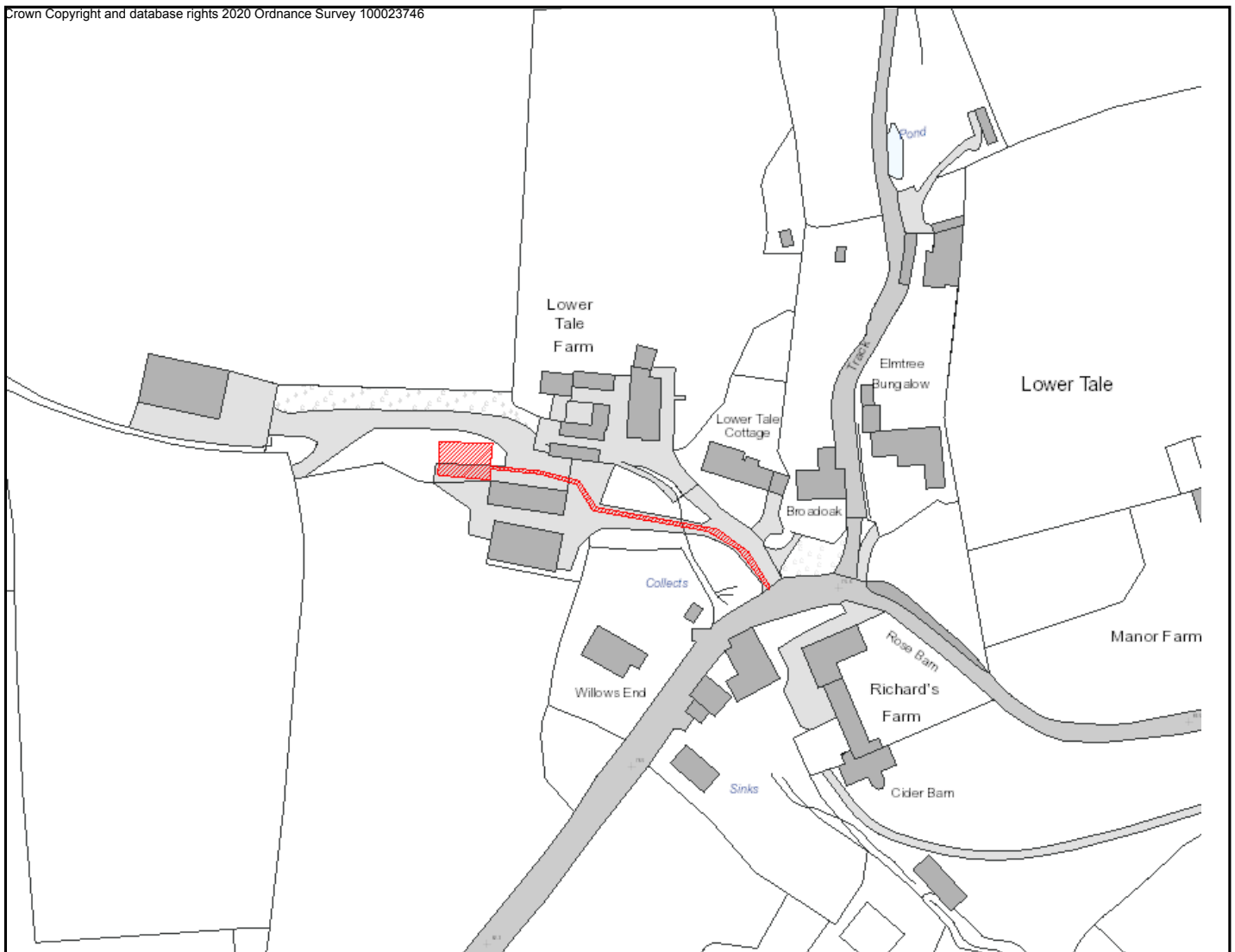
Applicant T & MJ Scarrott

Location Tale End Payhembury Honiton EX14 3HL

Proposal General purpose agricultural storage building



RECOMMENDATION: Approval with conditions



		Committee Date: 7th October 2020
Tale Vale (Payhembury)	20/1185/FUL	Target Date: 06.08.2020
Applicant:	T & MJ Scarrott	
Location:	Tale End Payhembury	
Proposal:	General purpose agricultural storage building	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before members having been referred to Planning Committee at a Chairman's Delegation meeting given the issues raised by the Parish Council and objectors.

The application for the construction of an agricultural building at Tale End has caused concern amongst third parties with regards to the matters including the size of the building, housing of livestock and impact upon neighbours from this, impact on traffic and availability of other units/use of the Prior Approval process to reach this point.

Whilst the main body of the report addresses each of the issues raised, the primary material planning issues are considered to relate to the development's impact upon the character and appearance of the wider landscape, the functional need for the build and the impact upon the amenity of adjoining neighbours.

The proposed building would be used for the storage of machinery and dry fodder produced from maintenance of the holding. The applicant has stated that they own machinery including two tractors, fertiliser spinner, topper and other farming paraphernalia that require covered storage.

The applicant's appear to have purchased the land after two recent Prior Approval applications to convert agricultural buildings to dwellings were approved, and without the benefit of any storage buildings. As such there are no current buildings on the holding that could be used to store the equipment and the need for a further building is justified.

It is acknowledged that the barn would be sited right on the southern boundary of the application site where the owners of Foxhayes have sited a washing line and other various bits of domestic paraphernalia. However, the application building would be located as such to provide sufficient relief from the windows of

Foxhayes. Additionally the area of land where the building could be deemed as overbearing, where the occupants of Foxhayes had their washing line located, is not deemed to have lawful residential use. The area of land considered to have lawful use, approved under 16/1137/PDQ, is relatively small and immediately abuts the converted barn. Whilst the application building would be visible from the southern property of Foxhayes, this is not considered to amount to harm significant enough to warrant refusal of the application.

There is not considered to be any wider harm from the proposal.

As such, taking the above into consideration, the application is considered acceptable and recommended for approval subject to conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council

Payhembury Parish Council objects to the building of an agricultural building on this site. The existing barn conversions were given planning approval in 2016 (16/1137/PDQ) to allow the conversion of redundant agricultural buildings into residential dwellings. The Town and Country Planning (General Permitted Development) (England) Order 2015 no. 596 Schedule 2 Part B says that no new agricultural buildings may be constructed until a period of 10 years has elapsed. The barn conversions have only been in place for a maximum of 4 years.

There are two other points that may be relevant to your considerations. As part of the original planning approval EDDC also stated that 'No intensive agricultural operation or use, including livestock housing or the storage of silage, dangerous machinery or chemicals shall take place within the barns to the immediate north of Barn 1 following the first occupation of Barn 1. (Reason ' to prevent adverse impacts on the living conditions of the future occupants of Barn 1 in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)' The proposed construction of a new barn on this site appears to be in conflict with this EDDC statement of 2016. The Parish Council has also been made aware that there are covenants in place, within the deeds of the barn conversions, preventing building within a defined area and the site for the proposed new barn appears to lie within this restricted area.

Technical Consultations

Environmental Health

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

Other Representations

11 Third party comments have been received with objections over the following;

- Structure is extremely large;

- Concerns over the rearing of livestock in the building;
- Impact through noise and smell;
- Visual impact of the building upon wider landscape;
- Restrictive Covenant on the site;
- Applicant had barns available to them but decided to convert them through 'Class Q';
- Impact of increased traffic on maintenance of highway;
- Impact upon the character of Lower Tale;
- Application exploiting 'loophole' within the General Permitted Development Order;
- Fears over the application building being converted.

PLANNING HISTORY

16/1137/PDQ - Prior approval for proposed change of use, conversion and associated works to 2no dwelling houses (use class C3) and for associated operational development. (Dwellings now known as Tale End and Foxhayes).

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D7 (Agricultural Buildings and Development)

EN14 (Control of Pollution)

Payhembury Neighbourhood Plan (Made)

National Planning Policy Framework

Site Location and Description

The application site relates to a small area of grassland associated with the agricultural unit run by the applicant. The holding is just North West of Payhembury and comprises of 35 acres of land to graze sheep that lamb each year.

The site is accessed off an informal track past Lower Tale Cottage and Broadoak. The hamlets of Higher and Lower Tale are inherently rural in character consisting of groups of agricultural buildings, many of which have been converted, and residential properties.

The immediate area has undergone significant change over the last 10 years. Granting of prior approval 16/1137/PDQ saw the conversion of two barns associated with Willows End into two dwellings. These properties are now known as Tale End and

Foxhayes. Prior to their respective conversions, a track ran through the group of agricultural buildings here, immediately to the north of the building now known as Foxhayes to serve the barn at Tale End. Now, after removal of a couple of barns the track runs further north and immediately to the south of Lower Tale Farm.

Proposed Development

The application seeks permission for the construction of an agricultural building to store various machinery and dry fodder. The build would measure approximately 14m x 9m and be located on the southern boundary. Timber cladding would be used to enclose all elevations with metal sheeted gates used for access. An anthracite grey fibre cement roof is also proposed.

ANALYSIS

Issues with the application concern the functional need and principle of development, the development's impact upon the character and appearance of the wider landscape, and the impact upon the amenity of adjoining neighbours.

Functional Need and principle of development

Proposals for new agricultural buildings are considered against Policy D7 of the Local Plan that supports such proposals subject to their being a genuine agricultural need for the development and subject to 5 criteria related to the following:

- Ensuring that the building is well integrated with its surroundings and closely related to existing buildings so as not to harm the character of the area;
- Not being detrimental to the amenity of neighbouring properties;
- There being no other suitable buildings on the holding or in the near vicinity;
- Not leading to an unacceptable increase in traffic; and
- Suitable drainage being in place to prevent pollution of the environment.

As assessment of whether there is a genuine agricultural need for the building and availability of other units are assessed below with assessment against the other criteria in the following sections of the report.

The applicants, who manage the holding, have identified the need for a general purpose storage building at the site. The applicant's appear to have purchased the land/farm from the previous owners who gained consent, and implemented, consent under the Prior Approval process for the conversion of two barns on the holding to residential use.

As a result of these buildings being converted to residential use, and in the absence of any other agricultural buildings in the ownership of the new managers of the farm, there are no current buildings on the holding that could serve the identified need. For information, the farm building adjoining the application site is understood to be in the ownership of the occupiers of Foxhayes and is not therefore available to the applicant.

The proposed building would be used for the storage of machinery and dry fodder produced from maintenance of the holding. The applicant is stated to own of

machinery including two tractors, fertiliser spinner, topper and other farming paraphernalia necessary to manage their flock.

The need to store stock and machinery under cover is adequate justification for a new building in the absence of other buildings and as such satisfy Policy D7 in terms of demonstrating a genuine need for the building and lack of other suitable buildings on the holding.

Objections raised by the Town Council have raised concerns with regards to wording within the General Permitted Development Order (GPDO) 2015. It is acknowledged that Schedule 2, Part 6, Class B (agricultural development on units of less than 5 hectares) prevents the further construction of agricultural buildings, through the utilisation of Permitted Development Rights, if Class Q or S, has been carried out within 10 years. However, this does not prevent further planning applications being submitted, as is the case in this instance.

There is sympathy with local residents, and the Town Council, who clearly feel the construction of the barn is not in accordance with the spirit of the GPDO where conversions can be undertaken under Prior Approval rights converting barns to residential use, only for another barn to be constructed at a later date. However, taking the above into consideration the GPDO does not preclude the granting of planning permission for subsequent buildings and in this instant a genuine need for a further building has been justified. Additionally the Local Plan contains policy that is generally supportive of the construction of agricultural buildings where, amongst other requirement, there is an identified need, but can also be used to resist inappropriate proposals that may cause wider harm.

The Town Council, in addition to third party comments, have highlighted the presence of a restrictive covenant on site that restricts the construction of buildings within the application site. Whilst the applicant has been made aware of these comments, this is a legal matter that falls outside the scope of this planning application and therefore cannot be used to refuse planning permission. If there is a binding covenant, this may prevent the development from proceeding even if planning permission were granted, but this is a private legal matter outside of planning.

Visual Impact

Concerns have been raised by third parties regarding the visual impact of the application upon the wider landscape. However, in this instance, the application building would be sited immediately next to another dutch barn and set within an area characterised by agricultural buildings. Owing to the topography of the local area, in addition to the lack of nearby public footpaths, the application building would only be visible from adjoining private land and viewed in association with a farm holding and former agricultural buildings.

The proposed use of timber in addition to the rural scale, form and mass of the building are considered to result in a building that would not harm the character of the area. The proposal therefore complies with this criteria to Policy D7

Impact upon Neighbouring Amenity

Third party comments have raised concerns with regards to the potential for the building to be used by the applicant to rear and house livestock. Further correspondence with the applicants confirms that this is not their intention. It is acknowledged that the housing of livestock here could give rise to harmful impacts upon the amenity enjoyed by adjoining properties through noise, smell, flies etc. As such it is considered that a condition should be applied to restrict the use of the building preventing the housing and rearing livestock within the application building. This is also considered to be in line with a condition attached to 16/1137/PDQ for conversion of Foxhayes and Tale End that states the following:

'No intensive agricultural operation or use, including livestock housing or the storage of silage, dangerous machinery or chemicals shall take place within the barns to the immediate north of Barn 1 following the first occupation of Barn 1. (Reason - To prevent adverse impacts on the living conditions of the future occupants of Barn 1 in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)'

Further comments have taken issue with the developments impact upon the living conditions of Foxhayes through loss of view and overshadowing. It is acknowledged that the barn would be sited right on the southern boundary of the application site adjacent to where the owners of Foxhayes have sited a washing line and other various bits of domestic paraphernalia. However the application building would be located as such to provide sufficient relief from the windows of Foxhayes.

In addition, the area of land where the building could be deemed as overbearing, where the occupants of Foxhayes had their washing line located, is not deemed to have lawful residential use. The area of land considered to have lawful use, approved under 16/1137/PDQ, is relatively small and immediately abuts the converted barn and does not adjoining the application site. Whilst the application building would be visible from the southern property of Foxhayes, this is not considered to amount to harm significant enough to warrant refusal of the application.

The proposal therefore complies with this criteria to Policy D7.

Drainage

There are no water courses nearby and the roof of the proposal is suitably designed to capture rain water in a way that can ensure that there will be no harm to surface water run-off or risk of pollution. There is no objection to the proposal from Environmental Health.

The proposal therefore complies with the final criteria to Policy D7.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The development hereby permitted shall be used for agricultural storage purposes only and shall not be used at any time for the housing of livestock.
(Reason - To reflect the permission sought and to protect the amenity enjoyed by adjoining neighbours in accordance with Strategies 7 - Development in the Countryside and Policies D7 - Agricultural Buildings and Development, of the adopted East Devon Local Plan) and EN14 (Control of Pollution).

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

3332/01	Proposed Combined Plans	11.06.20
3332/02 : site plan	Combined Plans	11.06.20
SM1	Location Plan	11.06.20

List of Background Papers

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

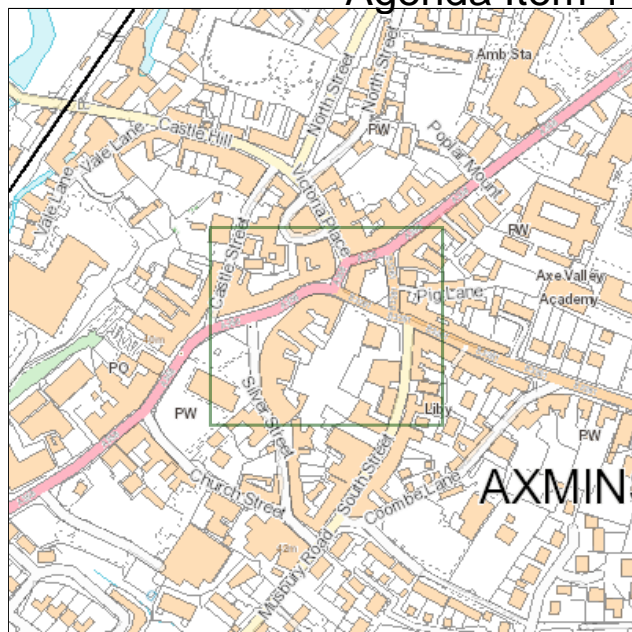
Ward Axminster

Reference 20/0753/FUL

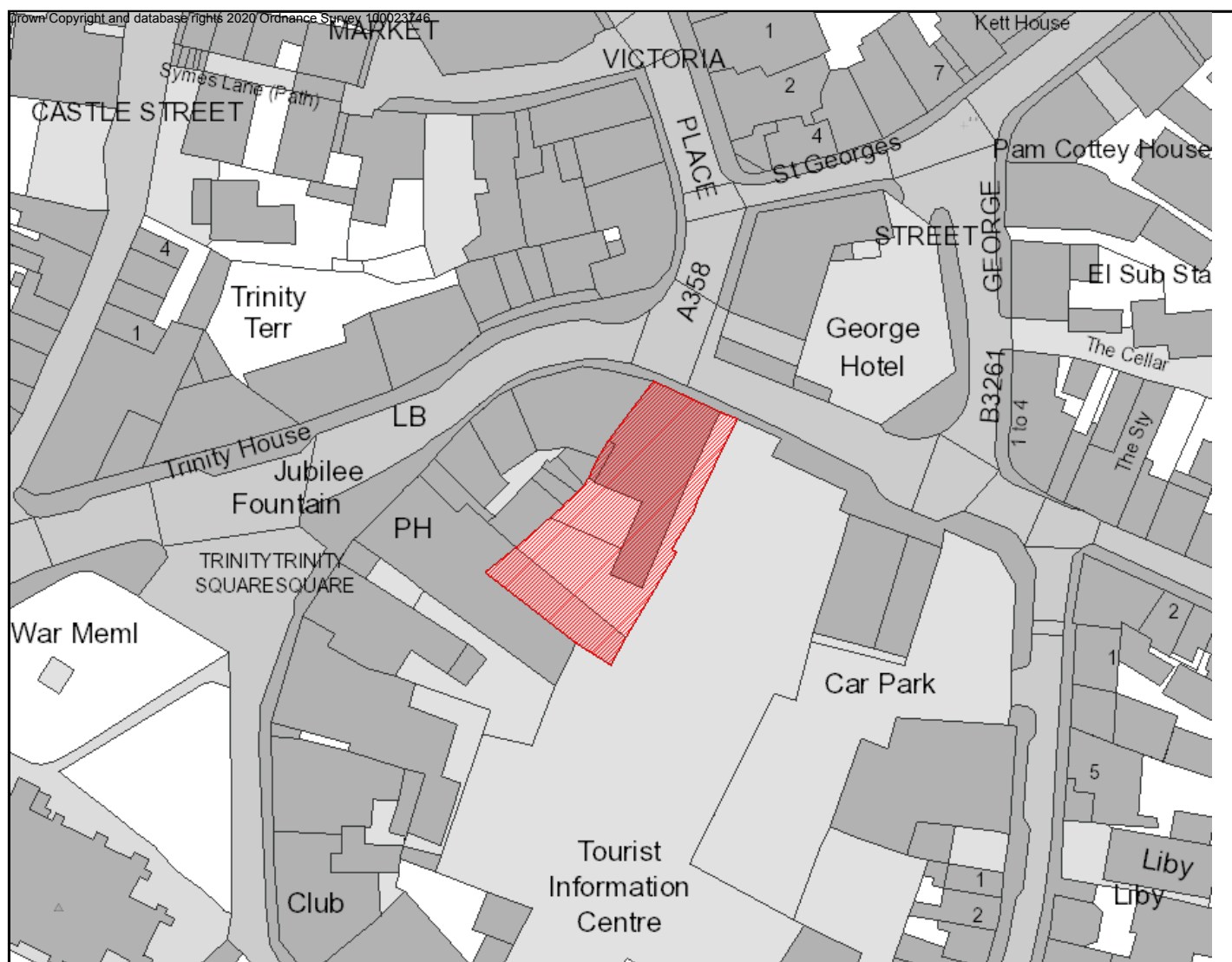
Applicant Mr Hamid Hall

Location Former Natwest Bank Victoria Place Axminster
EX13 5AB

Proposal Demolition of existing single storey rear extension and construction of terrace of 3 no. dwellinghouses



RECOMMENDATION: Refusal



		Committee Date: 07.10.2020
Axminster (Axminster)	20/0753/FUL	Target Date: 24.06.2020
Applicant:	Mr Hamid Hall	
Location:	Former Natwest Bank Victoria Place	
Proposal:	Demolition of existing single storey rear extension and construction of terrace of 3 no. dwelling houses	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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

The proposal seeks planning consent for the creation of a terrace of three town houses and land to the rear of the former NatWest.

Objections from the Conservation Officer have been received. In the main these relate to the impact on the setting of the listed building and Conservation Area. The position, scale and size of the development negatively impacts the setting of the listed building and in particular the rear of this building.

The proposal is therefore considered to result in harm which is considered to form 'less than substantial harm'. As there are no public benefits of sufficient weight to outweigh the identified harm the proposal conflicts with the requirements of Local Plan policies EN9 and EN10 and the guidance in the NPPF in relation to heritage assets.

Although there is no other harm identified from the proposal, and it will contribute to the provision of 3 dwellings in the town centre, the harm to heritage assets and the need to give this 'special regard', weighs heavily against the proposal.

In light of the harm identified to the setting of the nearby listed buildings and wider Conservation Area, the application is recommended for refusal.

CONSULTATIONS

Local Consultations

Axminster – Cllr Sarah Jackson

I am in general support of this application as it delivers town centre housing on what would effectively be an unused dead space tucked behind a commercial building that could be used for little else. I do however look forward to the officer's report and will consider any additional evidence at that time.

Updated 23.09.2020 –

In response, I can confirm that my earlier comments remain unchanged and I still support approval, as do my fellow ward members, I understand. Under normal circumstances, I would suggest a site visit so that members of the planning committee could view the plans in the context of the physical location. This would allow members to see the numerous modern buildings that surround this site which are arguably equally incongruous and out-of-keeping with the listed buildings in the vicinity - one has only to glance at the prominent position of our local Costa Coffee outlet and the increasingly dilapidated empty shops visible from the front of the historic George Hotel (east), as well as the collection of modern additions to the rear of the buildings to the North West of the proposed site (whose frontages are onto Trinity Square and the Minster)

The proposed dwellings are situated to the south of The George and would be tucked behind the substantial NatWest building and not at all visible from the front of the Hotel. In fact, they will be invisible from virtually all angles of The George - other than perhaps from the hotel carpark, where patrons focus will be on The George itself and not the NCP car park opposite: I would go further and say that the proposed dwellings would actually improve the street scene - certainly when compared to the ageing NatWest building, the semi-derelict former Lawsons shop and the partially gravelled, temporary car park sandwiched in between. Therefore, I can only conclude that the visual impact will be minimal but, if anything, positive and certainly not harmful to the overall character and visual amenity.

With regards to the North West of the site, the current view is of the flat roofed extension to the NatWest building which has seen better days alongside its ill-maintained and overgrown garden, a collection of modern-looking slate roofs all at a variety of heights and, set to the West, the rear of a larger white, listed building (featuring a modern fire escape) which is partially obscured from view by a modern-looking red brick and slate outbuilding/garage. Again, I can only conclude that this development would improve the street view rather than detract from already obscured listed buildings.

I acknowledge the comments made by the Conservation Officer as to the special regard that must be given to listed buildings and conservation areas which I wholeheartedly agree with. However, I do not believe that the proposed dwellings will harm the character and heritage appearance of our town centre but actually complement the wide range of building styles already prevalent in the conservation area providing it is undertaken sympathetically and uses materials which are in

keeping with the surrounding buildings, particularly the existing NatWest building so that it blends into the curtilage. Perhaps this could be a planning condition?

I would also highlight a recent application that was approved for a number of similar dwelling just outside of the conservation area but directly opposite a listed building that was sited within the conservation area. Those dwellings were in much closer proximity to the listed building and whilst clearly not and exactly like for like application, this committee approved that application just a few short months ago with the justification of a need for housing.

Whilst I don't agree with overdevelopment, this application does provide town housing, in a town centre setting, surrounded by amenity (Medical practice, schools, library, retail, restaurants, pubs, taxi station, bus stops, train station, supermarkets, church and open green space) all within a stone's throw! The report recognises that the harm to the character of the area and heritage assets as "less than substantial" but with no "public benefit" to outweigh it. In my view, with all of the above considered, I can't help but disagree with this statement as I believe the benefit is clearly evident in this case.

I note that there have been a number of other recommendations made by other consultees for conditions for this application should it be approved. As the recommendation is refusal, these haven't been comprehensively reported on. Should the committee decide that approval is more appropriate, I would ask that these recommendations be considered and applied to the consent where relevant.

I must add at this point that I am a little surprised to see references made by officers within the report to a possible future planning application. I am in general support of the revitalisation and regeneration of Axminster as a whole, however, my (limited) experience of the planning process is that applications must be determined based on what is there now and not what might potentially one day come to pass. I would urge members therefore to disregard those particular comments as I believe it would be both premature and inappropriate to take these into consideration when deciding this application.

Axminster - Cllr Andrew Moulding

I recommend that this application is approved

Updated 17.09.2020 -

I recommend approval.

Axminster - Cllr Ian Hall

I have no present objections regarding this planning application.

Updated 16.09.2020 -

I recommend approval.

Parish/Town Council

AXMINSTER TOWN COUNCIL OPPOSES THIS APPLICATION WHICH APPEARS TO BE INAPPROPRIATE OVER DEVELOPMENT OF A BACKLAND SITE WHICH IS ACCESSIBLE ONLY BY A NARROW PEDESTRIAN ACCESS. THIS COULD POSE CONSIDERABLE PROBLEMS FOR RESIDENTS AND FIRECREW WERE A FIRE TO BREAK OUT. IN ADDITION, THIS NARROW ACCESS IS, ITSELF, ACCESSED OFF ONE OF THE MAIN PINCH POINTS IN THE TOWN'S MEDIAEVAL ROAD SYSTEM. IT IS HIGHLY LIKELY THAT THE DWELLINGS PROPOSED IN THE CURRENT APPLICATION WOULD BE OVERSHADOWED AND HEMMED AS A RESULT OF ANY DEVELOPMENT OF THE WEBSTER'S GARAGE SITE WHICH IS A KEY SITE IN THE TOWN. THREE ' BEDROOM PROPERTIES ARE LIKELY TO ATTRACT 2 CAR OWNERS EACH AND THERE IS NO ONSITE PROVISION FOR CAR PARKING AT ALL. BECAUSE IT IS VERY DIFFICULT TO TRAVEL TO WORK OUTSIDE AXMINSTER USING PUBLIC TRANSPORT, THE LIKELIHOOD IS THAT THERE WOULD BE FURTHER PRESSURE ON ON-STREET PARKING IN THE TOWN.

Technical Consultations

Devon County Highway Authority

Observations:

The proposed development is located in the centre of Axminster where there is good pedestrian and cycle access, close shops and other amenities, public transport links via bus and train and close to municipal car parks. As such the development can be considered an ideal location for non-vehicular development.

Recommendation:

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

Officer authorised to sign on behalf of the County Council
13 May 2020

Environmental Health

The development is located between commercial premises, car park and nearby road system, indicating that a good standard of insulation will be required, in particular for openings - windows and doors. The extent to which ventilation should not rely on opened windows (for example the employment of mechanical and/or acoustically-treated forced ventilation) needs to be established and, if required, a suitable scheme to control noise to habitable rooms specified.

While no acoustic information has been submitted with the application, there is every prospect that should ambient noise levels require it, that suitable, practical noise protection can be incorporated into the development.

We would strongly advise therefore that the following condition be applied to any permission:-

1. No development shall commence until a suitably qualified acoustic consultant has identified what measures, if any, may be necessary to ensure that harm to amenity (including habitable rooms the external area) is unlikely to result. A written report shall be submitted to the Local Planning Authority (LPA) which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such a report is to be agreed, in writing, by the LPA and the approved measures shall be implemented in their entirety prior to occupation of any part of the premises. All sound level measurements to be expressed as 'A' weighted "Fast" response levels unless otherwise stated. The rating level shall be assessed according to the approach given in British Standard BS4142:2014 (as amended) with the proviso that the background noise level shall be taken to be the background noise level (L90) prior to development in order to prevent the occurrence of creeping ambient noise.

Reason: To protect the amenity of residents from noise and vibration

Contaminated Land Officer

I have considered the application, which is located on land previously used as a bank. However, land in close proximity to this site is known to have had potentially contaminative uses. Therefore, in order to determine the impact of and risk from any such contamination and bring site back into suitable condition, we recommend that the following condition (CT3) be applied to any permission granted:

CT3 Phased Condition:

Unless otherwise agreed by the Local Planning Authority, development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination.

(ii) an assessment of the potential risks to:

Human health,

Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
Adjoining land,
Groundwaters and surface waters,
Ecological systems,
Archeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 above and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 2. This must be subject to the approval in writing of the Local Planning Authority.

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

5. Long Term Monitoring and Maintenance

Where identified as necessary, a monitoring and maintenance scheme to include monitoring the long term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of reports on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority.

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN16.

Devon County Archaeologist

My ref: ARCH/DM/ED/35432a

I refer to the above application and your recent consultation. The proposed development lies within an area of high archaeological potential in the historic core of Axminster and within an area that has previously not been developed and has survived to the present day as an open space/garden to the rear of the former bank. As such, there is potential for the site to contain significant archaeological deposits associated with the early settlement in Axminster. However, the information submitted in support of this application does not consider the significance of any below-ground archaeological deposits and is therefore not sufficient to enable an understanding of the significance of the heritage assets with archaeological interest within the application area or of the impact of the proposed development upon these heritage assets.

Given the high potential for survival and significance of below ground archaeological deposits associated with medieval and later settlement and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. The requirement for this information is in accordance with East Devon Local Plan Policies EN7 - Proposals Affecting Sites Which May Potentially be of Archaeological Importance - and EN8 - Significance of Heritage Assets and their Setting, and paragraphs 189 and 190 of the National Planning Policy Framework (2018).

The additional information required to be provided by the applicant would be the results of a limited programme of archaeological field evaluation to understand the survival and significance of any archaeological or artefactual deposits associated with the early town that may be present within the application area.

The results of these investigations will enable the presence and significance of any heritage assets within the proposed development area to be understood as well as the potential impact of the development upon them, and enable an informed and reasonable planning decision to be made by your Authority.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

RESPONSE TO ADDITIONAL INFORMATION – 13.08.2020

I refer to the above application. The Historic Environment Team has now received a copy of the report setting out the results of the archaeological evaluation of the proposed development area. This has demonstrated that the site has been subject to a degree of disturbance sometime in the 19th or 20th centuries and, as such, the archaeological potential of the site is low.

In the light of this new information I would like to withdraw the Historic Environment Team's previous objection, and do not consider that any further archaeological mitigation is required for impact of the development of the site.

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

Other Representations

One letter of support has been received to date (in summary);

- deliver crucial housing
- walking distance to local amenity
- generate construction work
- in-keeping with its surrounds.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

Strategy 6 (Development within Built-up Area Boundaries)

EN10 (Conservation Areas)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN14 (Control of Pollution)

EN8 (Significance of Heritage Assets and their setting)

EN9 (Development Affecting a Designated Heritage Asset)

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

Strategy 20 (Development at Axminster)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

NPPG (National Planning Policy Guidance)

Other Documents

Axminster Conservation Area Appraisal

Site Location and Description

The proposal seeks planning consent for the creation of three terraced dwellings to the rear of an existing NatWest bank. The terrace would comprise of three storey dwellings of a town house design. The dwellings would be viewable from the adjacent public car park. There are historic stone wall which provide for the site boundary and it should be noted that the proposal takes place within the designated conservation area. To the east of the listed George Hotel and to the north are listed buildings which have operated as café/shops/deli.

No off street parking is proposed. The site would be accessed via a pedestrian narrow path.

ANALYSIS

The main issues concerning this proposal are:

- The principle of the development
- The design of the proposal and the impact on the heritage assets (listed buildings and conservation area)
- Archaeology
- The provision of parking
- The environmental health aspects of residential use of this site.

The principle of the development

The proposal takes place within the town centre of Axminster, within the recognised BUAB. In accordance with the strategic allocation of housing within the district strategy

6 of the adopted local plan accepts the principle of development within BUABs subject to site constraints.

The design of the proposal and the impact on the heritage assets (listed buildings and conservation area)

Policy D1 states that development should respect the local distinctiveness and local plan policy EN10 states that the historic fabric of the conservation area should be conserved or enhanced. The design has been promoted in that it sits well within the topography of the site and it is claimed it will be relevant when the adjacent building works have been completed. Policy EN9 states where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

The former Bank is located within the Axminster Conservation Area and is identified as being of Local Interest within the Conservation Area Character Appraisal. It is constructed in Ham Hill ashlar stonework and brick with a slate roof and is described as having significant period detail, largely unspoilt. Its significance derives from the age and formal appearance of the property dating from the late C19, and the use of traditional materials and typical design features and detailing; and its contribution to the streetscene and wider Conservation Area. It is a distinctive and prominent property in the heart of Axminster and makes a significant contribution to the town centre along with the adjacent properties in Trinity Square and Victoria Place, the majority being listed Grade II.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 states that in considering whether to grant planning permission for development which affects the setting of a listed building special regard shall be had to the desirability of preserving the building or its setting. Section 72 of the same Act, also provides a general duty for conservation areas.

This application relates to the construction of 3 no. dwelling houses on the rear garden of the former NatWest Bank. An application under 20/0590/FUL to remove the modern rear extension and change the use of part of the building to a flat is currently under consideration. The removal of this modern rear extension is welcomed and would improve the setting of this locally listed building and have a positive impact on the wider Conservation Area.

Whilst the heritage statement is light on information on how the development relates to its historic setting the design elements have given some thought to the heritage assets. For example the use of natural slate, sliding sash windows and the proportions of the fenestration relate well to an historic setting. Whilst these details nod to the historic context the overall form of a modern town house of three storeys does not correspond to the established hierarchy where buildings to the rear are noticeable lower in height compared to the road fronting counterparts. Whilst the ridge height is lower than the adjacent NatWest bank it is not by much and would not establish a sufficient level of subservience.

There is no precedent for development on this rear garden which appears to have always been an open space/garden area. The construction of new dwellings on this site would certainly alter the pattern of development here and will have an impact on the setting of the locally listed former NatWest Bank, the rear of the listed buildings fronting Trinity Square, Webster's Garage site and the wider Axminster Conservation Area. There is some concern that the application development of the site could prejudice the development of the Webster's Garage site.

Further consideration needs to be given to the overall design and appearance of the dwellings. These should preferably be subservient two storey dwellings rather than include a second floor, reflecting the local vernacular and therefore allowing the dormers to be omitted. The front doors should be solid timber and the fenestration simplified without multi-panes.

The construction of the 3no. dwellings in their current form will result in some harm to the architectural and historic character and appearance of this Locally Listed building, the surrounding Axminster Conservation Area and the setting of the listed buildings fronting Trinity Square.

Archaeology

The proposed development lies within an area of high archaeological potential in the historic core of Axminster and within an area that has previously not been developed and has survived to the present day as an open space/garden to the rear of the former bank. As such, there is potential for the site to contain significant archaeological deposits associated with the early settlement in Axminster.

Given the high potential for survival and significance of below ground archaeological deposits associated with medieval and later settlement and the absence of sufficient archaeological information, the Historic Environment Team originally objected to this application. The requirement for further information was in accordance with East Devon Local Plan Policies EN7 - Proposals Affecting Sites Which May Potentially be of Archaeological Importance - and EN8 - Significance of Heritage Assets and their Setting, and paragraphs 189 and 190 of the National Planning Policy Framework.

The applicant has carried out investigative work in order to meet the requirements of the County Archaeologist. Upon further consultation with the County Archaeologist they withdrew their original objection and therefore this issue does not weigh against the scheme.

The provision of parking

The submitted layout plans do not illustrate any onsite parking for vehicles. However, given the good level of facilities and services within Axminster itself this would not be insisted upon given these circumstances.

The environmental health aspects of residential use of this site

The application site lies adjacent to bistro/café/deli uses. At the time of the site visits some of these properties were vacant. Between the site and some of these properties

is a large stone wall which provides for suitable screening in terms of noise and smells. Accordingly no objection has been raised by the Environmental Health officer in this regard.

It is noted that the adjacent former Webster Garage site was previously recognised as potential contaminated land. The contaminated land officer has noted this raising potential for this adjacent site to also feature contamination. As such investigative and potential mitigation measures are recommended in the event of an approval.

Other matters

Variation of Condition 3 of planning consent 16/0472/VAR facilitated a further temporary consent for use of the adjacent site as a car park until 31/12/2022. Strategy 20 (Town Centre) of the adopted Local Plan states that priority should be given to the regeneration of Webster's Garage site and adjacent land for business, town centre congestion etc. Strategy 20 states 'Promote the regeneration of the Webster Garage site and adjoining land to support commercial activity, enhance the public realm and address traffic congestion issues'.

This application involves development on adjoining land to Webster's Garage. However, there is no reason to suppose that this development, were it to go ahead, would compromise the commercial activity to take place on the Webster's Garage site. To date there have been no planning applications which have come forward to align with the aspiration of this strategy within the local plan. Accordingly, noting the purpose of this policy, it cannot be said that the proposal would conflict with commercial activities as the tangible details of any scheme have yet to come forward, if indeed there is eventually a planning application for commercial use.

Conclusions

From the above the proposal has been found to harm the setting of the listed building and wider Conservation Area. Accordingly, and with special regard paid to the duties enshrined within Section 66 and 72 of the Listed Building and Conservation Area Act, 1990, the proposal harms the setting of the listed buildings and conservation area.

This harm is considered to be 'less than substantial' and in accordance with the NPPF it is necessary to balance this identified harm against any potential public benefits.

The Barnwell Manor Wind Energy Ltd Court of Appeal (CoA) judgment contains important findings which have direct implications where a listed building or its setting is affected or where it involves a building or other land in a conservation area. The Court in that case emphasised the need for decision makers to apply the intended protection for heritage assets as specified under s66(1) of the relevant 1990 Act and the parallel duty under s72(1) of that Act needs to give 'considerable importance and weight' to the desirability of preserving the setting of listed buildings when carrying out a balancing exercise of a planning decision. Accordingly the 'less than substantial' harm conclusion does not result in the alleviation of the requirements of the legislation noted above.

In certain circumstances public benefits can outweigh harm - however, in this case there are no such clear public benefits. Whilst the construction phase would entail short lived employment benefits and the proposal would make a modest contribution towards the supply of housing in the district these alone, or in combination, would not result in a public benefit which would overcome the identified harm to irreplaceable heritage assets. As a result the proposal fails to constitute sustainable development and is therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reason:

1. The proposed dwellings, by reason of their large scale and incongruous design would detract from the surrounding historic character of the area and specifically the surrounding listed building. The proposal fails to conserve the historic fabric which results in less than substantial harm. As there are no public benefits to outweigh this identified harm there is conflict with policies EN9 (Development Affecting a Designated Heritage Asset) and EN10 (Conservation Areas) of the adopted East Devon Local Plan and guidance contained within the National Planning Policy Framework and the National Design Guidance.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

113/NW/20rev 3	Proposed Combined Plans	21.04.20
NW/AX/210/19 rev 2	Existing Combined Plans	21.04.20
115/NW/20 rev 0	Layout	21.04.20
114/NW/20 rev 2	Combined Plans	21.04.20
	Existing Site Plan	07.04.20

Proposed Site Plan	07.04.20
Location Plan	07.04.20

List of Background Papers

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

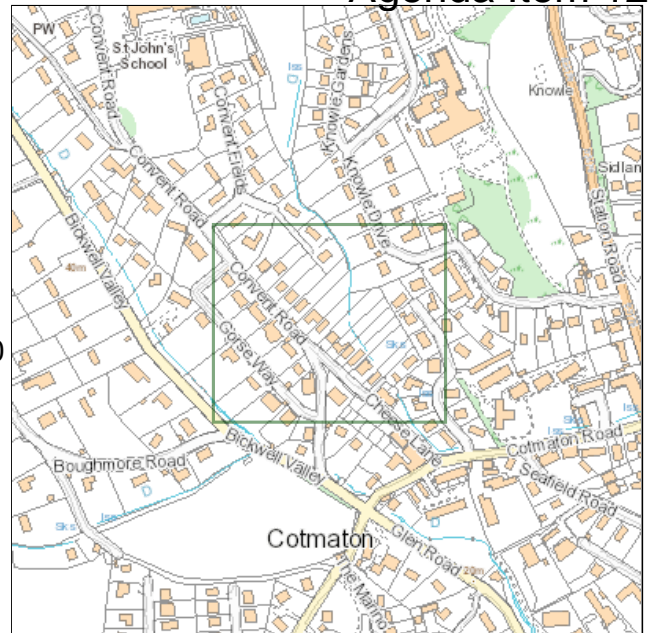
Ward Sidmouth Town

Reference 20/1395/FUL

Applicant Mr Tim Drake

Location Flat 1 Fernbrook Convent Road Sidmouth EX10 8RB

Proposal Alterations to front conservatory extension including increase in height (retrospective application)



RECOMMENDATION: Approve



		Committee Date: 7th October 2020	
Sidmouth Town (Sidmouth)	20/1395/FUL	Target Date:	25.09.2020
Applicant:	Mr Tim Drake		
Location:	Flat 1 Fernbrook Convent Road Sidmouth EX10 8RB		
Proposal:	Alterations to front conservatory extension including increase in height (retrospective application)		

RECOMMENDATION: Approve

EXECUTIVE SUMMARY

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

The application seeks permission retrospectively for the retention of alterations to, and the enlargement of, a polygonal conservatory extension attached to the front of Fernbrook, a detached non-listed two storey period property sub-divided into two flats located in Convent Road just outside of the designated Bickwell Valley Conservation Area.

Planning permission was originally granted in 1991 for a conservatory and this was in place prior to its recent alteration and enlargement. The changes carried out take the form of an increase in both the pitch of the roof and its roof ridge height, the existing eaves height being left unaltered. This has the effect of increasing the ridge height by 420mm, from 3.38 metres to 3.8 metres high. The original polycarbonate roof has been replaced by glazing, as have PVCu panels forming the lower wall of part of the structure.

While the local objection to the development is acknowledged, it is not considered that the modifications are unduly unacceptable or that they result in any material harm or detriment to the character or appearance of the existing building or to the significance, in heritage policy terms, of the adjacent conservation area. Indeed, arguably the steeper roof pitch and use of glazing in place of the previous polycarbonate roof that it has replaced better reflect the style and materials of a conservatory of a more 'period' form, design and appearance that, notwithstanding its greater height, are thought to represent a slight improvement.

As such, and mindful that there have been no other changes to the size, footprint or volume of the conservatory, it is not felt that the increased height results in the development appearing disproportionate in scale to the building or in any way

harmful to the wider street scene or conservation area. There is a reasonable level of hedge and tree screening on all sides of the front garden of the site that help to mitigate its overall visual impact. It must also be kept in mind that the starting position for consideration of the proposal is the former conservatory. In this regard, overall it is contended that the alterations that have been carried out are acceptable and could not reasonably be opposed on visual/design grounds.

The same is also considered to apply in relation to the impact of the proposal upon the living conditions of the occupier of the first floor flat within Fernbrook. While it is accepted that the increased roof height would add to the extent to which the conservatory is visible from lounge and bedroom windows within, it is not considered that this would equate to any level of harm to neighbour amenity that could, again, be reasonably justified as forming the basis for refusal of planning permission. The development would clearly remain below the level of the first floor windows that serve the neighbour's flat and the glazed nature of the roof finish would not adversely impinge to the detriment of light available to, or outlook or aspect from, these windows. Although the clear glazed nature of the new roof of the conservatory could allow for views down into it, these would be likely to be rather more at the expense of the applicant's own privacy as opposed to that of the neighbouring occupier and, as such, it is not felt that an objection on the grounds of harm to privacy and amenity would be reasonable or capable of being robustly justified in the event of any challenge to a refusal decision at appeal.

Approval is therefore recommended.

CONSULTATIONS

Local Consultations

Parish/Town Council
Support

Sidmouth Town - Cllr Denise Bickley

I have been asked to take this further and raise objections on behalf of a resident, so please register my request to have this rejected.

When looking at the Planning Statement provided by the applicant on 4th July, the photographs clearly show that the height of the new conservatory is much higher than its predecessor and is right up to the height of the upstairs neighbour's window. It is very overpowering and as it can now be seen from the road I feel aggrieved that as it is already built the pressure is on to accept this application. I firmly feel that retrospective planning applications are unfair on other residents. I hope that this application will be looked at carefully and residents' opinions taken very much into account.

Technical Consultations

None.

Other Representations

9 representations of objection have been received.

Summary of Grounds of Objection

1. Encroachment onto a considerable area of wall space.
2. Unavoidable impact upon outlook from bedroom.
3. Similarly overbearing upon sitting room window and invades space.
4. Raised roof pitch is out of keeping and not in proportion with the character of the Edwardian house and is aesthetically unattractive.
5. Too large, of modern PVCu frames and tinted glass (not historic materials) and spoils the architectural character of the property and those adjacent.
6. Highly visible and adds nothing to the historic amenity of the road.
7. Precedent for similar designs along Convent Road.
8. Makes cleaning and maintenance of first floor flat impossible.
9. Clearly visible from Cheese Lane and will be even more so when trees and shrubs shed their leaves.
10. Could be lowered to original height without affecting usable space for the occupants.
11. Increased height makes the conservatory dominate the plot and the front elevation.
12. Affects views out of the conservation area.
13. Can see down into conservatory from some upstairs windows which wasn't the case before.

PLANNING HISTORY

Reference	Description	Decision	Date
91/P1260	Conservatory Extension To Residential Flat.	Approval with conditions	09.09.1991

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

EN22 (Surface Run-Off Implications of New Development)

Made Sid Valley Neighbourhood Plan 2018-2032

1 (Sid Valley Development Principles)

6 (Infill Development, Extensions and Trees)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

ANALYSIS

Site Location and Description

Fernbrook is a detached period two storey residential property, sub-divided into two flats, that occupies a plot of generous size that is located within a residential area to the west of the town centre.

Positioned on the eastern side of Convent Road immediately adjacent to its junction with Cheese Lane just beyond the boundary of the designated Bickwell Valley Conservation Area, it is understood from information submitted with application ref. 91/P1260, referred to within Planning History above, to have been constructed around 1900. It is not, however, listed as a building of special architectural or historic interest.

The property is set back from the road frontage of the plot, which is defined by a stone wall with pebble coping backed by hedge and shrub planting.

The application proposal relates to the ground floor flat within the building.

Proposed Development

The application, which has been submitted retrospectively, seeks to regularise modifications to a conservatory extension of polygonal form that features on the principal, road-facing elevation of the building.

It is understood from a covering letter accompanying the application that has been prepared by the agent representing the applicant that the 'original' conservatory is that to which planning permission ref. 91/P1260 related.

The modifications comprise the following:

1. The substitution of white PVCu lower panels to the side of the conservatory for glazed panels.
2. The replacement of a polycarbonate roof with glazing together with the raising of the pitch of the roof by 10 degrees, resulting in a roof ridge height increase of 420mm from 3.38 metres to 3.8 metres.

The footprint area, configuration and eaves height of the conservatory have not been altered.

Buildings that are sub-divided into flats do not have the benefit of the range of permitted development rights that single dwellings enjoy, hence the requirement for a grant of planning permission in this case. However, being positioned on the principal elevation of the building, it is likely that permission would have been required in any event even if it were a single residential unit.

Considerations/Assessment

The principal issues that are material to consideration of the proposal in this case relate to the visual impact of the modified conservatory - and principally the increase in its height - upon the character and appearance of the building and the character of the setting of the adjacent conservation area, which is a designated heritage asset, as

well as its effect upon the living conditions of the occupiers of any neighbouring residential properties, principally the first floor flat within Fernbrook.

Visual Impact

There is an acceptance that, under ordinary circumstances, the addition of a conservatory to the front/principal elevation of a residential property, whether in the form of a single dwelling or a building that is divided into a number of flats/apartments, can often be detrimental to its character as well as that of the street scene to which it contributes. Such enlargements are invariably more appropriate, from a visual standpoint, where added to either the rear or side elevations of the building where they read as being rather more subservient in relation to the host dwelling/building, thereby reinforcing its more ancillary function, than the more assertive impact that can result from a position on the front of the building where they can often be in full public view.

However, it is considered in this case that there are mitigating factors that weigh in favour of the proposal; not least of which is the lawful presence of the conservatory prior to the adaptations that the application seeks to regularise. This must be acknowledged as the starting position for consideration as to the acceptability, or otherwise, of the modifications.

Furthermore, the alterations to the lower panels aside - which are themselves considered to represent a modest, but nevertheless marked, improvement to its appearance - it is not thought that either the increase to the roof pitch or ridge height result in material harm to the design or appearance of either the conservatory itself nor to that of the property overall or the wider street scene. While it would clearly create a slightly greater visual impact than the 'original' conservatory, it is not felt that this would amount to any level of harm that could be regarded as significant to the extent that a refusal of permission could reasonably be justified.

In the absence of any other changes to the size, volume, etc. of the conservatory, and notwithstanding its position on the front of the building, it is considered that it retains a subservience of scale that does not readily impose uncomfortably upon the building, the street scene or the character of the setting of the adjacent conservation area. In this regard, it is also thought that its visual impact is mitigated by both the extent to which it is set back from the road frontage of the site itself and the screening that is provided by the hedge and shrub planting.

It is also noted that the planting extends to both the south eastern and north western boundaries of the site with the respective neighbouring residential properties, Springfield and Walcott. It provides quite robust screening of the front garden area of Fernbrook to the extent that it is felt that the impact resulting from the presence of the heightened conservatory is reduced to an acceptable level in visual terms.

As such therefore, in spite of its position on the front of the building alongside the fact that it is the only property within this part of Convent Road/Cheese Lane that features a front conservatory extension, it is not considered that the development is unduly harmful to the character or appearance of the host building or to the significance, in heritage terms, of the designated conservation area alongside the site.

Whilst the concerns expressed by the interested third parties in relation to the palette of materials are acknowledged, it is thought that the development has replaced a shallow polycarbonate roof, comprising a non-traditional material, with a glazed roof of steeper pitch which better reflects the proportions and material of a 'period' addition to the property. The same could also be said for the removal of the PVCu lower panels and their replacement with glazing. It should also be noted that the white PVCu frame of the conservatory has remained unaltered while the slight tint to the glazing to which reference has been made is not readily apparent from view from the public domain outside of the site.

Impact upon amenity

Turning to the effect of the development upon the living conditions of the occupiers of neighbouring and nearby residential properties, the existence of the established hedge and shrub screening to which reference is made above is thought to be sufficient to mitigate against any impact upon the neighbouring residents at Springfield and Walcott, while the separation and screening provided by Convent Road itself and the frontage trees and shrubs respectively prevent any significant impact upon the occupiers of properties on the opposite side of the highway from the site. Again, it is necessary to be mindful of the relationship that already existed between the 'original' conservatory and these properties as well as the fact that there has been no change to its footprint area that has resulted in, for example, the development being enlarged so that it is nearer to any of these properties.

The key matter for consideration in this regard therefore relates to the impact of the roof pitch and ridge height increase upon the living conditions of the occupier of the first floor flat (no. 2) within Fernbrook itself, and principally the outlook from a first floor bedroom window that is directly above the ridge of the 'new' conservatory roof. This now sits just below the window sill level of this window.

While there can be no question that more of the conservatory roof would be visible from this window owing to its closer proximity to view from it, it is not considered that this would equate to a level of harm to outlook that would be substantial enough to justify opposing the proposal on neighbour impact grounds. Clearly, the roof and its ridge would remain below the level of any person standing at the window. Moreover, its juxtaposition in relation to it, coupled with the transparent nature of the predominantly glazed roof, would not create any material issues in regard to loss of light or through being of unduly dominating, overbearing or intrusive appearance physically to any extent that, again, could reasonably form the basis for any sustainable objection.

Furthermore, notwithstanding the substitution of the former polycarbonate roof for the clear glazing that is now exhibited, it is not thought that the development would result in any material mutually detrimental impact upon the privacy of the occupiers of either flat within Fernbrook while any relationship with the adjacent garden would remain unchanged owing, again, to the footprint of the conservatory being retained unaltered.

Much the same is also thought to apply in relation to concerns expressed regarding the impact upon the outlook from a lounge window that is within a shallow two storey bay projection beneath a subservient gable element on the principal elevation of the

building. Indeed, with this window itself being further away from the development than the bedroom window, as well as obviously above its roof ridge level, it is again not considered that the level of impact that would result would be sufficiently harmful to warrant refusal of the conservatory in its adapted form.

Any issues relating to attachment to the objector's property would be a private civil matter between the applicant and the objector. The appropriate certification as to ownership of the site and service of notice of the application upon this third party has been provided with the application and is sufficient to satisfy relevant requirements in this regard. Furthermore, insofar as the planning merits of the proposal are concerned, having regard to the material factors set out above it is thought that the development is acceptable from a neighbour impact perspective.

RECOMMENDATION

APPROVE

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on 31st July 2020.
(Reason - To comply with Section 63 of the Act.)
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

FS-002 B	Combined Plans	04.08.20
FS-002 C	Combined Plans	04.08.20
	Location Plan	03.08.20

List of Background Papers

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

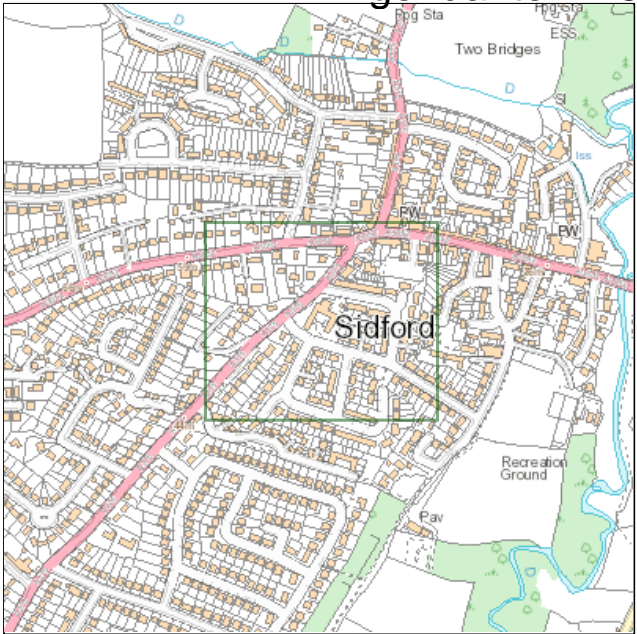
Ward Sidmouth Sidford

Reference 20/1516/VAR

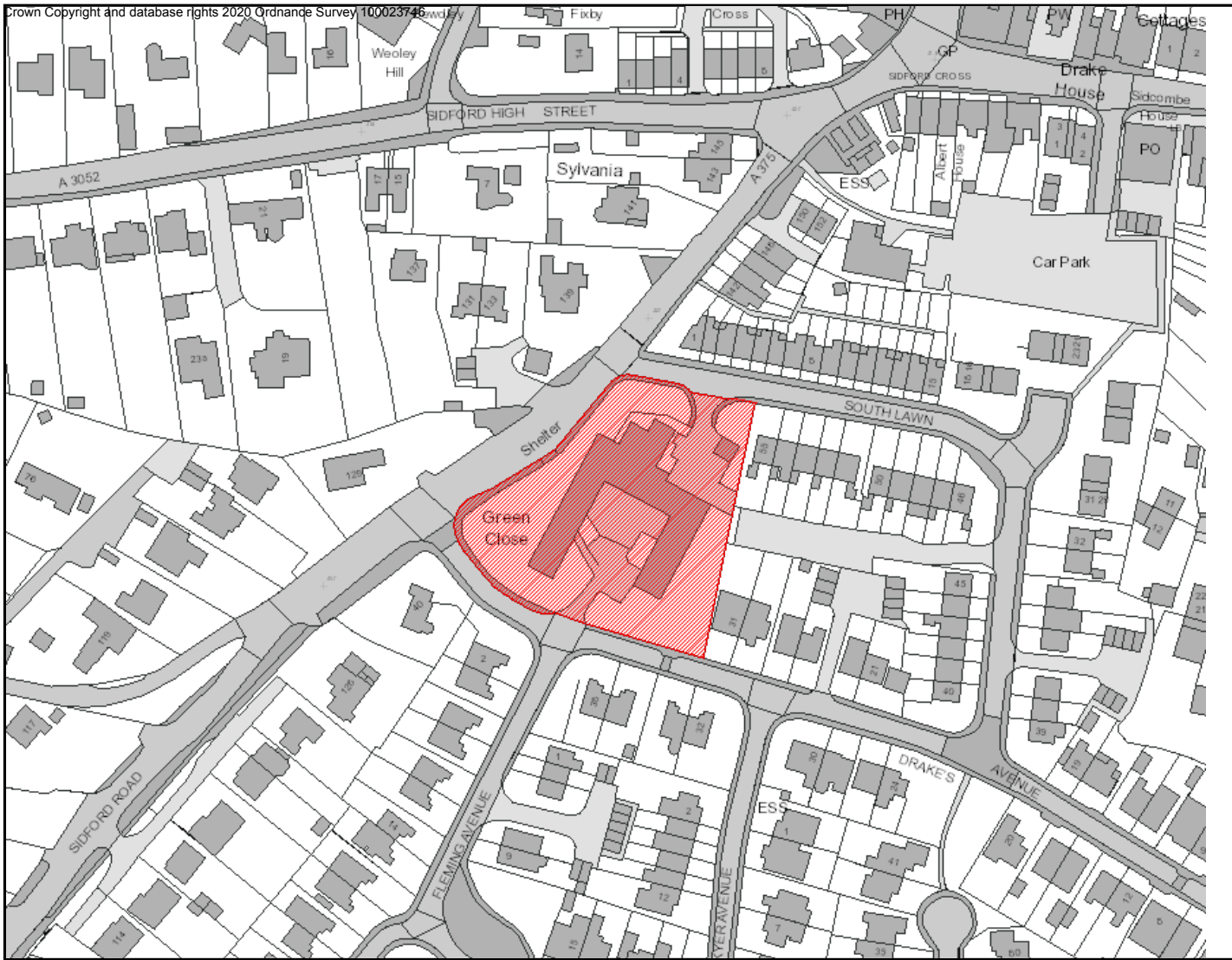
Applicant Churchill Retirement Living

Location Green Close Drakes Avenue Sidford Sidmouth
EX10 9JU

Proposal Variation of Condition 1 (plans condition) and condition 8 (tree protection) of planning consent 19/0996/VAR to include additional plan which proposes the felling of a horse chestnut tree and replacement with American sweetgum (liquidamber) tree



RECOMMENDATION: Approval with conditions



		Committee Date: 7th October 2020
Sidmouth Sidford (Sidmouth)	20/1516/VAR	Target Date: 16.10.2020
Applicant:	Churchill Retirement Living	
Location:	Green Close Drakes Avenue	
Proposal:	Variation of Condition 1 (plans condition) and condition 8 (tree protection) of planning consent 19/0996/VAR to include additional plan which proposes the felling of a horse chestnut tree and replacement with American sweetgum (liquidamber) tree	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before committee as the officer recommendation is contrary to the view of the Town Council to a major development.

This application seeks to vary the landscaping condition on an approved 40 bed later living development in Sidford that is already under construction.

The proposal would allow for the removal of a chestnut tree (felled during the course of the application for safety reasons) to be replacement with a sweetgum tree.

The previous chestnut tree on the site was considered to be in decline, and was subsequently storm damaged, and its replacement with an Extra Heavy Standard tree is supported by the Tree Officer. It is therefore considered that the proposal is acceptable subject to all previous conditions being re-imposed and planting of the replacement tree.

CONSULTATIONS

Local Consultations

Parish/Town Council

Members were UNABLE TO SUPPORT the application for variation of Conditions 1 and 8 for the following reasons:

1) The loss of a maturing tree would result in a smaller young tree being planted detrimentally affecting the amenity of neighbouring residents.

2) The loss of a maturing tree would be contrary to Policy 6 of the Sid Valley Neighbourhood Plan (Infill Development , Extensions and Trees) which states that "Development should be designed so as not to adversely impact on the amenities of its neighbours and should seek to protect any existing trees that contribute to the overall amenity of the area"

3) The existence of the tree had significant impact on support for the original planning application by the Town Council (suitable softening and landscaping of the streetscene) as subsequently approved by the Local Planning Authority.

Members further commented that as the authority delegated to decide on TRE applications that the LPA Arboricultural Officers be asked to consider placing a TPO on the tree in question.

Technical Consultations

EDDC Trees

I have no objection for the removal of the tree as it is in severe decline, I would ask the TPF remain as is so to protect the ground for the new tree to be continued to be protected by fencing

Other Representations

None

PLANNING HISTORY

Reference	Description	Decision	Date
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19/0996/VAR	Variation of Condition 2 (plans condition) of planning consent 18/1779/MFUL (demolition of former care home and construction of 40 retirement apartments) to facilitate design changes	Approval with conditions	27.08.2019
18/1779/MFUL	Demolition of former care home and construction of 40 retirement apartments for older persons including communal facilities, access, car parking and landscaping	Approval with conditions	18.01.2019

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

Strategy 50 (Infrastructure Delivery)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 26 (Development at Sidmouth)

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

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

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Local Planning Documents

Sid Valley Neighbourhood Plan (Made)

Government Planning Documents

NPPF (National Planning Policy Framework 2018)

ANALYSIS

As the principle of development, layout, car parking, affordable housing contribution, relationships to surrounding properties and all other matters were approved as part of the previous applications, the main consideration for this application relates to the acceptability of the proposal for a replacement tree.

Assessment

Planning permission has been granted (Application 18/1779/MFUL) for the erection of a 40 bed care home on the site of Green Close in Sidford. A subsequent variation to the application (19/0996/VAR) permitted some minor external changes to the building.

This application seeks to further vary the original consent by amending conditions 1 and 8 of 19/0996/VAR. This would amend the landscaping scheme previously given consent. The purpose of this being to permit the removal of a mature chestnut tree in the North East corner of the site, and its replacement with a sweetgum tree.

Subsequent to the application being submitted, the tree has been damaged in recent storms and it has already been felled.

The tree officer inspected the tree prior to its removal and has concluded that it was in a poor state, and its replacement with the proposed sweetgum is deemed acceptable. As requested by the Town Council, a Tree Preservation Order was considered but given the condition of the existing tree at the time it was not considered to be of suitable quality to be covered by a TPO.

Whilst the comments of the Town Council are noted in respect of the removal of a mature tree and its replacement with a smaller tree, the mature tree was damaged and had to be felled for safety reasons. The replacement tree is supported by the Tree officer and the new tree will soon become established and is known to be disease free and a hardy tree which can grow to a similar height as the previous tree. It will be planted at Extra Heavy Standard size at approximately 4.5m in height

Other matters

In all other regards the application remains unchanged from the previous consent and with no significant changes to planning policy or local circumstances in the meantime,

the previous assessments with regard to design, layout, access parking etc remain unchanged and are again acceptable.

Financial Contribution

Whilst the original application secured a financial contribution towards affordable housing of £677,434, and this is again required to be secured in relation to this amendment, the original legal agreement ensured that the contribution was payable for the original application and any subsequent variation applications (such as the current application) and as such a further legal agreement to secure this is not required.

RECOMMENDATION

APPROVE subject to the following conditions:

1. 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.)
2. No part of the development hereby approved shall be brought into its intended use until the parking facilities and turning area have been provided and maintained in accordance with the application drawings and retained for that purpose at all times.
(Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with Policy TC9 - Parking Provision in New Development - of the East Devon Local Plan 2013-2031.)
3. The materials used within the development shall be those agreed in writing by the local planning authority on the 22nd May 2019, in respect of application 18/1779/MFUL, unless otherwise approved in writing
(Reason: To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
4. Prior to occupation of the building hereby approved, two 2FE Schwegler Wall-Mounted Bat Shelters (or agreed equivalent) shall be installed on the building.
(Reason: In order to provide habitat for bats in accordance with Policy EN5 – Wildlife Habitats and Features - of the East Devon Local Plan 2013-2031.)
5. The Construction and Environment Management Plan submitted in respect of the application 18/1779/MFUL and agreed by the Council on the 26th February 2019 shall be adhered to at all times.
(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policy EN14- Control of Pollution- of the East Devon Local Plan 2013-2031.)
6. Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the

noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Services Engineers Environmental Design Guide. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.

(Reason: To protect the amenity of local residents from noise in accordance with Policy EN14- Control of Pollution- of the East Devon Local Plan 2013-2031.)

7. The specific noise level of any plant installed and operated on the site must not exceed 25dBa (5dB below night-time background which can be taken as 30dBa) at the boundary of the nearest noise sensitive dwellings between the hours of 11pm to 7am, and must not exceed the background level at any other time. Background noise level to be measured as La90dBa.

(Reason: To protect the amenity of local residents in accordance with Policy EN14-Control of Pollution- of the East Devon Local Plan 2013-2031.)

8. Tree protection and the felling of any trees shall be carried out strictly in accordance with the approved arboricultural method statement ref 15404-AA4-PB and the tree protection plan, Barrell Plan Ref 15404-BT5. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant. The development shall be carried out strictly in accordance with the agreed details.

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

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

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

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

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

9. Development shall take place in accordance with the surface water drainage scheme layout drawings FC/2806/01 & FC/2806/02 approved by the local planning authority on the 22nd May 2019 in respect of 18/1779/MFUL.

(Reason: To ensure that surface water systems fit efficiently within the site layout, protect water quality and minimise flood risk in accordance with Policy EN22 – Surface Run-Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained within the National Planning Policy Framework.)

10. No part of the development hereby approved shall be brought into its intended use until the parking facilities and turning area have been provided and maintained in accordance with the application drawings and retained for that purpose at all times.
(Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with Policy TC9 - Parking Provision in New Development - of the East Devon Local Plan 2013-2031.)
11. The existing access from the site to Drakes Avenue shall be effectively and permanently closed to vehicles in accordance with details which shall have been submitted to and approved by the Local Planning Authority prior to the first use of the new access and parking area by residents.
(Reason: To minimise the number of accesses on to the public highway in accordance with Policy TC7 - Adequacy of Road Network and Site Access - of the East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

10084SF-PA00	Location Plan	17.07.20
10084SF-PA301	Proposed Site Plan	17.07.20
CRL : 10084SF : P220	Proposed Floor Plans	17.07.20
CRL : 10084SF : P221 REV A	Proposed Floor Plans	17.07.20
CRL : 10084SF : P222	Proposed Floor Plans	17.07.20
CRL : 10084SF : P223	Proposed Floor Plans	17.07.20
CRL : 10084SF : P230	Proposed roof plans	17.07.20
CRL:10084SF:40 7	Proposed Elevation	17.07.20

CRL:10084SF:40 Proposed Elevation 17.07.20
8 REV B

JBA 19/137-01 Landscaping 17.07.20
REV E

List of Background Papers

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

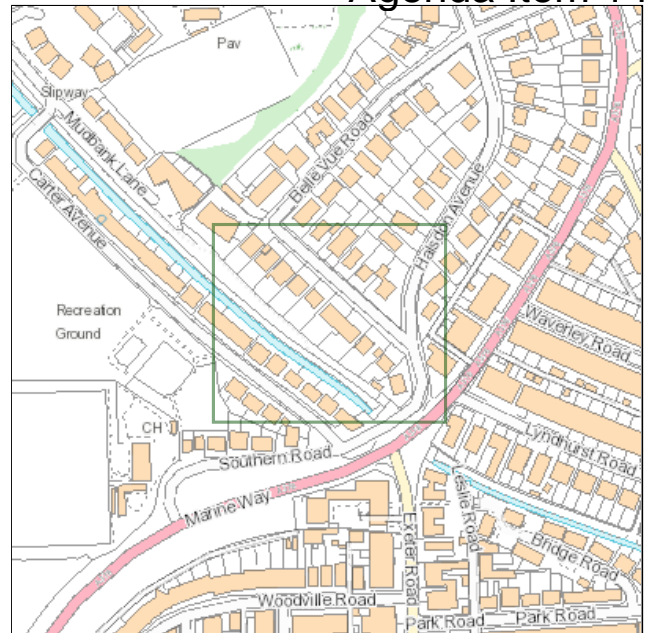
Ward Exmouth Halsdon

Reference 20/1722/FUL

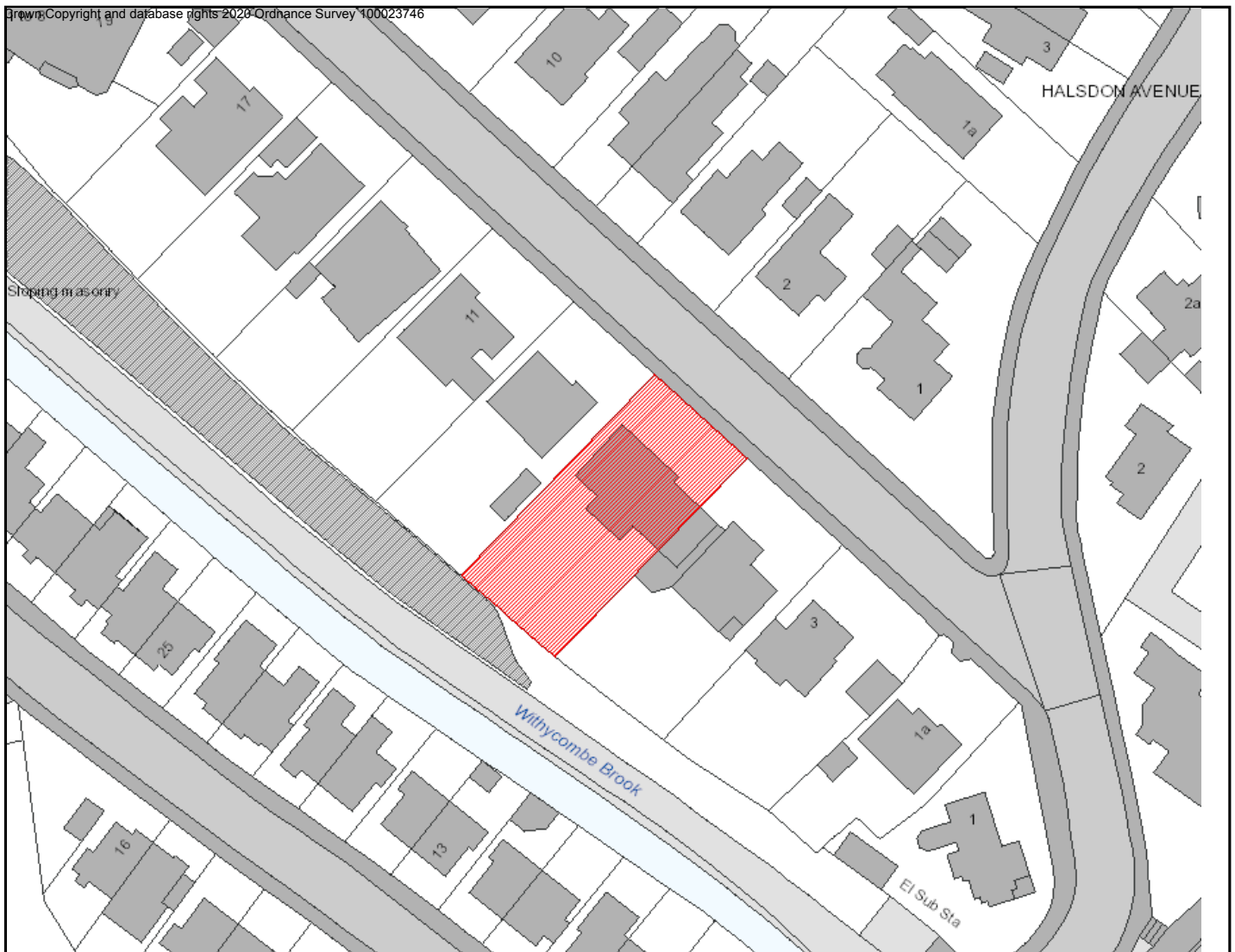
Applicant Mr Richard Bartlett

Location 7 Belle Vue Road Exmouth EX8 3DR

Proposal Construction of front porch



RECOMMENDATION: Approval - standard time limit



		Committee Date: 7th October 2020
Exmouth Halsdon (Exmouth)	20/1722/FUL	Target Date: 08.10.2020
Applicant:	Mr Richard Bartlett	
Location:	7 Belle Vue Road Exmouth	
Proposal:	Construction of front porch	

RECOMMENDATION: Approval - standard time limit

EXECUTIVE SUMMARY

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

The application proposes a small porch to the front of the property.

Given the location, appropriate design and small scale, it is considered that the proposal would not have any detrimental impacts to the character of the surrounding area nor would there be any detriment to the amenity of any neighbours.

The application is considered acceptable and is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council
Meeting 01.09.2020

No objection

Technical Consultations

None

Other Representations

No third party representations have been received.

PLANNING HISTORY

There is no planning history relevant to this application.

POLICIES

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

Exmouth Neighbourhood Plan (2018 – 2031)

Policy EN1: Proposals for development within the Built-up Area Boundary (BUAB) will generally be supported (Cont.)

Policy EB2: New development should be mindful of surrounding building styles and ensure a high level of design (Cont.)

Site Location and Description

No 7 Belle Vue Road is a detached chalet bungalow constructed in red brick. It has two front facing dormer windows and two rear facing dormer windows with other extensions.

The dwelling is located in an area dominated by detached two storey dwellings to the north east and a mixture of two storey dwellings and chalet bungalows to the south west. The site is located entirely within the built-up-area boundary of Exmouth. The dwelling is located on Belle Vue Road which was constructed in the early 20th century.

Proposed Development

Permission is sought for the construction of a single storey porch over the existing front door. The proposed extension shall measure 2.3 metres in length, 1.5 metres in width and will have a total height of 3.7 metres.

The proposed materials are to be brick and plain tiles to match the existing dwelling

Analysis

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

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

Impact to Character of the Area

The proposed porch is small in scale and whilst located to the front of the dwelling, it would be a minor addition to the principal elevation and can be argued to enhance its appearance. It would visually remain domestic in appearance and the use of matching materials ensures no harmful impact upon the character of the area. The application is therefore considered to be compliant with Policy EB2 of the Exmouth Neighbourhood Plan and Policy D1 of the East Devon Local Plan.

Residential Amenity

Given the size and position of the proposed extension, and the respective relationships/distances with surrounding properties, the proposals would not result in any detrimental impact on the amenities of the occupiers of any neighbouring properties in terms of overlooking, overshadowing or visual impact.

The proposal is therefore considered to be compliant with Policy D1 of the East Devon Local Plan.

RECOMMENDATION

APPROVE

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

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

R12420-1	Combined Plans	12.08.20
	Location Plan	12.08.20

List of Background Papers

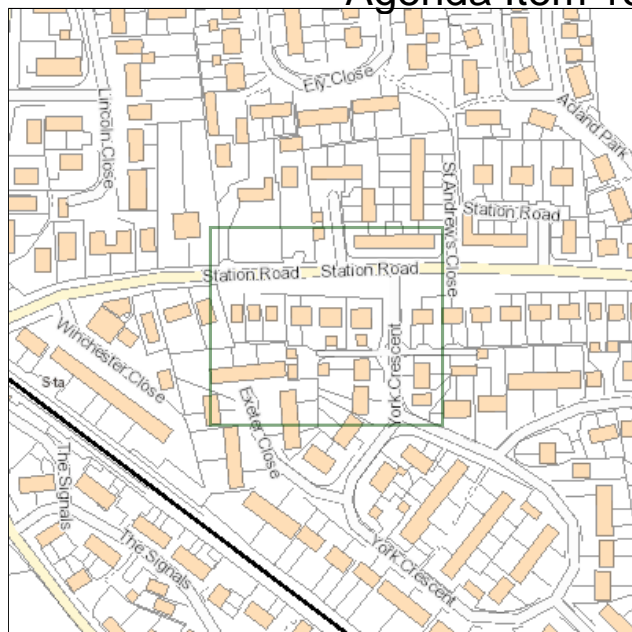
Application file, consultations and policy documents referred to in the report.

Reference 20/1683/FUL

Applicant Mrs Jo Lock

Location 6 Feniton Gardens Feniton Honiton EX14 3DG

Proposal Construction of single storey rear extension



RECOMMENDATION: Approval



	Committee Date: 7th October 2020	
Feniton:	20/1683/FUL	Target Date: 15.10.2020
Applicant:	Mrs J Lock	
Location:	6 Feniton Gardens, Feniton, Honiton. EX14 3DG	
Proposal:	Construction of single storey rear extension	

RECOMMENDATION: APPROVAL

EXECUTIVE SUMMARY

This application is before Members as the applicant is a close relative of an employee of the Council.

The application seeks permission for the construction of a single storey extension to the rear of number 6 Feniton Gardens, Feniton.

The proposed extension would replace an existing conservatory on site, and is considered to be acceptable in terms of its design, scale and visual impact.

There have been no third party comments received and the design and single-storey nature of the proposal is not considered to give rise to any detrimental impact upon the amenity of surrounding properties.

The application is therefore recommended for approval.

CONSULTATIONS

Feniton Parish Council

No objections.

Cllr Susie Bond – Feniton Ward

This application was discussed by Feniton Parish Council at their meeting on Monday and they had no objections.

As the applicant is a close relative of a council employee the application has to come to Planning Committee, otherwise it is an entirely uncontentious application. I therefore will not need to comment at the meeting.

Third Party Representations

No third party representations received.

PLANNING HISTORY

03/P1873/FUL – Conservatory to rear. Approved.

POLICIES

Government Planning Documents

NPPF (National Planning Policy Framework 2019)
National Planning Practice Guidance

Adopted East Devon Local Plan 2013-2031 Policies

D1: Design and Local Distinctiveness

Feniton Neighbourhood Plan (Made)

Site Location and Description

No 6 Feniton Gardens is a semi-detached dwelling house situated in a residential area, constructed in brick with hung tiles.

The application property, and neighbouring properties, have conservatories and garages to the rear backing on to a private rear access lane.

Proposed Development

Permission is sought for the removal of the existing conservatory to the rear of the dwelling and its replacement with a single storey extension with a slightly larger footprint measuring approximately 4.6m deep by 5m wide with a flat roof at 3.2m high.

The extension is proposed in matching materials, with door and window openings to the rear and a high-level window to the side elevation facing west. The extension is set in slightly from the adjoining property.

Analysis

The principal issues for consideration in the determination of the application relate to the design of the extension and impact upon the amenity of surrounding residents.

Design

The proposed extension replaces an existing conservatory to the rear of the dwelling and given the location in relation to the public highway, the existing conservatory, and

as such the proposed single-storey extension, will not be highly visible from the public domain.

In any case, the scale, design and use of matching materials are such that the design of the extension is acceptable and respects the character of the host dwelling and wider area.

Impact upon amenity

The proposed development replaces an existing conservatory and in light of the use of more solid walls in the extension, its single-storey nature, flat roof design, and being set in from the boundary with the adjoining property, the extension will not have a harmful impact upon the neighbouring properties.

With the main outlook from the extension to the rear, with only one high-level window to one side elevation and the extension replacing a conservatory with full height glazing to its sides, the proposal will result in less overlooking of neighbouring than currently exists. As such there is no harm to neighbouring amenity.

RECOMMENDATION

APPROVE

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

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

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

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

Informative:

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

Plans relating to this application:

Location Plan
Proposed Site Plan
4182.3: Ground
4182.4

Ward Woodbury And Lymstone

Reference 20/1529/FUL

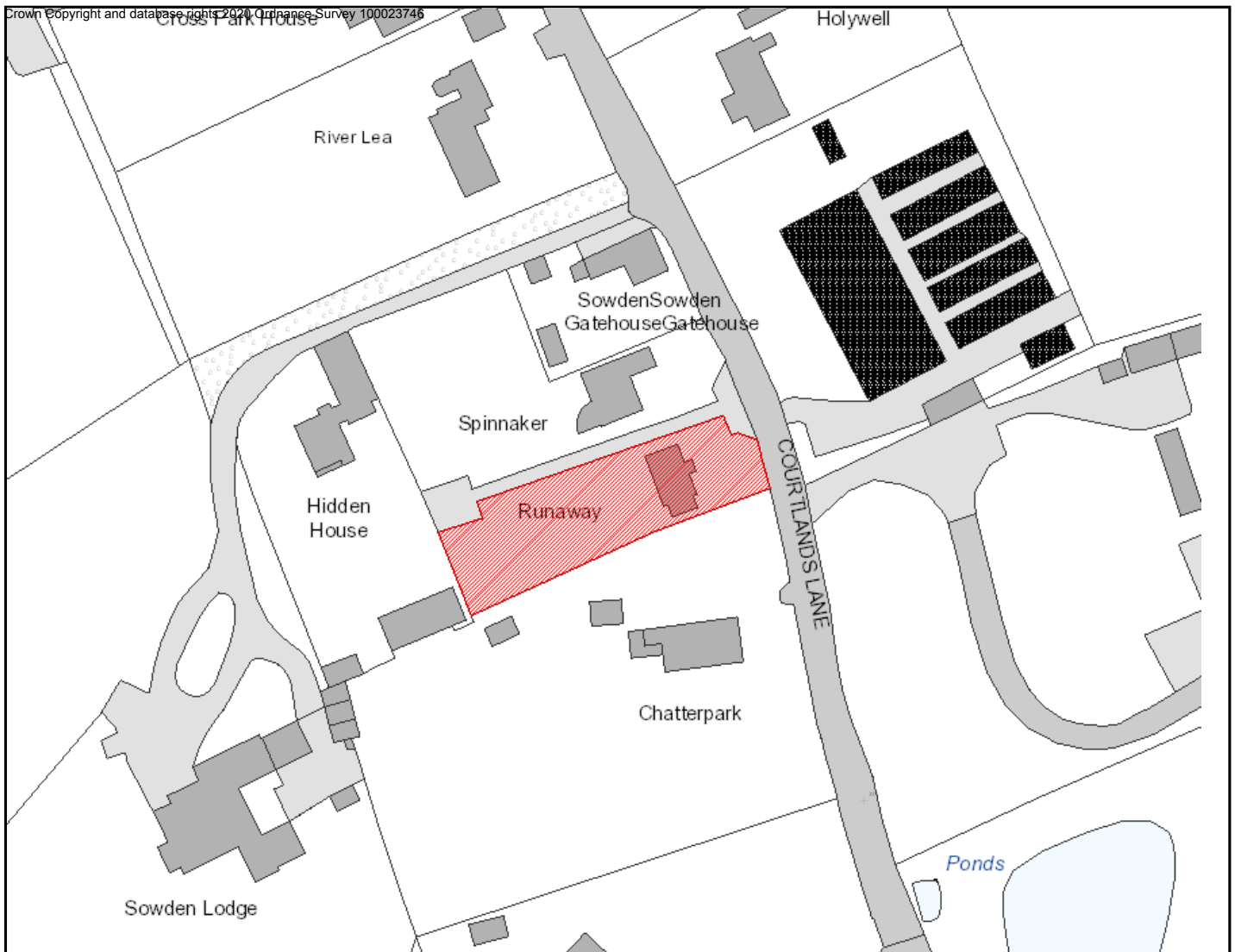
Applicant Mr B and Ms S Ingham and Lenygon

Location Runaway Courtlands Lane Exmouth EX8 5AB

Proposal Construction of detached garage incorporating hall, wet room and first floor ancillary accommodation



RECOMMENDATION: Approval with conditions



		Committee Date: 7th October 2020
Woodbury And Lympstone (LYMPSTONE)	20/1529/FUL	Target Date: 26.07.2017
Applicant:	Mr B and Ms S Ingham and Lenygon	
Location:	Runaway Courtlands Lane	
Proposal:	Construction of detached garage incorporating hall, wet room and first floor ancillary accommodation	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The application is identical to those submitted in 2014 and 2017 for the construction of a detached garage with ancillary accommodation over.

The circumstances of the site are similar to the time of the situations in 2014 and 2017, with the exception that an adjoining property (Chatterpark) has been designated as a locally listed building. However, given the Inspectors findings in 2014 that the design and location of the proposal would not harm the local area, and given screening and distances between the site and Chatterpark, the proposal is not considered to be harmful to the setting or features of Chatterpark.

Whilst the Neighbourhood Plan for Lympstone has been 'Made' since the previous consents, the proposal would not be contrary to any of its policies.

In addition, given recent legislation changes to address the impact from Covid19, the 2017 consent would now benefit from an extension to the time that the application can be implemented until 1st May 2021. Given this, and given the lack of harm to the local area and Chatterpark, it is considered there is no reason to withhold the granting of permission for the same proposal for a further 3 years.

The application is recommended for approval with the same conditions imposed previously in terms of matching materials, ancillary use of the building and precautions for protecting the hedges on the south and east boundaries of the site during the construction phase.

CONSULTATIONS

Local Consultations

Ward Member - Cllr G Jung – Woodbury and Lympstone

I have viewed the documents for planning application 20/1529/FUL for the construction of detached garage incorporating hall, wet room and first floor ancillary accommodation at Runaway Courtlands Lane.

This seems to be the same application as 17/1247/FUL which was for the construction of detached garage with ancillary accommodation which was approved in August 2017. If the same conditions are applied as previously, I would support this application however, I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

Lympstone Parish Council

SUPPORT Would like it to be noted this looks to be another house.

Technical Consultations

Conservation

CONSULTATION REPLY TO HOUSEHOLDER TEAM PLANNING APPLICATION AFFECTING LOCALLY LISTED BUILDING

ADDRESS: Runaway, Courtlands Lane, Exmouth

GRADE: Adj Local List APPLICATION NO: 20/1529/FUL

PROPOSAL: Construction of detached garage incorporating hall, wet room and first floor ancillary accommodation

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

The property Runaway is a relatively large detached brick built dwelling with tiled roof. Set back from Courtlands Lane in a modest plot, it was constructed at some time after 1951.

Chatterpark lies to the south of the property and has recently been included on the Local List of high quality, locally significant, built or landscape features which are not subject to any other heritage designation such as statutory listing.

This is a charming property and is characterised by its unusual style, leaning to Arts & Crafts, with distinctive gabled pitched roofs, a planned hierarchy including the principal rooms, service range, utility areas and garage/outbuildings. Set in a large plot, there are distant views of the estuary from the first floor. Internally, there are many distinctive features alongside brick fireplaces, panelled timber doors, patterned balustrade and carved newel post to the first floor landing, crittle windows, ceramic tiled window cills, and original bathroom fittings and tiled fireplace in the first floor service rooms.

Looking at the 1947 aerial photograph it also appears to show a meticulously planned garden area with laid lawns, borders, features and vegetable plot all supporting this carefully designed interwar detached property.

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

The application seeks planning permission to construct a garage to the front of the dwellinghouse with accommodation within the roof space above. An original application under 14/0264/FUL was refused and subsequently allowed on appeal in November 2014. An identical proposal was submitted under 17/1247/FUL and given that the circumstances of the site and surrounding area has remained similar to the time of the appeal it was approved.

This application is again identical to that previously approved. The building is proposed to be constructed in brick with a concrete tiled roof to match the existing dwellinghouse; a feature window is proposed on the west elevation to face the front of the house. In addition, specific conditions were attached to the previous approvals to protect the hedges on the southern and eastern boundaries.

Since the time of the previous approvals, Lympstone Neighbourhood Plan has been 'Made' since the original permission, in 2015 and the adjacent property Chatterpark has been included on the Local List in 2019.

It is noted that no reference has been made to Chatterpark being on the Local List or any assessment or consideration of the locally listed building within the submitted Planning Statement and this is a requirement as set out in EDDC Local List Guide for Undesignated Heritage assets para 9.2 and Policy EN8. This aspect needs to be addressed.

With regards the impact of the proposed garage on Chatterpark, please note the following comments:

When approaching from the north along Courtlands Lane, there are glimpses of Chatterpark from the lane, although it is appreciated that these are screened by boundary hedging. The view is, however, one of properties mainly set back from the lane, with outbuildings and structures also set back and the mature boundary hedges prominent in the streetscene. View from within the extensive gardens of Chatterpark will also be altered looking towards Runaway, although it is appreciated that the boundary hedge between the two properties will screen part of the structure, the prominent roof, however, being visible.

The section of Courtlands Lane where the proposal would be sited has a significantly more rural character and it is considered that the proposed development would be out of keeping with this attractive character.

The proposed garage and store building remains a relatively large structure that is considered to be unduly prominent in the street scene and therefore the proposed height of the garage to the ridge would appear as quite a prominent urban feature

within this rural streetscene, blocking views of Chatterpark and this will have some impact on its setting, even with the boundary hedgerow retained to the frontage.

Chatterpark, with references to Arts & Craft possesses local interest in an area where such properties are rare and contributes to the overall character and appearance of the local area. The proposed garage will result in some harm to this setting, by virtue of its overall design, scale, and height.

Other Representations

No third party representations received.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN9 (Development Affecting a Designated Heritage Asset)

Lympstone Neighbourhood Plan

Site Location and Description

The site faces onto Courtlands Lane in open countryside to the south east of the main village of Lympstone; there are neighbouring dwellings to either side and to the rear including Chatterpark to the south which is a locally listed building.

Relevant Planning History

An identical proposal was allowed on appeal in November 2014 under reference 14/0264/FUL. The same proposal was then granted consent again in 2017 under reference 17/1247/FUL.

It is relevant to note that as the 2017 application expired on the 8th August 2020, it would benefit from the Governments extension to planning permissions recently introduced such that the consent would run though until the 1st May 2021.

Proposed Development

The application seeks planning permission to construct a garage to the front of the dwellinghouse with accommodation within the roof space above. This is an identical proposal as that allowed on two previous occasions.

The building is proposed to be constructed in brick with a concrete tiled roof to match the existing dwellinghouse; a feature window is proposed on the west elevation to face the front of the house.

Assessment

Given that the circumstances of the site and surrounding area, they have remained similar to the time of the 2014 and 2017 applications, it is considered there is no reason to object to this similar proposal. Whilst the Lympstone Neighbourhood Plan has been 'Made' since the original permission, it is considered the development would accord with the Lympstone Neighbourhood Plan.

Whilst the comments from the Conservation Officer are appreciated, and the 2014 application was refused by the Council given concerns over the design, scale, height being intrusive to the character and appearance of the area, these concerns were not shared by the Inspector who considered that the proposal was not dissimilar to development elsewhere in other parts of Courtlands Lane and would not prove uncharacteristic of the locality. Given this the application was then approved again in 2017.

Since the grant of the last permission in 2017, the adjoining property, Chatterpark, has been designated as a locally listed building due to its unusual style and Arts and Crafts leaning. However, given the Inspectors assessment in 2014 that the proposal would not harm the character and appearance of the area, and given that Chatterpark is a large dwelling in a large plot separated from the application site by a high mature hedge and located over 20m from the proposed building, it is considered that the proposal would not have a harmful impact upon setting, features, or significance of Chatterpark.

It is also material to the decision that Central Government have extended the implementation period for applications expiring between 23rd March 2020 and 31st December 2020 due to the impact from Covid19 such that the 2017 application would benefit from an extended period for implementation until the 1st May 2021.

The Inspector imposed conditions on the 2014 consent in relation to matching materials and precautions to protect the hedges on the southern and eastern boundaries during any construction. It is suggested these are repeated, to again protect the local area (and setting to Chatterpark) as was the case in 2017.

County Highways have made no comment on the application; it is not considered that the circumstances have changed in terms of affect to neighbouring amenity.

RECOMMENDATION

APPROVE subject to the following conditions:

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

(Reason - For the avoidance of doubt.)

3. The materials to be used in the construction of the external surfaces of the development hereby permitted, including the roof, shall match those used in the existing dwelling. Reason – in the interests of the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.
4. The residential accommodation hereby permitted shall be used solely for purposes incidental to the use of the dwelling known as Runaway and the garage hereby permitted shall be kept available for the parking of motor vehicles at all times and shall be used solely for the benefit of the occupants of the dwelling known as Runaway and their visitors and for no other purpose and shall be permanently retained as such thereafter. Reason – To reflect the proposal applied for and where the building is unsuitable for independent residential occupation due to its relationship with adjacent dwellings and/or it is an unsustainable location where a separate unit of accommodation would not be adequately served by a range of services and facilities such that it would not comply with the requirements of Policy D1 – Design and Local Distinctiveness and Strategy 3 – Sustainable Development of the Adopted New East Devon Local Plan 2016.)
5. Before development is begun details of the measures to protect the hedges on the southern and eastern boundaries of the site during construction shall be submitted to the Council, and no works shall commence until the Council's written approval is obtained. Development shall proceed in accordance with the approved details, and any damage to the hedges caused during construction shall be rectified during the first planting season following the occurrence of the damage in accordance with a scheme to be agreed in writing by the Council. Thereafter the hedges shall be retained and shall not be removed unless the Council has given its prior written permission. Reason – In the interests of the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031).

Informative:

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

Plans relating to this application:

Location Plan	20.07.20
Proposed Block Plan	20.07.20

List of Background Papers

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