

Agenda for Planning Committee Wednesday, 10th February, 2021, 10.00 am



Members of Planning Committee

Councillors E Wragg (Chair), S Chamberlain (Vice-Chair), K Bloxham, C Brown, A Colman, O Davey, B De Saram, S Gazzard, M Howe, D Key, 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: Thursday, 28 January 2021

**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 1 February 2021 up until 12 noon on Thursday 4 February 2021 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 order for the applications

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

2 Minutes of the previous meeting (Pages 4 - 15)

Minutes of the Planning Committee meeting held on 6 January and 7 January 2021.

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 appeal statistics (Pages 16 - 22)

Update from the Development Manager

Applications for Determination

PLEASE NOTE - The meeting will be adjourned at approximately 1pm for a 30 minutes break

8 20/0993/MRES (Major) - WOODBURY & LYMPSTONE (Pages 23 - 68)

Goodmores Farm, Hulham Road, Exmouth, EX8 5BA.

- 9 **19/2829/MFUL & 19/2830/LBC - (Major) EXMOUTH TOWN** (Pages 69 - 133)
Tower Street, Methodist Church, Tower Street, Exmouth, EX8 1NT.
- 10 **18/1653/MOUT (Major) - BROADCLYST** (Pages 134 - 182)
Land North Of Moonhill Copse, West Clyst, Exeter.
- 11 **20/2585/FUL (Minor) - EXMOUTH HALSDON** (Pages 183 - 190)
59 Mount Pleasant Avenue, Exmouth, EX8 4QR.
- 12 **20/1807/VAR (Minor) - FENITON** (Pages 191 - 200)
Treaslake Farm, Buckerell, Honiton, EX14 3EP.
- 13 **20/0652/FUL (Minor) - SIDMOUTH TOWN** (Pages 201 - 216)
6 Willoughby House, Peak Hill Road, Sidmouth, EX10 0NW.
- 14 **20/2171/FUL (Minor) - AXMINSTER** (Pages 217 - 221)
Bonners Causeway, Axminster, EX13 5EN.

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

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Planning Committee held at Online via the Zoom App on 6 January 2021****Attendance list at end of document**

The meeting started at 10.00 am and ended at 4.10 pm. The meeting was adjourned at 12.20 pm and reconvened at 1.05 pm.

186 Minutes of the previous meeting

The minutes of the meeting held on 2 December 2020 were agreed as a true record.

187 Declarations of interest

Minute 191. 20/2089/MFUL (Major) BUDLEIGH AND RALEIGH.

Councillors Bruce De Saram, Eileen Wragg, Geoff Pook, Geoff Pratt, Joe Whibley, Kathy McLauchlan, Kim Bloxham, Mike Howe, Olly Davey, Philip Skinner, Sarah Chamberlain, Steve Gazzard, Tony Woodward, Bruce de Saram, Personal, Had been lobbied in respect of this planning application.

Minute 191. 20/2089/MFUL (Major) BUDLEIGH AND RALEIGH.

Councillor Olly Davey, Personal, Member of the Devon Wildlife Trust and RSPB.

Minute 191. 20/2089/MFUL (Major) BUDLEIGH AND RALEIGH.

Councillor Philip Skinner, Personal, Father was a former tenant of a farm owned by Devon Clinton Estates.

Minute 191. 20/2089/MFUL (Major) BUDLEIGH AND RALEIGH.

Councillor Tom Wright, Personal, Former member of Budleigh Salterton Cricket Club and a former Chair of the Stakeholders Group that had consulted on the project.

Minute 192. 20/1504/MOUT (Major) OTTERY ST MARY.

Councillors Bruce de Saram David Key, Eileen Wragg, Geoff Pook, Geoff Pratt, Joe Whibley, Kathy McLauchlan, Kim Bloxham, Mike Howe, Olly Davey, Philip Skinner, Sarah Chamberlain, Steve Gazzard, Tony Woodward, Personal, Had been lobbied in respect of this application.

Minute 192. 20/1504/MOUT (Major) OTTERY ST MARY.

Councillor Eileen Wragg, Personal, Former member of the Flood Risk and Coastal Committee.

Minute 192. 20/1504/MOUT (Major) OTTERY ST MARY.

Councillor Geoff Pratt, Personal, Had attended quite some time ago a meeting with Planning Officers and Devon County Council Officers.

Minute 192. 20/1504/MOUT (Major) OTTERY ST MARY.

Councillor Mike Howe, Personal, Had chaired and participated in various advisory panels over many years on this planning application and one son attends The Kings School in Ottery St Mary.

Minute 192. 20/1504/MOUT (Major) OTTERY ST MARY.

Councillor Olly Davey, Personal, Former teacher at Tipton St John Primary School and The Kings School at Ottery St Mary when employed for the Devon Music Service.

Minute 192. 20/1504/MOUT (Major) OTTERY ST MARY.

Councillor Tony Woodward, Personal, Member of the Humanists UK which has a campaign agenda for the reform of the relationship between faith and schools.

Minute 193. 20/0995/VAR (Minor) BUDLEIGH AND RALEIGH.

Councillor Philip Skinner, Personal, Known to applicant.

Minute 194. 20/0996/VAR (Minor) BUDLEIGH AND RALEIGH.

Councillor Philip Skinner, Personal, Known to applicant.

188 **Planning appeal statistics**

The Committee noted the Development Manager's report setting out 2 appeal decisions. The first appeal on planning application 20/0595/FUL for a telecommunications mast at Mount Pleasant, Exeter Road, Alyesbeare had been withdrawn by the appellant. The second appeal on planning application 18/2173/VAR for a biodigester at Enfield Farm, Oil Mill Lane, Clyst St Mary, the Development Manager was pleased to report the Inspector had dismissed the appeal on amenity and pollution grounds.

189 **20/2089/MFUL (Major) BUDLEIGH AND RALEIGH**

Applicant:

Megan Rimmer (Environment Agency)

Location:

151 Hectares of land within the parishes of East Budleigh, Budleigh Salterton and Otterton from Lime Kiln Car Park (SY072819) to South of Frogmore House (SY074850) (The Lower Otter Valley).

Proposal:

Proposed breach of the River Otter embankment, Little Bank and Big Bank to restore the historic floodplain creating an intertidal saltmarsh, mudflats and freshwater habitat at Big Marsh and a new freshwater habitat at Little Marsh. Associated works including development of a new footbridge, realignment of South Farm Road and creation of a new car park. (The Lower Otter Restoration Project). Accompanied by an Environmental Statement.

RESOLVED:

Approved as per Officer recommendation but with the following additional conditions:

1. Prior to the commencement of development, and following consultation with the affected residents of Frogmore Road as identified by the Local Planning Authority, details of any additional mitigation works and future monitoring to protect residents of Frogmore Road from flooding as a result of the proposal hereby approved shall have been submitted to the Local Planning Authority for approval. Thereafter the development shall be carried out in full accordance with the approved details.
Reason: In order to protect the amenity of residents from flood risk in accordance with Policies D1 (Design and Local Distinctiveness) and EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031.

2. Prior to commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the local planning authority for its approval. This shall establish site objectives and management prescriptions to deliver mitigation and enhancement measures and include provision for:
 - a) Mitigation and management of retained habitats during the pre-construction, construction and post construction phases of the development.
 - b) Creation and management of new habitats during the construction and post construction phases of the development.
 - c) Mitigation for legally protected and notable species during the pre-construction, construction and post construction phases of the development.

Once approved the pre-construction, construction and operation of the development shall proceed in accordance with the approved details of the LEMP, unless otherwise approved in writing by the local planning authority and retained thereafter in accordance with the approved details

Reason: In order to protect and enhance habitat in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031.

3. A comprehensive habitat monitoring plan shall be submitted to and approved in writing by the local planning authority prior to commencement of development. It shall show the following measures to be agreed:

The methodology and monitoring of new inter-tidal areas for establishment of saltmarsh and mudflat habitat.

The monitoring of impacts on the Otter Estuary SSSI and predicted changes to the MCZ as a result of natural erosion processes in the existing estuary and mouth.

Reason: In order to conserve the biodiversity and geodiversity of these protected habitats and landscapes in accordance with Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan 2013-2031.
4. Prior to commencement of development, further details showing how footpaths will be screened from the proposed habitat areas shall be submitted to and agreed in writing by the local planning authority. The screening shall be in place prior to operation of the development.

Reason: In order to protect habitat from the impact of visitors in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031.

190 **20/1504/MOUT (Major) OTTERY ST MARY**

Applicant:

Mr David Black.

Location:

Land opposite Barrack Farm, Exeter Road, Ottery St Mary.

Proposal:

Outline planning application with all matters reserved except access for up to 150 new dwellings, a 210 space primary school, construction of a new roundabout on Exeter Road, a new junction onto Cadhay Lane and associated infrastructure.

The following motion was carried on a recorded vote as follows:

Councillor Kim Bloxham	For
Councillor Sarah Chamberlain	For
Councillor Andrew Colman	For
Councillor Olly Davey	For
Councillor Bruce de Saram	For
Councillor Steve Gazzard	Against
Councillor Mike Howe	Abstain
Councillor David Key	Against
Councillor Kathy McLauchlan	For
Councillor Geoff Pook	For
Councillor Geoff Pratt	For
Councillor Philip Skinner	For
Councillor Joe Whibley	For
Councillor Tony Woodward	For
Councillor Eileen Wragg	Abstain

RESOLVED:

Refused contrary to officer recommendation for the following reason:

The proposed development is located in the countryside outside of any Built-Up Area Boundary with no planning policy support for residential development in this location. The resulting harm from the development to the visual amenity of the wider area at both close and distinct views, including the visual impact from the proposed new roundabout onto Exeter Road, and the lack of provision of 50% affordable housing outweigh the benefits from the proposal. As such, the proposal is contrary to Strategies 7 (Development in the Countryside), Strategy 24 (Development at Ottery St Mary), Strategy 34 (District Wide Affordable Housing Provision), Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 and Policies NP1 (Development in the Countryside) and NP25 (Land Identified for Education uses in Ottery St Mary) of the Made Ottery St Mary and West Hill Neighbourhood Plan.

191 **20/0995/VAR (Minor) BUDLEIGH AND RALEIGH**

Applicant:

Mrs Frances Carter.

Location:

Pooh Cottage Holiday Site, Bear Lane, Budleigh Salterton.

Proposal:

Variation of Condition 2 of planning application 19/1202/VAR to allow the occupation of 14 caravans the whole year round.

RESOLVED:

Approved as per officer recommendation but subject to a change to Condition 3 to limit the number of consecutive days that the accommodation can be occupied to prevent permanent occupation.

Revised wording to be agreed in consultation with the Ward Members, Chair and Vice-Chair of the Planning Committee.

192 **20/0996/VAR (Minor) BUDLEIGH AND RALEIGH**

Applicant:

Mrs Frances Carter.

Location:

Pooh Cottage Holiday Site, Bear Lane, Budleigh Salterton.

Proposal:

Variation of Condition 2 of planning application 10/2407/FUL to allow the occupation of 47 caravans the whole year round.

RESOLVED:

Approved as per officer recommendation but subject to a change to Condition 3 to limit the number of consecutive days that the accommodation can be occupied to prevent permanent occupation.

Revised wording to be agreed in consultation with the Ward Members, Chair and Vice-Chair of the Planning Committee.

193 **20/0918/FUL (Minor) BUDLEIGH AND RALEIGH**

Applicant:

Mr H Headon.

Location:

2 The Cedars, Exmouth Road, Colaton Raleigh, Sidmouth, EX10 0LB.

Proposal:

Proposed conversion of the roof space of a residential property to a 2 bedroom flat.

RESOLVED:

Approved as per Officer recommendation.

Attendance List

Councillors present:

E Wragg (Chair)

S Chamberlain (Vice-Chair)

K Bloxham

A Colman

O Davey

B De Saram

S Gazzard
M Howe
D Key
K McLauchlan
G Pook
G Pratt
P Skinner
J Whibley
T Woodward

Councillors also present (for some or all the meeting)

P Arnott
J Bailey
D Bickley
S Bond
A Dent
P Faithfull
P Hayward
V Johns
D Ledger
V Ranger
T Wright

Officers in attendance:

Chris Rose, Development Manager
Shirley Shaw, Planning Barrister
Wendy Harris, Democratic Services Officer
Sarah Jenkins, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Nicola Cooper, Solicitor

Councillor apologies:

C Brown

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Planning Committee held online via the Zoom app on 7 January 2021

Attendance list at end of document

The meeting started at 10.00 am and ended at 1.35 pm. The Committee adjourned at 12.20 pm and reconvened at 1.05 pm.

Due to work commitments Councillor Chamberlain advised she was not able to act as Vice Chair for the meeting. The Committee agreed to Councillor McLauchlan being Vice Chair.

196 Declarations of interest

Minute 197. 19/2145/MFUL (Major) WOODBURY AND LYMPSTONE.
Councillor Eileen Wragg, Personal, Trustee of Stallcombe House Residential Home that adjoins the property of this planning application.

Minute 197. 19/2145/MFUL (Major) WOODBURY AND LYMPSTONE.
Councillor Geoff Pook, Personal, Trustee of Stallcombe House Residential Home that adjoins the property of this planning application.

Minute 197. 19/2145/MFUL (Major) WOODBURY AND LYMPSTONE.
Councillor Joe Whibley, Personal, Former employee at Stallcombe House Residential Home that adjoins the property of this planning application. Partner is a current employee of Stallcombe House and also a former Trustee.

Minute 198. 20/0728/FUL & 20/0729/LBC (Minor) OTTERY ST MARY.
Councillor Philip Skinner, Personal, Known to the applicant.

Minute 201. 20/1166/FUL (Minor) EXMOUTH BRIXINGTON.
Councillors Andrew Colman, Bruce de Saram, Steve Gazzard, Joe Whibley, Olly Davey, Tony Woodward Personal, Exmouth Town Councillor.

Minute 201. 20/1166/FUL (Minor) EXMOUTH BRIXINGTON.
Councillors Andrew Colman and Joe Whibley, Personal, Member of Exmouth Town Council's Planning Committee.

Minute 201. 20/1166/FUL (Minor) EXMOUTH BRIXINGTON.
Councillor Eileen Wragg, Personal, Visited Bystock Court by invitation in January 2020.

Minute 201. 20/1166/FUL (Minor) EXMOUTH BRIXINGTON.
Councillor Philip Skinner, Personal, In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution Councillor Skinner advised as the applicant was known to him and was removed to the virtual lobby while this application was being discussed and did not take part in the debate or vote.

Minute 201. 20/1166/FUL (Minor) EXMOUTH BRIXINGTON.
Councillor Steve Gazzard, Personal, Known to the applicant and applicant's partner who is a colleague at EDDC.

Minute 203. 20/2293/FUL (Other) DUNKESWELL AND OTTERHEAD.

Councillor Philip Skinner, Personal, Known to the applicant.

Minute 204. 20/2310/FUL (Other) TRINITY.

Councillor Geoff Pook, Personal, Known to the applicant as a Member of the same political group.

Minute 204. 20/2310/FUL (Other) TRINITY.

Councillor Philip Skinner, Personal, Known to applicant.

Minute 204. 20/2310/FUL (Other) TRINITY.

Councillor Tony Woodward, Personal, Known to applicant.

Non Committee Members

Minute 197. 19/2145/MFUL (Major) WOODBURY AND LYMPSTONE.

Councillor Geoff Jung, Personal, Board Member of the Pebblebed Heath NNR, Member of Woodbury and Woodbury Salterton Residents Association and Woodbury Parish Councillor.

Minute 202. 20/1633/FUL (Minor) AXMINSTER.

Councillor Sarah Jackson, Personal, Received correspondence on this planning matter from several members of the public.

197 **19/2145/MFUL (Major) WOODBURY AND LYMPSTONE**

Applicant:

The Club Company Ltd.

Location:

Woodbury Park Hotel and Golf Club, Woodbury Castle, Woodbury, EX5 1JJ.

Proposal:

Change of use of land for the siting of 14 holiday lodge caravans and associated access and development.

RESOLVED:

Approved as per Officer recommendation but with a change to Condition 14 to read as follows and subject to the following additional condition:

Condition 14:

The development hereby permitted shall only be occupied for holiday purposes under the supervision and management of the owners or occupiers of the Woodbury Park Hotel and Country Club and shall not be occupied as a person's sole or main place of residence. Occupation of caravans must not exceed 60 consecutive days. A register (including names and main home addresses) of all occupiers of the holiday unit shall be collated and maintained by the owners or occupiers of Woodbury Park Hotel and Country Club, and this information shall be available at all reasonable times on request by the Local Planning Authority.

(Reason - To ensure that the accommodation hereby permitted may not be used as a separate dwelling in this open countryside location where new development is restricted in accordance with Policy E19 (Holiday Accommodation Parks) and Strategy 7 - Development in the Countryside of the Adopted East Devon Local Plan 2013-2031.)

Additional condition:

Prior to commencement of development, details of the timing and provision of on-site renewable energy to serve the units hereby approved, and provision of electric car charging points to the main car park for visitor, shall have been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the agreed details and retained in perpetuity.

(Reason: In order to provide sustainable construction and renewable energy production in accordance with the provisions of, and Policy E19 (Holiday Accommodation Parks) of, the East Devon Local Plan 2013-2031.)

198 **20/0728/FUL & 20/0729/LBC (Minor) OTTERY ST MARY**

Applicant:

Mr and Mrs Graham Hudson.

Location:

Kings Arms Hotel, gold Street, Ottery St Mary, EX11 1DG.

Proposal:

Conversion of hotel accommodation to 5 flats, retaining existing bar, lounge and skittle alley, fenestration changes and provision of bin storage and bicycle parking.

RESOLVED:

20/0728/FUL – Approved as per Officer recommendations

20/0729/LBC – Approved as per Officer recommendations.

199 **20/1746/FUL (Other) SIDMOUTH SIDFORD**

Applicant:

Mr Mark Laurenti.

Location:

Woolbrook Reservoir, Balfours, Sidmouth, EX10 9EF.

Proposal:

Excavation of an earth bank to facilitate enlargement of the existing parking area to form 3 additional parking spaces and construction of a retaining wall.

RESOLVED:

Approved as per Officer recommendation.

200 **20/1726/FUL (Minor) FENITON**

Applicant:

Mr Shane Francis

Location:

1 Hamlet Cottages, Weston, Honiton, EX14 3PB.

Proposal:

Change of use of an existing workshop (use Class B1(c)) to a residential dwelling (use class C3) with minor alterations.

RESOLVED:

Approved as per Officer recommendation.

201 **20/1166/FUL (Minor) EXMOUTH BRIXINGTON**

Applicant:

Miss J Rhodes

Location:

Bystock Court, Old Bystock Drive, Exmouth, EX8 5EQ.

Proposal:

Construction of a new daycare centre.

RESOLVED:

Approved as per Officer recommendation.

202 **20/1633/FUL (Minor) AXMINSTER**

Applicant:

Mr and Mrs K Bostock.

Location:

Rose Farm, Wyke, Axminster, EX13 8TN.

Proposal:

Erection of agricultural barn.

RESOLVED:

Refused as per Officer recommendation.

203 **20/2293/FUL (Other) DUNKESWELL AND OTTERHEAD**

Applicant:

Mr and Mrs Martyn Summers

Location:

Kains Park Farm, Awliscombe, Honiton, EX14 3NN.

Proposal:

Proposed extension and conversion of existing outbuilding to form studio/games room.

RESOLVED:

Approved as per Officer recommendation.

204 **20/2310/FUL (Other) TRINITY**

Applicant:

Ian and Sue Thomas

Location:

Ware Barn, Ware, Lyme Regis, DT7 3RH.

Proposal:

Construction of proposed greenhouse.

RESOLVED:

Approved as per Officer recommendation.

Attendance List

Councillors present:

E Wragg (Chair)
S Chamberlain
K Bloxham
A Colman
O Davey
B De Saram
S Gazzard
M Howe
D Key
K McLauchlan (Vice-Chair)
G Pook
P Skinner
J Whibley
T Woodward

Councillors also present (for some or all the meeting)

P Arnott
D Bickley
P Faithfull
I Hall
P Hayward
B Ingham
V Johns
G Jung
M Rixson
A Moulding

Officers in attendance:

Chris Rose, Development Manager
Shirley Shaw, Planning Barrister
Wendy Harris, Democratic Services Officer
Debbie Meakin, Democratic Services Officer

Councillor apologies:

C Brown
G Pratt

Chairman

Date:

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

Ref:	20/1983/FUL	Date Received	04.01.2021
Appellant:	Mrs Clements		
Appeal Site:	1 Orchard Close Lympstone Exmouth EX8 5LA		
Proposal:	Change of material on south elevation of garage to render to reflect adjacent properties.		
Planning Inspectorate Ref:	APP/U1105/D/21/3266284		
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Ref:	20/0912/VAR	Date Received	20.01.2021
Appellant:	Mr & Mrs Peter & Ann Stansell		
Appeal Site:	Goldcombe Farmhouse Gittisham Honiton EX14 3AB		
Proposal:	Conversion Of Existing Buildings To Holiday Dwellings (application for removal of Condition 5 of planning permission 84/P0792 to allow year round occupancy of the holiday dwellings and variation of Condition 6 of planning permission 84/P0792 to allow The Cider Barn to be used as an unrestricted residential dwelling)		
Planning Inspectorate Ref:	APP/U1105/W/21/3267313		

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

Ref: 20/0874/FUL **Appeal Ref:** 20/00053/REF
Appellant: Mr Tom Chown
Appeal Site: 56 Millers Way Honiton EX14 1JB
Proposal: Proposed demolition of existing garage and construction of new dwelling.
Decision: **Appeal Allowed** **Date:** 29.12.2020
(with conditions)
Procedure: Written representations
Remarks: Delegated refusal
The Inspector considered that the proposal would not harm the generally uniform, open, suburban character of the area and would be sufficiently distant from existing dwellings to avoid any loss of privacy or harm to outlook.
He concluded that there would be no conflict with those aims of Policy D1 of the East Devon Local Plan 2016 that seek to ensure development respects the special qualities, urban form and characteristics of the area.
BVPI 204: **Yes**
Planning APP/U1105/W/20/3258745
Inspectorate Ref:

Ref: 20/0946/FUL **Appeal Ref:** 20/00056/HH
Appellant: Mr Tim Thorn
Appeal Site: 108 Exeter Road Exmouth EX8 1QH
Proposal: Construction of single storey rear extension, dormer window to rear and front with balcony.
Decision: **Appeal Dismissed** **Date:** 13.01.2021
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Strategy 6 & Policy D1 and Exmouth NP Policies EB1 & EB2).
BVPI 204: **Yes**
Planning APP/U1105/D/20/3261076
Inspectorate Ref:

Ref: 20/0643/FUL **Appeal Ref:** 20/00052/REF
Appellant: Mr D & Mrs J Presnail
Appeal Site: Taree Cownhayne Lane Colyton EX24 6HD
Proposal: Construction of detached dwelling and associated driveway.
Decision: **Appeal Dismissed** **Date:** 18.01.2021
Procedure: Written representations
Remarks: Delegated refusal, countryside protection and landscape reasons upheld (EDLP Strategies 7 & 46 and Policy D1).
BVPI 204: **Yes**
Planning APP/U1105/W/20/3258736
Inspectorate Ref:

East Devon District Council List of Appeals In Progress

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/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: 15 March 2021

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: 19/2591/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

App.No: 19/F0187
Appeal Ref: APP/U1105/F/20/3258749
Appellant: Mr S Broom
Address: Court Place Cottage, Court Place Farm, Wilmington
Proposal: Appeal against the serving of a listed building enforcement notice in respect of replacement windows and door.
Start Date: 5 October 2020
Procedure:
Written reps.
Questionnaire Due Date: 19 October 2020
Statement Due Date: 16 November 2020
Site visit: 5 January 2021

App.No: 20/0833/FUL
Appeal Ref: APP/U1105/W/20/3258150
Appellant: Mr N M Eyres
Address: 26 & 26A Mill Street Ottery St Mary EX11 1AD
Proposal: Sub-division of existing vacant retail shop unit (26), new internal staircase to modified flat unit (26A) and alterations to existing shop front. Part retrospective.
Start Date: 6 November 2020
Procedure:
Written reps.
Questionnaire Due Date: 13 November 2020
Statement Due Date: 11 December 2020

App.No: 20/0943/FUL
Appeal Ref: APP/U1105/W/20/3258355
Appellant: Mr N M Eyres
Address: 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
Start Date: 6 November 2020
Procedure:
Written reps.
Questionnaire Due Date: 13 November 2020
Statement Due Date: 11 December 2020

App.No: 20/0848/FUL
Appeal Ref: APP/U1105/W/20/3260272
Appellant: Mr Thomas Lowday
Address: Windrush Poltimore Exeter EX4 0AB
Proposal; Change of use of residential dwelling and agricultural land to an educational facility to operate as an independent special school (use class D1) and provision of car park spaces, installation of compost toilets and wildlife pond and planting of new woodland
Start Date: 18 November 2020
Procedure:
Written reps.
Questionnaire Due Date: 25 November 2020
Statement Due Date: 23 December 2020

App.No: 20/0846/FUL
Appeal Ref: APP/U1105/W/20/3260621
Appellant: Mr S Thorneywork
Address: Lloyds Tsb Bank Plc 8 Fore Street Budleigh Salterton EX9 6NQ
Proposal; Construction of 1 bed cottage

Start Date: 24 November 2020

Procedure:
Written reps.

Questionnaire Due Date:

1 December 2020

Statement Due Date:

29 December 2020

App.No: 15/F0020

Appeal Ref: APP/U1105/C/20/3248557

Appellant: Ms Charmaine Lee

Address: Hawkwell Park, Hawkchurch

Proposal; Appeal against the serving of an enforcement notice in respect of the non-compliance with a condition on a planning permission restricting the occupation of caravans on the site to gypsies and travellers.

Start Date: 8 December 2020

Procedure:
Inquiry

Questionnaire Due Date:

22 December 2020

Statement Due Date:

19 January 2021

Inquiry Date:

To be arranged

App.No: 20/0668/PDQ

Appeal Ref: APP/U1105/W/20/3261197

Appellant: Terry Grandfield

Address: Barn At Orchard Farm Plymtree

Proposal; Prior approval for proposed change of use of existing agricultural barn to 4 no. smaller dwelling houses (use class C3) and associated operational development under Class Q(a) and (b)

Start Date: 8 December 2020

Procedure:
Written reps.

Questionnaire Due Date:

15 December 2020

Statement Due Date:

12 January 2021

App.No: 20/1624/PDQ

Appeal Ref: APP/U1105/W/20/3261200

Appellant: Terry Grandfield

Address: Barn At Orchard Farm Plymtree EX15 2LW

Proposal; Prior approval for proposed change of use of existing agricultural barn to 4 no. smaller dwelling houses (use class C3) and associated operational development under Class Q(a) and (b).

Start Date: 8 December 2020

Procedure:
Written reps.

Questionnaire Due Date:

15 December 2020

Statement Due Date:

12 January 2021

App.No: 20/0988/FUL

Appeal Ref: APP/U1105/D/20/3261816

Appellant: Mr Ian Connock

Address: Abbotsford Longmeadow Road Lymptstone Exmouth EX8 5LE

Proposal; Creation of a means of access to a highway (part retrospective)

Start Date: 11 December 2020

Procedure:
Written reps.

Questionnaire Due Date:

18 December 2020

App.No: 20/1779/FUL

Appeal Ref: APP/U1105/W/20/3261920

Appellant: Mr John Lomax

Address: Water Tower At Mount Pleasant Exmouth Road Aylesbeare
Proposal; Provision of additional secure storage space adjacent and within structure
Start Date: 21 December 2020
Procedure:
Written reps.
Questionnaire Due Date: 28 December 2020
Statement Due Date: 25 January 2021

App.No: 20/0507/FUL
Appeal Ref: APP/U1105/W/20/3262604
Appellant: Mr S James
Address: Hookmills Chardstock Axminster EX13 7DD
Proposal; Change of use of single storey office building to dwelling; store building to associated domestic use and adjoining land to garden
Start Date: 21 December 2020
Procedure:
Written reps.
Questionnaire Due Date: 28 December 2020
Statement Due Date: 25 January 2021

App.No: 20/0572/FUL
Appeal Ref: APP/U1105/W/20/3262750
Appellant: Mr J Lacey
Address: Land At Woodhouse Lyme Road Uplyme
Proposal; Change of use of agricultural land for siting of static caravan and construction of generator housing (retrospective).
Start Date: 21 December 2020
Procedure:
Written reps.
Questionnaire Due Date: 28 December 2020
Statement Due Date: 25 January 2021

App.No: 20/0411/LBC
Appeal Ref: APP/U1105/Y/20/3262597
Appellant: Mr David Holt
Address: Berry Cottage Longmeadow Road Lypstone Exmouth EX8 5LW
Proposal; Remove existing rear porch and construct extension to the rear (north) elevation
Start Date: 30 December 2020
Procedure:
Written reps.
Questionnaire Due Date: 6 January 2021
Statement Due Date: 3 February 2021

App.No: 20/1632/FUL
Appeal Ref: APP/U1105/W/20/3264008
Appellant: Mr Robert Lester
Address: Woolbrook Reservoir Balfours Sidmouth EX10 9EF
Proposal; Construction of single storey dwelling
Start Date: 5 January 2021
Procedure:
Written reps.
Questionnaire Due Date: 12 January 2021
Statement Due Date: 9 February 2021

App.No: 20/0078/CPE
Appeal Ref: APP/U1105/X/20/3263779
Appellant: Mr Colin Bloomfield

Address: Stream Wood Land NW Of Yawl Cross St Marys Lane Uplyme
Proposal; Certificate of Lawfulness for an existing use and operation consisting of the erection of 2no. buildings and their use for a mixed residential, workshop and storage use in connection with management of surrounding woodland
Start Date: 8 January 2021
Procedure:
Written reps.
Questionnaire Due Date: 22 January 2021
Statement Due Date: 19 February 2021

Ref.No: 18/F0494
Appeal Ref: APP/U1105/C/20/3262840
Appellant: Malcolm John Burrough
Address: Thorn Park Family Golf Centre, Salcombe Regis, Sidmouth
Proposal; Appeal against the serving of an enforcement notice in respect of the siting of two caravans on the land.
Start Date: 11 January 2021
Procedure:
Written reps.
Questionnaire Due Date: 25 January 2021
Statement Due Date: 22 February 2021

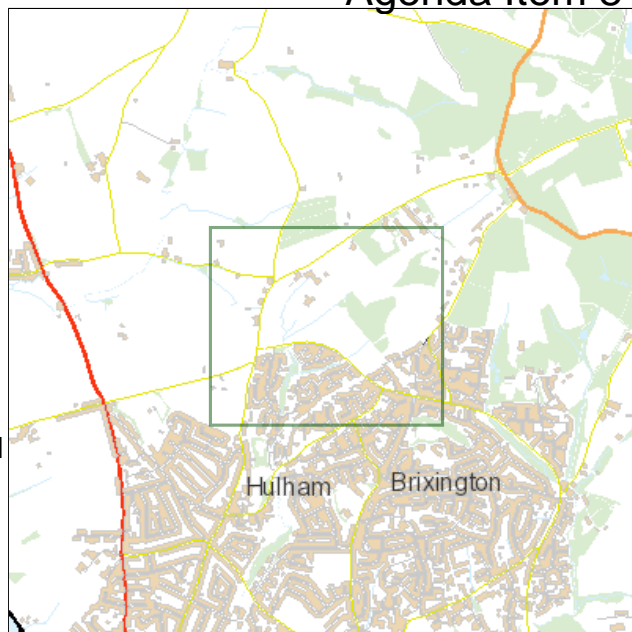
Ward Woodbury And Lymstone

Reference 20/0993/MRES

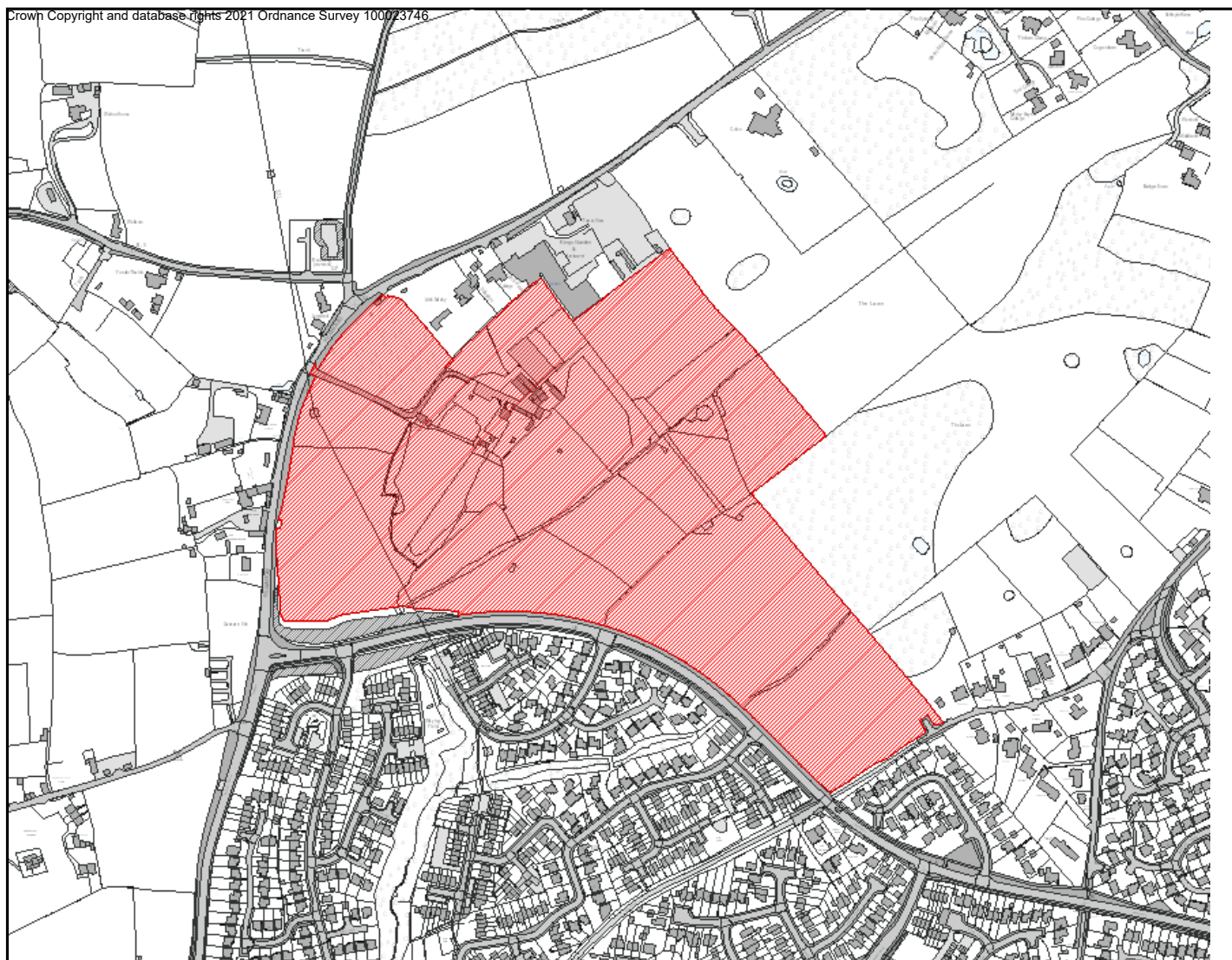
Applicant Joanna Fowler (Eagle Investments Ltd)

Location Goodmores Farm Hulham Road Exmouth EX8 5BA

Proposal Reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 303 residential units including 16 affordable units, associated roads, open space (formal and informal) and an attenuation basin. The provision of serviced land for mixed-use employment/commercial uses and land for the provision of a primary school



RECOMMENDATION: Approval with conditions



		Committee Date: 10th February 2021
Woodbury And Lympstone (Lympstone) and Exmouth Halsdon.	20/0993/MRES	Target Date: 31.08.2020
Applicant:	Joanna Fowler (Eagle Investments Ltd)	
Location:	Goodmores Farm Hulham Road	
Proposal:	Reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 300 residential units including 16 affordable units, associated roads, open space (formal and informal) and an attenuation basin. The provision of serviced land for mixed-use employment/commercial uses and land for the provision of a primary school	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members because the officer recommendation is contrary to the views of two Ward Members, bearing in mind that the site crosses two Wards.

The application site forms an allocation in the EDDC Local Plan under Strategy 22 and has an extant outline permission under reference 14/0330/MOUT.

It is clear that the site allocation in the EDDC Local Plan envisaged provision of up to 350 homes and around 5 hectares of mixed use employment and community facilities but given a number of constraints on the site including protected trees, existing watercourses, wildlife and the topography of the site, the quantum of development achievable is significantly reduced.

However, the scheme that has been submitted (and amended through negotiation) provides for a development that is well balanced and provides for 300 residential units, 16 of which (5%) would be for affordable occupation as secured as part of the Outline consent, 2.3 hectares of mixed use employment land, 1.3 hectares for a school and associated infrastructure, a 106 metre by 70 metre (0.85 hectares) football pitch and a 775 square metre (0.1 hectares) locally equipped area for play (LEAP) together with attenuation basins. The development is considered to be well balanced and not impact unreasonably on its surroundings, the trees on site,

existing watercourses, highway safety or the amenity of nearby residents, as such the proposal is considered to be acceptable.

Safeguarding conditions are recommended to ensure that additional information is provided to satisfy outstanding concerns of consultees.

CONSULTATIONS

Local Consultations

Clerk to Exmouth Town Council

Objection, members fully supported of resident's objections regarding proposed the new access on Marley Road which was a departure from the outline application.

Other concerns raised by members included:

- The need for the provision of a pedestrian crossing across Dinan Way.
- It was strongly felt the provision of just 16 affordable houses (5%) for a development of this size was unacceptable.
- Questioned the need for a school and should be review by DCC.
- A consultation should be held regarding CEMP with all interested parties and residents.
- Lack of recognition regarding climate change and the use of renewable energy.

Further comment:

No objection to the amended layout subject to comments from the EDDC Landscape Architect and that the plans complied with Exmouth Neighbourhood Plan policy GA3 regarding footpath and cycle network to ensure connectivity.

Ward Members asked that they were included in any future discussions regarding the CEMP as residents usually contacted Ward members in the first instance.

It was noted that the plans included the provision of 3 pedestrian refuge crossings on Dinan Way. Members were concerned about pedestrian safety given volume of traffic that the new development would generate including the provision of a school on the site. It was felt that a traffic light-controlled crossing was more appropriate.

Members continued to express their frustration at the lack of affordable housing provision that the development was delivering.

Lympstone Town Council

Recommendation: OBJECT

Lympstone Parish Council (LPC) accept the proposal will go ahead; however, the submitted plan has changed.

LPC would like to see something positive for Lympstone included. For example:

1. Houses built in the Lympstone area rather than all the industrial units.
2. More affordable housing provision.
3. Playing areas to include sport pitches for Lympstone groups.

In addition, LPC has major concerns for the following:

1. Why the school provision was slipped in at outline stage. This could have a disastrous implication for Lympstone Primary School and Pre-School.
2. It was not agreed by the Parish Council that all the industrial provision would be in the Lympstone boundary with a loss of CIL money.
3. By far the largest amount of land provision is within the Lympstone boundary. Which it appears was never distinctly clarified on the plan.
4. It appears an arbitrary building boundary has been created. What implications might this have on other potential development within the Parish boundary? i.e. Land between Dinan Way extension, Summer Lane and Courtlands Lane area.
5. It is a concern that the Parish boundary might be considered for change at the next boundary review by the Boundary Commission.
6. SWW have changed their observations as they are now satisfied works had taken place lower down the sewer pipe run, but we do not know what this entailed.
7. Additional roads proposed are too narrow to cope with the amount of traffic use.

Woodbury And Lympstone - Cllr Geoff Jung

I have viewed the documents for the major reserved matter planning application 20/0993/MRES for the reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 317 residential units including 16 affordable units, associated roads, open space (formal and informal) and an attenuation basin. The provision of serviced land for mixed-use employment/commercial uses and land for the provision of a primary school at Goodmores Farm Hulham Road Exmouth.

This follows the outline planning application 14/0330/MOUT for residential development (up to 350 dwellings) with associated roads and open space. The provision of land for mixed-use employment; land for commercial and community uses and land for the provision of a primary school. This application submitted in 2014 and approved finally 23.08.2019. The East Devon Local Plan Strategy 22 "Development at Exmouth" under 7a allocates this site "Goodmores Farm for a mixed-use development for 350 homes and around 5 hectares of land for mixed use employment (3ha) and community and commercial facilities(2ha).

I am disappointed on several issues regarding this application:

1. This application is simply for the granting of permission for the housing and estate roads. Although the Local Plan strategy is requiring the housing and commercial, community facilities as well. This is most concerning as the local plan

states that 19 years ago 6500 (around 50%) of working people living in Exmouth commuted out to jobs elsewhere according to the 2001 census and since then housing has increased dramatically, but developments for creating jobs within town have unfortunately lagged behind. Building the houses but not providing the employment and community facilities would exacerbate the problems already acknowledged in Exmouth.

2. The original concept developed through Strategy 22 in 2012 does not seem to have moved on in the style and design as the designs are very similar to the designs of that era. I would have preferred to have seen a better design and more thought for our emerging climate change strategies.

3. The provision of affordable housing for this development is most disappointing with just 16 affordable houses in a development of 317. The East Devon Plan requirement for Exmouth is to provide 25% affordable housing but this application is providing a mere 5%.

Therefore because of the shortfall in affordable housing, no bringing forward of the required employment opportunities other than providing a designated area, and the poor design aesthetics of the proposed housing development, I am unable to support this application.

If this application is to proceed in its present form, there are also other issues I would like to see considered by the Planning team and consultees.

1. Regarding drainage and flooding. As both the Withycombe Brook and the Wooton Brook pass through this development have a critical effect on flooding to the communities downstream in both Lymstone and Withycombe I believe this development could provide improved community resilience by reducing the water runoff during a storm event. Failure to do this would be a lost opportunity of providing a net gain to local flood resilience for the wider area.

2. I do not support the arrangements for the transport and parking arrangements for the construction period of the site.

According to the documentation the estimated requirement for works vans will be a maximum of 12, with a maximum of 24 workers on site at any one time. I feel this is an under-estimation for a site of over 300 dwellings.

I am concerned with the proposed highway routes for construction traffic during the build using Hulham road, going north to the B2080 and B3179. This route will require either crossing Woodbury Common or through the village of Woodbury. I would like to see this route totally restricted to vehicles of over 7.5 tonnes, during the build phase of this development

Prior to my supporting this application, I would like to understand further the long-term arrangements for the management and responsibility and the provision of costs of all open spaces and verges and maintenance of the playpark area, hedges and trees throughout the estate.

I therefore cannot support the proposal at this stage, but I reserve my final views on this application, until I am in full possession of all the relevant arguments for and against.

Exmouth Halsdon - Cllr Paul Millar

Please refer to comments made on the previous application which remain my concerns.

Technical Consultations

Natural England

Planning consultation: Reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 318 residential units including 16 affordable units, associated roads, open space (formal and informal) and an attenuation basin. The provision of serviced land for mixed-use employment/commercial uses and land for the provision of a primary school Location: Goodmores Farm Hulham Road Exmouth EX8 5BA

Thank you for your consultation on the above application dated 28 July 2020.

DESIGNATED SITES [EUROPEAN] - FURTHER INFORMATION REQUIRED

Habitats Regulations Assessment - Recreational Impacts on European Sites

As submitted, the application could have potential significant effects on the East Devon Pebblebed Heaths SAC, East Devon Heaths SPA and the Exe Estuary SPA/Ramsar. It is your Authorities duty to undertake a Habitats Regulations Assessment and Appropriate Assessment prior to determining the applications (see below);

The following further information is required:

How the requirement for mitigation in relation to the above European sites will be met through the provision of financial contributions and/or Suitable Alternative Natural Greenspace (SANGS).

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

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

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Additional Information required

HABITATS REGULATIONS ASSESSMENT

This development falls within the 'zone of influence' for the Exe Estuary Special Protection Area (SPA) and Ramsar site and the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and East Devon Heaths Special Protection Area (SPA) as set out in Strategy 47 of the East Devon Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development.

In line with the SEDEMS and the Joint Approach of Exeter City Council, Teignbridge District Council and East Devon District Council, we advise that mitigation will be required to prevent such harmful effects from occurring as a result of this development. Permission should not be granted until such time as the implementation of these measures has been secured.

The consultation documents provided by your authority do not include any information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations 2017 (as amended) have been considered, i.e. your authority has not recorded your assessment and conclusions with regard to the various steps within a Habitats Regulations Assessment.

If your authority is not able to rule out the likelihood of significant effects without additional mitigation measures you should undertake an Appropriate Assessment, in accordance with Regulation 61 of the Habitats Regulations, including consultation with Natural England.

SITES OF SPECIAL SCIENTIFIC INTEREST (SSSIs)

Providing appropriate mitigation is secured to avoid impacts upon the European sites occurring there should be no additional impacts upon the SSSI interest features of the Exe Estuary and East Devon Pebblebed Heaths.

PROTECTED LANDSCAPES

The application site lies approximately 5km outside of the East Devon Area of Outstanding Natural Beauty (AONB). Having considered the application, Natural England does not believe that it would impact significantly upon the purposes of designation of the AONB.

PROTECTED SPECIES

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

Natural England has published Standing Advice on protected species. The Standing Advice includes a decision checklist which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants.

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

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

BIODIVERSITY NET GAIN

We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the National Planning Policy Framework (NPPF) and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal.

In accordance with the paras 170 & 174 of the NPPF, opportunities to achieve a measurable net gain for biodiversity should be sought through the delivery of this development. Note however this metric does not change existing protected site requirements.

In the Chancellor's 2019 Spring Statement, the government announced that it "...will mandate net gains for biodiversity on new developments in England to deliver an overall increase in biodiversity". Accordingly and to future proof the proposed development, we advise that the proposals are reviewed in light of this commitment towards the delivery of biodiversity net gain. On 29 July 2019, Natural England released the updated and improved Biodiversity Metric 2.0.

If you have any queries relating to the advice in this letter please contact me on Neil.Sherwood@naturalengland.org.uk.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

Please consult us again once the information requested above has been provided.

Further comments:

Thank you for your consultation on the above dated 16 November 2020 which was received by Natural England on the same day.

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

SUMMARY OF NATURAL ENGLAND'S ADVICE DESIGNATED SITES [EUROPEAN] - FURTHER INFORMATION REQUIRED

Habitats Regulations Assessment - Recreational Impacts on European Sites

This development falls within the 'zone of influence' for the East Devon Pebblebed Heaths SAC, East Devon Heaths SPA and Exe Estuary SPA as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). It is anticipated that new housing development in this area is 'likely to have a significant

effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development.

In line with the SEDEMS and the Joint Approach of Exeter City Council, Teignbridge District Council and East Devon District Council, we advise that mitigation will be required to prevent such harmful effects from occurring as a result of this development. Permission should not be granted until such time as the implementation of these measures has been secured.

Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Protected Species

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

Natural England has produced standing advice^[1] to help planning authorities understand the impact of particular developments on protected species. We advise

you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

The Institute of Lighting Professionals has produced practical guidance on considering the impact on bats when designing lighting schemes - Guidance Note 8 Bats and Artificial Lighting. They have partnered with the Bat Conservation Trust and ecological consultants to write this document on avoiding or reducing the harmful effects which artificial lighting may have on bats and their habitats.

Net gain (East Devon)

We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the National Planning Policy Framework (NPPF) and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal.

In accordance with the paras 170 & 174 of the NPPF, opportunities to achieve a measurable net gain for biodiversity should be sought through the delivery of this development. Note however this metric does not change existing protected site requirements.

In the Chancellor's 2019 Spring Statement, the government announced that it "...will mandate net gains for biodiversity on new developments in England to deliver an overall increase in biodiversity".

Accordingly and to future proof the proposed development, we advise that the proposals are reviewed in light of this commitment towards the delivery of biodiversity net gain. On 29 July 2019, Natural England released the updated and improved Biodiversity Metric 2.0. This replaces the earlier 'Defra biodiversity metric'.

[1] <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

DCC Education

A new primary school at the Goodmores Farm site is likely to be delivered through the free school programme and at this stage we do not know who the sponsor for the new school would be or when it may be built. We could give no guarantee that the sponsor of the new school would make the playing pitch available to the wider community.

An adult playing pitch of 70m x 110m is very large for a primary school and would take approximately .8ha of the 1.5ha site. We do have concerns that a playing pitch of this size would constrain the design/ layout of the new primary school.

For us to give any further response, it would be beneficial to have more details of the type/level of community use that is currently being proposed.

Further comments:

At this stage the Education Authority requires a **single** 1.3 ha site, although it is noted that the outline planning permission allows for a slightly larger site than this. The proposal to effectively have a split site, as identified on drawing number 6637-108, could excessively constrain the design of the primary school and nursery which would impact on its cost and the ability to deliver it.

I've had a look at condition 27 (planning permission 14/0330/MOUT) which requires that land identified on the Masterplan for the primary school, is only used for educational purposes. I just wondered if the proposal for the split site would accord with this condition? The condition also mentions the interim use of the site. As there are no immediate plans to bring forward the primary school, it would be useful to know what the interim use would be. Obviously, we would not want to see a use that would hamper the future development of the site as a primary school.

Environmental Health

Reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT

I refer to the details submitted including the CEMP 24 July 2020.

The CEMP is adequate to discharge the Condition 5 and 17 conditions requirement to submit. I would recommend that the applicant includes version control on the document as it will develop with the appointment of Principle Contractor etc.

With regards to the juxtaposition of the residential and commercial zoning on the western side of the development as it is indicated that they will be B1 categories this should be considered as a reserved matter on application of proposal for these plots. Depending on the proposals there may be a requirement for acoustic boundary treatments/ orientation/ noise conditions for plant etc.

DCC Flood Risk Management Team

At this stage, we object to the above planning application because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome our objection, the applicant will be required to submit some additional information, as outlined below.

Observations:

The applicant has proposed to drain the entire site to a single detention basin. Surface water from the site will drain to this basin via pipes.

It is understood that the outline planning application (14/0330/MOUT) discussed implementing multiple basins. The applicant should clarify why multiple basins are no longer proposed for this site.

The applicant should also discuss what features could be implemented upstream of the basin/s to provide a SuDS Management Train.

There are multiple watercourses which flow through this site. Having one basin will cause flow to drain into one watercourse. The watercourse in the east of the site is understood to drain into a culvert beneath Dinan Way. This watercourse will have reduced flows if the site drains to one basin in the west of the site.

The watercourses are discussed within section 3.3.3 of the Flood Risk Addendum (Ref. jp/19.572; dated 7th May 2020). It is noted within this section that culverts are proposed to be constructed along the full lengths of these watercourses (within the site). However, the Design and Access Statement (Rev. A; dated 4th May 2020) notes that swales and ditches will exist within this site, which will allow for 'further and more diverse opportunities for wildlife'. The Design and Access Statement (within section 1.6) also depicts a ditch which is not depicted on any of the surface water drainage plans and would appear to flow between rear gardens.

The Flood Risk Assessment submitted for the outline planning application proposed to leave the watercourses 'open' with a buffer strip either side. The applicant should revise the site layout to ensure that the watercourses remain open and are accessible for maintenance.

The detention basin is proposed to be constructed with gabion baskets around the edge of the basin. The applicant should clarify the necessity of this and should discuss how gentle, seeded/planted slopes could be constructed.

The proposed detention basin is noted within section 5.5 of the Flood Risk Addendum (Ref. jp/19.572) to only be designed for the residential areas. A high level overflow is proposed to allow future phases to drain into this basin. The applicant should clarify the design and discharge rates for this overflow. The applicant should also clarify why the fields are not being accounted for at this stage. MicroDrainage model outputs for the whole development site are required at this stage to demonstrate that the entire surface water drainage system is designed to the 1 in 100 year (+ 40% allowance for climate change) rainfall event. These outputs are required to demonstrate that the proposed detention basin is large enough to allow future connections from future phases.

The applicant needs to discuss the proposed detention basin with Devon County Council's Highways team, as the basin will require support from the existing embankment for Dinan Way. The outfall will also require a new connection into the existing culvert, and a manhole will need to be constructed within this culvert to construct the flow control. The applicant will need to gain permission from Devon County Council, as land owner, to construct the outfall and manhole.

The proposed flow control is within a manhole located within an embankment. The applicant must clarify the method of construction for this and also clarify how this flow control shall be maintained (including how access to the manhole shall be safely achieved).

The applicant should also confirm who shall be responsible for maintaining the entire surface water drainage system. The applicant should confirm how access to each surface water drainage feature shall be achieved. The applicant should also confirm what tools will be required to maintain each surface water drainage feature.

Exceedance routes are currently proposed through the rear gardens of some dwellings. The applicant should revise the site layout and levels to ensure that exceedance routes are managed safely. Green infrastructure could be constructed to allow exceedance flows to be routed safely.

Further comments:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No part of the development hereby permitted shall be commenced until the condition and capacity of the receiving culvert, as well as downstream culverts, are comprehensively assessed, and any necessary repair and/or improvement works are approved in writing by the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the receiving watercourse is of a satisfactory condition to receive the surface water runoff from the development.

The applicant should be aware that a condition for the detailed design of the proposed permanent surface water drainage system, as well as the proposals for managing surface water during the construction phase, is attached to planning permission 14/0330/MOUT.

Following my previous consultation response (FRM/ED/0993/2020; dated 3rd July 2020), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application for which I am grateful. The applicant should ensure that these details are submitted to the Local Planning Authority for their review.

The applicant has proposed a basin within the eastern area of the site. This basin will manage flows from this eastern area only. Although the applicant has proposed to discharge at Qbar for the entire site, the eastern basin will be discharging at slightly higher than Qbar for the relevant impermeable area (the western basin will be discharging at slightly lower than Qbar to compensate for this). The applicant must assess the existing watercourse to ensure that these flows can be safely conveyed.

The applicant has confirmed that watercourses shall remain open except for access. then assess whether storing water against this embankment is suitable.

The applicant must ensure that exceedance routes are safely managed. This may require the levels or camber of the proposed highways to be adjusted to allow flows to be safely conveyed. Currently, the applicant is proposing exceedance flows within the west of the site to follow the watercourse. However, this watercourse will be within a

culvert here, therefore flows will need to follow the boundaries of plots 14, 15, 16 and 18. The applicant must ensure that these flows are safely managed.

The western basin is proposed to be designed between two ordinary watercourses. The applicant will need to ensure that these watercourses are accessible by plant and machinery for maintenance (this also includes any remedial maintenance such as replacing culverts). The applicant must also ensure that the basin is accessible and maintainable (this also includes any remedial maintenance such as adjusting levels or relining). The applicant must also ensure that the eastern basin is accessible and maintainable (this includes any remedial maintenance).

Housing Strategy Officer

The affordable housing should be provided in accordance with the S106 agreement dated 21 August 2019. This states that the development should provide 5% as affordable housing (due to viability issues). Based on 317 units, 15.85 of these should be affordable. The applicant is proposing to provide 16 units and is therefore meeting the requirements of the S106. The S106 goes on to say that the affordable housing should be provided in whatever proportion per phase as may be agreed with the district council. The development is split into 3 phases and the 16 units for affordable are all within phase 1.

I have been discussing the affordable housing provision with the applicant prior to submission of the reserved matters application. The intention is to provide the required 5% within phase 1 and early on into the development to meet the need for affordable housing sooner. Exmouth has the highest amount of need for affordable housing in East Devon. The affordable units are identified on the layout plan and are all located within a cul-de-sac. Whilst this does not meet with the requirements under the local plan for peppercotting it does ensure that the limited number of affordable units get delivered quickly and in one go. If the applicants were to peppercot the 16 units over the three phases this would delay the provision over a longer period of time.

The applicants have sought advice from a number of different registered providers on the layout and mix of units provided. The need in the district and in Exmouth is for smaller properties (1 and 2 bedrooms) to rent. The proposed mix comprises 8 x 1 bedroom houses, 6 x 2 bedroom houses and 2 x 3 bedroom houses. The house sizes and types are good and will meet the need. Registered Providers have also I understand commented that they prefer the units to be located together for management reasons.

I am happy to support the current layout and proposed mix of the unit types.

The tenure of the units have not been shown and in accordance with the S106 there should be 11 units for rent and 5 for shared ownership (70/30 split). The 1 and 2 bedroom units should ideally be for rent and 2 and 3 bedroom houses for shared ownership. A tenure plan should be submitted for approval.

The applicants have also given thought to any super profits that may be achieved which would result in extra affordable units on-site. The plan provides for certain house types which could then be affordable units. These units have been peppercotted through phases 2 and 3.

Further comments:

The applicant has now submitted a tenure plan. This shows 11 units for rent and 5 units for shared ownership. This meets the requirements of the S106 agreement.

The units for the rented accommodation comprise 8 x 1 bedroom houses and 3 x 2 bedroom houses. This will meet the housing need for smaller units and the 1 bedroom quad houses are a good alternative to flats. The shared ownership units are to comprise 3 x 2 bedroom houses and 2 x 3 bedroom houses which is a good mix.

I am satisfied with the tenure plan provided and confirm that it meets the requirements of the S106 agreement and housing need.

EDDC Landscape Architect - Chris Hariades

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 14/0330/MOUT, condition nos: 2, 3, 5, 7, 9, 12 (c), 16 and 27.

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.

Brief site description

The site is situated in a prominent location on the northern edge of Exmouth where it interfaces with open countryside to the north and east and existing development to the south and west. Access is off Dinan Way, a busy main road which follows the western boundary.

The site comprises several small to medium sized former agricultural fields under semi-improved grassland and an area of derelict buildings to the north east. Topography varies across the site with more level areas to the east and an overall fall towards the southwest but with some northwest and south facing slopes which are steep in places. There are a number of ditches and watercourses running in a northeast to southwest direction across the site generally associated with mature hedgerows along field boundaries. The site is surrounded by mature native hedgerow with trees to the south, north and most of the eastern boundaries and by younger hedgerow to Dinan Way.

There are attractive views over the site from the vicinity of the junction of Hulham Road with Dinan Way. There are long distance views from higher ground within the site to the Pebble Bed Heaths to the northeast and high ground on Haldon Ridge to the west.

2 SCHEME PROPOSALS AND RELEVANT PLANNING POLICY AND GUIDANCE

2.1 Relevant conditions – (Information highlighted in red appears to be missing from the application)

2. Approval of the details of the layout, scale and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

3. The development hereby permitted shall be carried out in accordance with the approved plans listed [below]: 00 Location Plan 7/ROAD FUNCTION AND SIZES 4/SITE CONSTRAINTS 7A/ROAD FUNCTION HEDGEROWS

5. No development shall take place until a revised Construction and Environment Management Plan (CEMP) (to include schemes for the suppression of dust and air quality measuring and mitigation has been submitted to and agreed in writing with the Local Planning Authority. The development shall not proceed otherwise than in strict accordance with the CEMP as may be agreed unless otherwise agreed in writing with the Local Planning Authority.

7. Notwithstanding the details provided, the first reserve matters application shall be accompanied by a detailed Design Code for the whole of the residential and commercial elements of the development and be agreed in writing by the Local Planning Authority. The Design Code shall include details and principles of site layout, highway design (including footways and shared surfaces), soft and hard landscaping, materials to be used on all buildings and for ground surfacing, building heights, spans and proportions, boundary features, window and door details, details of flues, meter boxes, eaves and roof ridges and treatment of verges and open areas to the front, rear and side of all buildings, car parking courts and areas, and details and design parameters of public open space areas including play equipment where necessary. Each phase of the development shall thereafter be carried out in accordance with the approved details.

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

12. Prior to the commencement of any works on site (including demolition and site clearance or tree works), details of the design of building foundations, access roads and car park surface construction (temporary and permanent) the layout (with positions, dimensions and levels) of service trenches, ditches, drains and other excavations on site (insofar as they may affect trees on or adjacent to the site), shall be submitted to and approved in writing by the Planning Authority.

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

27. The land shown on the Masterplan extending to a total of 1.536ha and shown as a primary school and a nursery shall only be used for educational or community purposes as agreed in writing by the Local Planning Authority. As part of the first reserve matters application for the site, a scheme for the use of the site, and/or, for its interim use, shall be submitted for approval by the Local Planning Authority and thereafter carried out in accordance with the approved details.

3 REVIEW OF SUBMITTED INFORMATION

3.1 Reports and surveys

3.1.1 Topographic details Not provided. A full topographic survey of the site should be provided with the submitted details.

3.1.2 Ecology There is no ecological survey submitted with the application. As a minimum, an update should be provided to the ecological survey submitted with the outline application, together with an ecological impact assessment based on the detail design proposals.

The plans indicate the removal of a number of lengths of hedgerow and trees and culverting of watercourses. It is not clear how these losses are to be compensated for and this should be clarified.

There is no detail in the submitted information on any specific measures for mitigation/enhancement of ecological value.

In accordance with NPPF para. 170 d) and EDDC Local Plan Strategy 3 a) the proposals should provide a bio-diversity net gain. A net gain calculation should be provided to evidence this based on the current layout prepared in accordance with DEFRA guidelines by a qualified ecologist.

3.1.3 Design Code

The submitted design code is a poorly presented document and is missing required information specified in condition 7 including details of boundary treatments, paving materials and design parameters for public open space.

It is usual for the design code to be approved in advance of submission of detail design proposals. In this application the two are submitted simultaneously. It is noted that in a number of respects design principles set out in the design code are not reflected or conflict with the submitted detailed design proposals such as in provision of footways and cycle ways separate from carriageways and the hard engineered attenuation basin design.

There is insufficient consideration of site context particularly local landscape character, building styles and materials, existing site features, opportunities and constraints and how the design proposals should respond to these factors to create a clear and appropriate identity for the development.

3.2 Landscape and layout details

3.2.1 Departures from outline application

The submitted layout differs for the drawings approved at outline stage with additional hedgerow and tree removal and lack of clearly defined primary pedestrian and cycle routes through the development (ref figure 1 below). Figure 1- Road function plan submitted with outline application and forming part of condition 3. Note protected hedgerows marked by green dots which would be removed or adversely impacted by the currently proposed layout

3.2.2 Layout generally

The main block of housing, plots 111-318 , is high density comprising a mix of similar, close spaced detached and semi-detached units forming small blocks fronting onto a network of roads with no provision for incidental public space or consideration of streets as social and play spaces. Architecture is generally repetitive standard house types offering no key landmark buildings to alleviate the street scene and facilitate orientation through the site. Planting proposals are similarly lacking in variation which could otherwise help to define individual character areas and principal access routes.

The provision of street trees is very limited in both size of species selected and number.

Given the prominence and importance of the school site, associated open space and the adjacent commercial area to the development as a whole, further design detail is required for the layout of these areas as required by condition 27.

Plots 147-150 which back on to Dinan Way immediately to the east of the main site entrance are awkwardly situated in term of access and their rear garden boundaries and elevations will provide an unacceptably poor gateway entrance to the site. Similar considerations should apply the other site access points off Dinan Way.

3.2.3 Circulation

Provision for pedestrians is limited to standard width footways and there appears to be no provision for cyclists. The opportunities for providing a central pedestrian/ cycle route through the middle of the site and providing a link to Murray Road in the south east corner has been overlooked. The road layout should be based on a clear hierarchy of types that leads logically through the development.

3.2.4 Existing trees and hedgerow

Placement of rear gardens butting onto principle hedgerows is not good practice as the hedgerow and trees are then vulnerable to residents undertaking clearance/ thinning to allow more light and reduce perceived risk of branch drop. Examples of this are plots 141-146, 121-127, 102-110, 246-251 and 213-219. A wide margin should be provided between principle hedgerows and domestic curtilages with houses fronting onto them.

Rear gardens to a number of plots are too close to and overshadowed by existing important trees, particularly plots 102, 103, 145, 173, 305-308, 213-219, 93-96, 6-8, 311-312.

The hedge-line to the north of plots 162, 182-4, 304, 294, 293, 291 is sandwiched between rear garden boundaries, where it could not be effectively managed and would be vulnerable to cutting back by residents

The proposals would result in the unwarranted loss of notable sections of hedgerow and mature trees including hedges that were identified to be retained within the outline application. There is a lack of clarity as to the full extent of tree and hedgerow removal or how tree and hedgerow losses are to be compensated for.

3.2.5 Boundary treatments – No details provided – required for discharge condition 9.

3.2.6 Paving and surfacing – No details provided – required for discharge of condition 9.

3.2.7 External storage – there is no provision for covered space for cycle storage and garden equipment or bin storage within the submitted details.

3.2.8 Underground utilities services The proposed drainage strategy indicates foul and storm water drainage runs existing ditches to be culverted and attenuation basin design and location. It is unclear why it is considered necessary to culvert the large drainage ditch forming part of the main hedgerow to the southern side of the proposed school site and the further ditch to the west of plots 1-11. This would be likely to adversely impact the adjacent trees and be detrimental to ecology and site character.

The alignment of the storm and foul drain to the north of plots 148/149 appears to compromise the RPA of existing trees to the north. The alignment of the proposed private surface water drain between plots 172 and 173 appears to adversely impact the RPA of the intervening mature tree. Although details of foul and storm drainage are provided, further underground utilities details for gas, telecoms and electricity and

locations of any electrical substations/ gas governors are required prior to discharge of condition 12.

3.2.9 Site levels and sections

Submitted levels information is limited and no sections are provided through the site as required for discharge of condition 9. Further detailed proposed levels information is required together with details of proposed retaining walls and embankments. Sections should be provided along the following alignments:

- Centre line plots 5/6 looking northwards and extending across to Hulham Road.
- Centre line plot 155 and 143 looking east extending across Dynan Way and onto proposed school site.
- Centre line plots 190/191 to plot 251 looking eastwards extending across Dynan Way to northeastern site boundary.
- Centre line plots 217 to 123 looking north-eastwards extending from southern site boundary to proposed school site.

3.2.10 Soil resource plan

A soil resource plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites – DEFRA September 2009, should be included as part of the required CEMP.

3.3 Green Infrastructure Green infrastructure strategy – Not provided – required for discharge of condition 9.

The proposed play area is situated in a very isolated location in woodland at the top end of the site with no passive surveillance opportunities and is consequently unacceptable.

There is a lack of detail regarding the extent of the education site including buildings/ parking and playing fields. More detailed information should be provided for this area as required by condition 27. This should indicate clearly the extent of school grounds and adjacent public space and demonstrate good visual and pedestrian links to the smaller area of open space proposed to the east.

The submitted details do not demonstrate the provision of adequate open space types to meet the requirements of EDDC Local Plan Strategy 43 - Open Space Standards.

SuDS proposals appear to be limited to the hard engineered attenuation basin located at the main site entrance. Notwithstanding site permeability constraints an overall SuDS strategy should be provided as part of the requirements for discharge of conditions 9 and 16 which should demonstrate a SuDS treatment train with collection and attenuation such as green roofs to large community/commercial buildings and provision of water butts to private rear gardens, surface flow and treatment through linked swale features.

3.4 Planting proposals The following information as required by condition 9 is missing and should be provided:

- A specification describing how the scheme will be implemented. This should cover ground preparation, top soil and sub soil quality, soil spreading and final cultivation, planting, mulching and staking/ support, seeding, means of protection
- Detailed plans outlining the hard landscape proposals and boundary treatments including proposed levels and accompanied by a material specification.
- The various tree pits and/or Devon bank construction details.
- Implementation and maintenance/management schedule for a minimum 10 year period. This should include a condition survey of all existing hedgerow to be retained and specific management regime based on the hedge management cycle.

A clear justification should be provided for the removal of the existing roadside hedge to Dinan Way and its replacement with a Devon hedgebank.

4 CONCLUSION AND RECOMMENDATIONS

4.1 Acceptability of proposals The submitted scheme is missing specified information required under conditions 2, 3, 7, 9, 12 (c), 16 and 27 as highlighted in red at section 2.1 above.

Additional information and amendments to the current scheme are required as noted under section 3 above.

Overall the housing layout is considered too dense for the site, does not relate well to its context, is likely to provide poor amenity for residents and lead to unacceptable adverse impact on landscape character and existing trees and hedgerow worthy of retention.

For the above reasons the scheme is considered contrary to local plan policies Strategy 3 (Sustainable Development), Strategy 5 (Environment), D1 (Design and Local Distinctiveness), D2 (Landscape Requirements), D3 (Trees in Relation to Construction).

As such the submitted layout and details are unacceptable in terms of landscape design and green infrastructure provision and insufficient to enable discharge of conditions 2, 3, 5, 7, 9, 12 (c), 16 attached to the decision notice relating to the outline approval.

It is recommended that a revised design code is submitted following approval of which detail layout design should be prepared, based on the agreed design principles and parameters set out in the code.

Further comments:

This report forms the EDDC's landscape response to additional/ revised information submitted in support of 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 14/0330/MOUT, condition nos: 2, 3, 5, 7, 9, 12 (c), 16 and 27.

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 REVIEW OF SUBMITTED INFORMATION

2.1 Missing information (highlighted in red below) is required to enable full discharge of the following conditions:

Condition 7. Notwithstanding the details provided, the first reserve matters application shall be accompanied by a detailed Design Code for the whole of the residential and commercial elements of the development and be agreed in writing by the Local Planning Authority.

The Design Code shall include details and principles of site layout, highway design (including footways and shared surfaces), soft and hard landscaping, materials to be used on all buildings and for ground surfacing, building heights, spans and proportions, boundary features, window and door details, details of flues, meter boxes, eaves and roof ridges and treatment of verges and open areas to the front, rear and side of all buildings, car parking courts and areas, and details and design parameters of public open space areas including play equipment where necessary. Each phase of the development shall thereafter be carried out in accordance with the approved details.

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

- A Green infrastructure statement describing the function and character of the provided open spaces and the various types of planting proposed and how this ties into the local landscape character and other elements of the proposed development.
- Detailed plans outlining the soft landscape proposals accompanied by a specification detailing the proposed species, their planting size, the density at which they will be planted, any specific planting matrices, the number of plants of each species and notes describing how the scheme will be implemented. Planting plan 04 is missing from the application.
- Detailed plans outlining the hard landscape proposals and boundary treatments including proposed levels and accompanied by a material specification.
- A minimum of 2 sections showing how the proposed development will integrate into the existing context.
- Details of any proposed walls, fences and/or any other hard or soft landscape boundary treatments.
- The various tree pits and/or Devon bank construction details.
- Implementation and maintenance/management schedule.

Condition 12. Prior to the commencement of any works on site (including demolition and site clearance or tree works), details of the design of building foundations, access roads and car park surface construction (temporary and permanent) the layout (with positions, dimensions and levels) of service trenches, ditches, drains and other excavations on site (insofar as they may affect trees on or adjacent to the site), shall be submitted to and approved in writing by the Planning Authority.

Condition 27. The land shown on the Masterplan extending to a total of 1.536ha and shown as a primary school and a nursery shall only be used for educational or community purposes as agreed in writing by the Local Planning Authority. As part of the first reserve matters application for the site, a scheme for the use of the site, and/or, for its interim use, shall be submitted for approval by the Local Planning Authority and thereafter carried out in accordance with the approved details.

2.2 Layout

- a) Given the importance of the main entrance along Road 1 to the overall development a clearer indication needs to be provided for how the 1.5 acre commercial land identified to the east of the entrance could be set out particularly given the awkward levels and presence of mature trees and hedgerow in this area. Similar considerations apply to the proposed school site.
- b) The design of the low density housing in the north east corner of the site (plot nos. 71-107) is generally acceptable. This is however at the expense of the main housing area to the southeast which is far too densely laid out providing poor legibility and no incidental open space that could relieve the tightly packed layout and provide amenity for residents and opportunity for social interaction.
- c) The steep slopes within the site are likely to create challenging levels issues particularly within the high density areas. There is a lack of detail for the revised layout, either in plan or sections, to show how level changes will be effectively dealt with.
- d) Front gardens in many instances are needlessly long and a better design could be achieved by reducing many of them and providing more public amenity space. An example of this is plots 45-48 where reduction of front gardens would free up space between their access drive and the side of plot 49 to provide more structure planting and squaring up the pots to Road 6 would also help.
- e) Car parking for terrace and non-garage units is arranged in long lines of up to 14 spaces with no planting in between to help break up these areas. This is contrary to good design guidance eg Building for Life which advocates breaking up parking into bays of four with planting between.
- f) The layout creates many awkward arrangements between building curtilages and street layout.
- g) Plots 166, 167 and 168 together with Road 22 are very awkwardly arranged. The layout would be improved by omitting plot 34 allowing plots 167 and 168 to be accessed from Road 34.
- h) Many soft landscape areas include narrowly tapering beds where even grass will struggle to survive.
- i) There is a lack of external storage provision to accommodate cycle and bin storage and outdoor equipment. This is particularly the case for flats and terrace units.

2.3 Impact on existing trees and hedgerow

- a) The existing tree and hedge lines around the boundary and crossing the site are important landscape and bio-diversity features. Although the most important of these are to be retained the placement of dwellings and garden boundaries so close to them is likely to have a serious impact on them, if not during construction then in the medium-long term as they are likely to come under pressure from occupants concerned about safety or wanting more light to their property. Their positive management will also be difficult because of a lack of maintenance access. The following locations are of particular concern

□ Plot nos. 198-205 and 290-295 are much too close to existing trees and hedgerow to the south. Consequently these hedge/ tree lines would be likely to suffer from cutting back/ removal by occupiers to allow more light to their properties.

□ Rear gardens to plot numbers 89-101, 138-140, 220-223, 270-276 should be reduced to exclude the RPA of adjacent trees/ hedge lines. Similarly with respect to the side boundaries of plots 278, 279 and 289.

□ Hedgerow/ treeline A13 appears to be compromised by proximity of plots 148, 168, 167 and 160.

b) The placement of garden boundaries close butting existing hedge lines to be retained is likely to make their future management difficult resulting in a gradual decline in their landscape and biodiversity value. Notwithstanding the shortcomings of the proposed layout there is opportunity to provide better maintenance access corridors/ buffer strips adjacent to existing hedgelines in a number of instances such as to the west of hedge A13 by reducing the length of the garden boundaries to plots 149, 155, 156, 157 and 159.

c) The existing, recently planted hedge forming the boundary to Dinan Way is to be removed and replaced with a Devon hedgebank. The existing hedgerow is well established and its replacement will have significant visual and biodiversity impact in at least the short term. A more appropriate approach would be to effectively manage the existing hedge and provide for additional trees to be established within it either through supplementary planting or selection of existing trees specimens within it to be allowed to grow out from it.

d) All existing trees and hedgerow to be retained should be placed in the ownership of the site management company with appropriate access provision/ wayleaves provided for future maintenance.

2.4 Pedestrian/ cycle circulation

The scheme appears to be designed primarily for the convenience of motorists with apparent lack of consideration for pedestrian and cycling connectivity. Key pedestrian and cycle links that should be provided are:

□ Connection to the proposed commercial area to the west of the attenuation basin from Dinan Way via a link path to the southwest of the pond, especially if this area is to be for retail use.

□ A connection to the school site from the end of Road 5, west of plots 140/141.

□ Link from Road 11 to Road 30.

□ Link from Road 30 to LEAP area.

□ Connection to Hulham Road from the northern end of the site.

□ Connection to Marley Road from the side of plot 220.

2.5 SuDS

a) The proposed attenuation pond is over engineered, surrounded completely by gabion basket retaining structures and will be a prominent, ugly, inaccessible feature at the main site entrance. It provides little amenity or biodiversity value and there is no provision for maintenance access or to enable animals who may fall in to climb out.

b) The attenuation basin is the sole SuDS feature within the scheme. This is contrary to DCC and CIRIA SuDS guidance which seeks to establish a surface water treatment train throughout developments and which was indicated in the plans submitted for the outline application for this site.

2.6 Public open space and LEAP

- a) Contrary to good practice guidelines the proposed LEAP is situated in an isolated, remote corner of the site with no natural surveillance from nearby properties. It would be better (and usual) for the LEAP to be closely sited to the school grounds and the football area.
- b) The proposed football field is situated on a relatively steeply sloping part of the site. Further detail is needed to demonstrate that there is sufficient space to provide for run-off areas around it and to accommodate the necessary grading and earth works that will be required.
- c) The proposed 100x 70m size of the football pitch is less than the FA recommendations for adult pitches which should be 116m x 76m including run-off areas.
- d) The location of the football pitch immediately adjacent to Road 5 will require appropriate ball stop fencing the details and location of which should also be confirmed.
- e) A statement should be provided confirming how the POS provision within the proposed scheme will meet EDDC standards including allotments etc.

2.7 Planting

- a) As noted at 2.1 above, planting plan 4 appears to be missing from the submission and a copy should be provided.
- b) Planting plans should clearly show the locations and RPAs of existing trees and hedgerow to be retained.
- c) There is a lack of new large canopy tree planting proposed within housing areas to compensate for the loss of those to be removed. There are opportunities for larger species to be planted in a number of locations including the end of the hedge line between plots 148-149, north of plot 132, front of plots 78-79 and 97-96.
- d) There is an excessive reliance on grass and hornbeam hedging within housing areas with very little alternative planting that would provide interest and screening and there is no sense of plant species selection being used strategically to help provide legibility and different character areas through the site. There is scope for additional planting which would provide some variation to the grass and hornbeam hedging eg. side of plot 85 and plot 90, south of plot 48 and west of plot 49.
- e) In many instances planting beds are too narrow to support proposed planting. Examples of this are the 0.5m width strip to the north side of plot 153 where a hornbeam hedge is proposed sandwiched between the footway and building. Allowing for path haunching and building foundation, which will significantly reduce the effective planting width, the proposed hedge could not be expected to survive. Similarly with plots 158, side plots 61-62, front plots 18-23, side of plot 143 etc.
- f) Proposed Acer c. Elegant are shown in the driveway of plot 92 and 93, presumably in error.
- g) Proposed native hedge mixes also lack diversity. It is recommended that proportion of Sambucus should be reduced to 5% and 5% each of Lonicera periclymenum and Rosa canina added to provide additional biodiversity value. The proportion of Oak should also be reduced from 20% to 5% and 15% Acer campestre added to the mix.
- h) Where the proposed Devon hedgebank to Dinan Way is sandwiched between hard surfaces to either side, eg to south plots 147-150, it is doubtful there will be adequate soil volume to support healthy tree growth.
- i) Planting around the attenuation basin needs further consideration. The proposed wetland mix areas to the north and south lack diversity and are located on steep slopes well above the level of the basin, so will not be wetland as stated. A revised native

species mix is required for these areas to suit the slopes and provide better biodiversity value.

j) Tree planting between the attenuation basin and Road 1 should comprise large canopy trees.

2.8 Bio-diversity

a) The scheme as proposed is likely to have a significant adverse impact on biodiversity particularly in the short term with the removal of mature oaks and other large canopy trees and the loss of hundreds of metres of hedgerow and large areas of semi improved grassland and open stream habitat.

b) An updated ecological assessment should be provided based on the current scheme proposals to include mitigation measures and a calculation of biodiversity loss/ net-gain, in accordance with DEFRA guidelines, that are likely to arise from the proposals.

3 CONCLUSIONS AND RECOMMENDATIONS

I am aware that the provision of 303 homes is considerably less than the 350 allocation for this site within the Local Plan but it is clear that even this reduction exceeds the reasonable site capacity and severely compromises design quality. The existing allocation should not be a reason for acceptance of such a poorly designed scheme. Notwithstanding the limitations due to design density there are a number of areas identified above where the design could be improved.

There is also a significant amount of missing information required under the relevant conditions and highlighted at section 2 above which need to be provided prior to their discharge.

For the above reasons the scheme is considered contrary to NPPF paragraph 127 and the following local plan policies:

- ☐ Strategy 3 (Sustainable development) – item a)
- ☐ Strategy 5 (Environment) – Items 1 and 2
- ☐ Strategy 43 (Open space standards)
- ☐ D1 (Design and Local Distinctiveness)
- ☐ D2 (Landscape requirements)
- ☐ D3 (Trees and development sites)

As such the details submitted should be considered unacceptable in terms of landscape design visual and biodiversity impact and the application should be refused.

NHS Royal Devon & Exeter NHS Foundation Trust

This is a consultation response to the planning application ref: 20/0993/MRES in relation to: Reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 317 residential units including 16 affordable units, associated roads, open space (formal and informal) and an attenuation basin. The provision of serviced land for mixed-use employment/commercial uses and land for the provision of a primary school

Introduction

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The creation and maintenance of healthy communities is an essential component of a sustainability healthy community

as articulated in the Government's National Planning Policy Framework, which is a significant material consideration. Development plans have to be in conformity with the NPPF and less weight should be given to policies that are not consistent with the NPPF. Consequently, local planning policies along with development management decisions also have to be formulated with a view to securing sustainable healthy communities. Access to health services is a fundamental part of a sustainable healthy community.

As the attached document demonstrates, Royal Devon & Exeter NHS Foundation Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare.

It is further demonstrated that this development will create a potentially long-term impact on the Trust's ability to provide the services as required.

The Trust's funding is based on the previous year's activity it has delivered subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients.

The contract is agreed annually based on the previous year's activity plus any pre-agreed additional activity for clinical services. The Trust is unable to take into consideration the Council's housing land supply, potential new developments and housing trajectories when the contracts are negotiated. Further, the following year's contract does not pay the previous year's deficit retrospectively. This development creates an impact on the Trust's ability to provide the services required due to the funding gap it creates. The contribution sought is to mitigate this direct impact.

CIL Regulation 122

The Trust considers that the request made is in accordance with Regulation 122:

"(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development."

S 106

S 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request that a developer contribute towards the impact that a development creates on the services. The contribution in the amount £454,133.00 sought will go towards the gap in funding created by each potential patient from this development. The detailed explanation and calculations are provided within the attached document.

Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed

development due to conflict with NPPF and Local Development Plan policies as explained in the attached document.

Devon County Highway Authority

The County Highway Authority (CHA) has examined the application details, drawings and plans digitally online via the planning authority's web site, but it has not had the opportunity to examine the drawings and plans that have been submitted with the application or print drawings and plans from the web site as would normally be the case, because of home-working. It has not visited the site recently, because of Coronavirus precautions, but has relied upon digital mapping of the site and its surroundings and previous visits to site for the outline application (14/0330/MOUT).

The CHA contacted the LPA on 10/06/2020 requesting some further details for the planning application and an extension in time for a response. As of today's date I have not received a reply to this request.

Unapproved Access

The Proposed Highway Layout plans show a new access from Marley Road to serve Roads 20 and 21, this access has not been approved in the Outline Consent (14/0330/MOUT). The Decision Notice of 14/0330/MOUT conditions 3 number accesses from Dinan Way only:

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

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

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

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

Condition 22 of the 14/0330/MOUT Decision Notice conditions the closure of the existing access from Marley Road:

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

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

The CHA does not support this proposed access from Marley Road as this access has not been approved in the outline application or in any Transport Assessment or discussed previously.

Points of Clarification Required by the CHA

Priority to Pedestrian and Cycle Movements:

The proposed layout does not give priority to pedestrian and cycle movement within the scheme or how these would connect with the proposed Primary School or pedestrian and cycle movement outside of the scheme.

Road Design Categories:

The Road Construction Drawing quotes road categories (R2 and R33 as contained in the Devon Design Guide) but the Proposed Highway Layout plans does not show which roads are R2 and which roads are R33.

Finished Road Surface:

Road 18 shows this road to be adopted by the CHA, but the finished road surface is Block Paved which is not now a road finish that is acceptable to the CHA.

Because of the unapproved access and lack of information contained in the application the CHA recommends that the application is refused.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

1. The proposal does not comply with Condition 20 and 21 of the Outline Approval reference 14/0330/MOUT dated 23 August 2019.
2. The proposal does not comply with Condition 22 of the Outline Approval reference 14/0330/MOUT dated 23 August 2019.
3. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, pedestrian and cycle priority, road layout and road construction contrary to paragraph 109 and 110
This is a large development with up to 31 roads, 317 dwellings, plus access to employment/commercial parcels and a school site.

Normally HDM would use full scale plans (A1) to be examined, scaled and discussed by the team to be able to make comments to the LPA. However, because of lock-down and home working I don't think this will be possible at present and foresee that the time needed by us to make a full response to this application will need to be extended. Examination of drawings on single small screen laptops without us being able to scale is an arduous task.

I would be grateful if you could contact the applicant and request the following details/explanations.

My initial overview of the plans reveal that there is some further information that we require from the applicant at this time:

- o Proposed Highway Layout Drg. No. 19.572/001 Rev. B shows the road layouts and numbering but it does not say which Devon Design Guide Road Type (R1, R2, R3 etc....) each road is designed at. This notation for each road save us a lot of time as it informs the number of dwellings, carriage width, design speed, maximum length, speed restraint spacing, etc.

- o Drg. No. 19.572/001 Rev. B also shows at least 6 roads that are proposed to be private of which Rd 31 would serve 14 dwellings; Rd 26 would serve 13 dwellings; Rd29 / 8 dwellings; Rd 14 / 10 dwellings; Rd 25 / 4 dwellings and Rd 19 / 11 dwellings - Officially the CHA recommends that roads serving more than 3 dwellings should be adopted (although I have stretched this to 5 or 6 where further development is restricted). We will require confirmation that the LPA are happy with this prospect and that all roads will be constructed to acceptable standards and how such private roads (if acceptable) will be maintained in perpetuity so that residents do not invoke S37 of the Highway Act to force DCC to adopt in the future.

- o Drg. No. 19.572/001 Rev. B shows Rd 18 (shown as adoptable) is proposed to be a block paved finished surface which is not an adoptable item for us now.

Further comments:

Amended Details:

This response is in reply to the amended details received by East Devon District Council from the Applicant's Agent validated 24/07/2020.

The CHA is glad to see that the amended layout does-away-with the proposed inappropriate access from Marley Road and amends all subsequent plans so that all roads within the development can be accessed from at least one of approved entrances on Dinan Way.

The addition of drawing 118 showing 'Road Types' and updated proposed roads drawings showing more of the residential roads for adoption and within the Section 38 boundary, is also now more akin to CHA policy. Also, the change of road surface finish from block paved to bitumen on Road 18 aligns with DCC's current adoption criteria.

The CHA accepts that Road 26 cannot be offered for adoption, even though it will serve 16 dwellings, due to 'hand dig within the root protection area' and is satisfied that Road 26 will remain privately owned/maintained in perpetuity, meaning that S37 of the Highways Act cannot be invoked by residents/owners at a later date.

Cycling Provisions:

Whilst the Agent explains in his letter that Road 1, a commercial access road, has a 3 metre wide footway/cycleway on one side and a 2.5 metre footway on the other side which could accommodate a crossing, the latest DfT communique 'Gear Change - A bold vision for cycling and walking' - explains that cycling should be integrated into the wider network.

The cycle provision for this development does not appear to integrate its cycling provision fully throughout the site, onto Dinan Way (at any or all the accesses), the locality of Exmouth or the wider network. For instance, Road 33 ((private) Connecting Footpath) could be widened with a suitable junction with Road 1 to accommodate cycles.

Lack of cycling provision was one of the reasons for my recommendation of refusal on the original layout and therefore I would ask for some further discussions, ideas on how this site could improve its cycling credentials.

CEMP incorporating CMP:

Appendix 4.3 Photographic Evidence of adjacent highway requires the exact locations of these photographs and the CHA wishes that the applicant or On-site Main Contractor arranges to meet with the Highway Agreements Officer and the Neighbourhood Highways Officer to agree any remedial measure prior to commencement and any on-going highway measures.

Updated Highway Drawings:

The general layout and arrangement are acceptable subject to suitable engineering details of embankments that support the existing or any proposed highways and suitable engineering details of any Fall Protection/Vehicle Restraint Systems where required, these matters to be agreed and confirmed by the CHA prior to any construction.

Roads 7 & 8 showing new agricultural accesses. These accesses will require private drainage systems to prevent private surface water from reaching the adoptable highway; these, however, maybe exceeded by the Flood Exceedance Overland Flow Route.

Agricultural gates to be hung so they open away from the highway and dropped kerbing and footway crossovers designs for any adjacent footway.

Roads 14, 15 (private), 17 (private) and Plot 192 are close the boundary of Dinan Way and may require protection from a Vehicle Restraint Systems.

Transport Assessment

The original Transport Assessment used traffic data which goes back well over ten years, some of which was supplied by DCC. It would appear that the Dinan Way Extension may not come on-line for some years to come and although the original TA discounted the Dinan Way Extension as a primary means of access to this site, I have been approached by County Cllr's and members of the public with regard to the perceived uplift of traffic in Exmouth and routes leading to it from Exeter, the A30 and the A3052. I have therefore commissioned the County's Transportation Data Team to examine their most recent traffic data to see if there are any specific rises in traffic which are disproportionate with those as forecasted in the TA for this development. I have yet to receive this information and will comment further when I have it.

I have made the above observations however; these are not comprehensive and further observations maybe required.

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

Other Representations

72 representations have been received as a result of this application raising the following concerns:

- Wrong site for this many house, let nature have its place in society;
- The access onto Marley Road was not approved at the outline stage, it should be removed;
- No mention of biodiversity net gain;
- 50% of houses should be fitted with bat/bird boxes;
- Mature trees should not be felled
- There should be a playing pitch on this site as identified in the playing pitch strategy;
- What happens if the school is not provided;
- Why is there no convenience shop;
- Bownfield land should be developed before this site;
- Employment land should be for local businesses;
- Surface water run off in time of heavy rain onto Dinan Way is terrible, surely this will make the situation worse;
- Increased traffic in the area will cause issues;
- The woodland helps massively with groundwater uptake, rain interception and flood prevention for that whole area - and keeps the land below (for the development) much drier in general;
- Planting of new suitable trees in the right place is, of course, welcomed, but by no means mitigates the huge loss of mature individual trees, mature hedgerow trees and the ancient hedgerows themselves;
- Destruction of woodland;
- Affordable homes are a top priority of the Council yet there is only 5%;
- Shouldn't be bought forward until the Dinan Way extension is complete;
- Impact on existing properties in the area through noise and dust pollution;
- Impact on local services through increased population;
- Impact of drainage downstream;
- Loss of important agricultural land, has had horses grazing on it;

These issues will be addressed in the report.

PLANNING HISTORY

Reference	Description	Decision	Date
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14/0330/MOUT	Outline application for residential development (up to 350 dwellings) with associated roads and open space. The provision of land for mixed-use employment; land for commercial and community uses and land for the provision of a primary school. All matters reserved with the exception of the proposed vehicular access points onto Dinan Way.	Approval with conditions	23.08.2019
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POLICIES

Adopted East Devon Local Plan 2013-2031 Policies Strategy 22 (Development at Exmouth)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN14 (Control of Pollution)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN5 (Wildlife Habitats and Features)

EN22 (Surface Run-Off Implications of New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Other Plans

Exmouth Neighbourhood Plan (Made)

Lympstone Neighbourhood Plan (Made)

Site Location and Description

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

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

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

Proposed Development

This application seeks reserved matters approval for the erection of 300 residential units pursuant to outline planning permission 14/0330/MOUT which granted permission for up to 350 residential units.

The matters to be considered at this stage relate to layout, scale, appearance and landscaping. The access points onto Dinan Way were approved as part of the outline application and as such are already approved and do not form part of this application.

Of the 300 units, 16 would be for affordable housing (70% affordable rent and 30% shared ownership) in accordance with the legal agreement accompanying the associated outline application.

The application has been amended a number of times since first submission, principally to remove an additional access onto Marley Road that was not secured at the outline stage, to provide the playing pitch and school site that were secured as part of the legal agreement on the outline permission and to revise the drainage and landscape design; other minor changes have also been made.

ANALYSIS

The principle of development was secured through the granting of outline planning application 14/0330/MOUT and the access points onto Dinan Way. A Section 106 legal agreement was signed as part of the outline permission which secured 5% affordable housing on the site which was subject to vigorous viability testing at the time, other financial contributions were secured together with other on site infrastructure and securing of wildlife corridors.

Therefore the main considerations in the determination of this Reserved Matters application relate to:

- Layout including commercial land, school site and public open space provision;
- Scale;
- Appearance;

- Internal road layout;
- Trees and landscaping;
- Drainage;
- Other matters.

Layout

The site extends to 15.25 hectares and constitutes an allocation under Strategy 22 of the EDDC Local Plan where the site is envisaged to provide up to 350 residential units, around 5 hectares of land for mixed use employment (3 hectares) and community and commercial facilities (2 hectares), a 210 pupil primary school of 1.5 hectares is envisaged to be provided as part of the community facilities. The provision and phasing of these facilities were secured through the signing of a Section 106 legal agreement as part of outline application 14/0330/MOUT.

The proposed layout provides for 300 residential units, 16 of which (5%) would be for affordable occupation, 2.3 hectares of mixed use employment land, 1.3 hectares for a school and associated infrastructure, a 106 metre by 70 metre (0.85 hectares) football pitch (required as part of the legal agreement attached to the outline permission) and a 775 square metre (0.1 hectares) locally equipped area for play (LEAP) (also required as part of the legal agreement attached to the outline permission).

It is acknowledged that the proposal does not align exactly with Strategy 22 in that the amount of serviced employment land does not equate to 'around' 3 hectares and the total of the non-residential development is 4.55ha and not 5ha. However, the community facilities including a school, football pitch and LEAP equate to more than 'around' 2 hectares (2.25ha). Furthermore, the site was envisaged to provide 350 homes, however only 300 homes, including 5% affordable homes, are now proposed (as the site is covered by numerous constraints including trees covered by tree preservation orders (TPOs), various water courses and hedgerows that are protected as wildlife corridors) and accordingly the quantum of development envisaged by Strategy 22 is not possible on the site. With a lower level of residential development, and slightly greater area for community and education uses, the full area of employment land is not possible to secure, or be viable to provide. However, the proposed development is considered to provide a development that is well balanced and achieves the aims of a comprehensive mixed-use development as required by the Strategy.

There is potential for a conflict between land uses where the commercial/industrial land and houses are located next to each other in the western part of the site through noise and emissions disturbance, however, this part of the proposal only seeks permission for the layout and not the position of the commercial buildings or any of their boundary treatments. Further planning permission will be required for the layout and design of buildings on the commercial land and it will be during the determination of these applications that will determine the need for any mitigation planting or fencing (acoustic or otherwise). This is a view shared by the Council's Environmental Health Officer. However, in principle there is no objection to these uses being sited adjacent to each other as was inevitable as part of the original site allocation.

The Council's Landscape Architect has raised concerns during the course of the application that the majority of the housing areas on site are far too densely laid out, providing poor legibility and no incidental open space that could relieve the tightly packed layout and provide amenity for residents and opportunity for social interaction. Whilst the Landscape Officer remains of this view, significant changes have been made following discussions with the applicant and the layout is considered to be similar to the numerous housing estates that are served by Dinan Way such that it will not be out of context. There are areas of informal space and formal open space through the development which is further aided by the retention of the majority of the mature trees and hedgerows together with provision of a large football pitch and locally equipped area for play within a woodland setting. Furthermore, larger front gardens for properties achieve more of a sense of green space. It is acknowledged that the play area does not benefit from high amounts of natural surveillance with no properties overlooking it, however, it provides for a much improved setting away from roads and a natural environment for children to explore rather than a hard surfaced play area with standard equipment and is seen as a benefit to the scheme.

On balance therefore, despite the remaining concerns of the Landscape Architect, the proposal is considered to be acceptable and the outstanding matters not of enough significance to be able to justify refusal on appeal.

Residential amenity

There are a number of residential properties surrounding the site which have the potential to be impacted upon as a result of this application.

To the south of the site there are a wealth of houses served by Dinan Way. The closest to the proposed houses on the application site would be is in excess of 25 metres and therefore it is considered that the proposed development would not have a detrimental impact on the living conditions of these existing properties.

To the east of the site there are a handful of properties served by Marley Road that face towards the site where there would again be in excess of 25 metres between properties and some that side onto the proposal site where there would be 30 metres between properties. Given these distances it is considered that the proposed dwellings would not impact unreasonably on the living conditions, through overlooking or the properties being overbearing, of the aforementioned properties.

To the north west of the site lie a handful of properties served by Hulham Road, Little Marley is the closest property that would face towards the proposal site, however as there would be in excess of 25 metres between the aforementioned property and the gable end of plot 65 it is considered that there would not be a detrimental impact on the living conditions of that property.

Accordingly the layout of the proposal is considered acceptable in relation to Strategy 43 and Policy D1 of the EDDC Local Plan.

Scale

The site is characterised by its undulating nature not least at its south-western corner which drops substantially down from Dinan Way towards watercourses before rising again to the North West, its eastern half has a more consistent gradient sloping up from Dinan Way. The mixed use employment land would be provided at a relatively level datum using cut and fill techniques. At this stage the exact scale of the commercial buildings are not known as the legal agreement only secured serviced plots with the detail of the scale and design of these buildings to be submitted through further applications in due course. The primary school would also be required to be submitted through a further application in due course.

The residential units would all be two stories in height, though as the site has various gradients the development would be of varying scales from different viewpoints, with a mixture of 2, 3 and 4 bedroom houses and a variety of house types the scale would be considered appropriate and assimilate well into its surroundings and be consistent with the existing pockets of residential development carried out by different developers over the years that front and back onto both sides of Dinan Way as it extends south eastwards from the application site. The houses would be framed on the skyline by the backdrop of trees on the northern boundaries of the site and be at a scale consistent with their surroundings.

Accordingly, the scale of the proposed development is considered acceptable in accordance with Policy D1 of the EDDC Local Plan.

Appearance

The outline permission contained a condition requiring the submission of a design code to accompany any reserved matters application(s) with a number of items listed to be contained in the document. The Council's Landscape Architect raised a number of concerns with the submitted document indicating that a number of the items contained in the condition were missing. Whilst this is the case, the application has been submitted with a wealth of landscape and boundary enclosure plans to indicate how the different areas of the site would be developed, and is also been supplemented by a landscape strategy and design code document that has been produced as an addendum to the design code document.

The spectrum of materials to be used are relatively limited with designs of houses sticking with the traditional red brick and render with occasional use of timber cladding. Whilst it could be argued that this is a missed opportunity to design a scheme that raises the design qualities of the area with a less traditional housing estate design and layout, that is not to say that the designs are poor or unacceptable. In fact, the designs and materials would echo those used on the various housing estates built during different decades as you travel along Dinan Way and as such will not appear out of character.

The structure planting and on plot planting has been amended during the application to ensure that there are more trees in the street scene to ensure that the current rural character with hedgerows and trees is not lost when the houses are constructed

The design and appearance of the commercial units and primary school will be dealt with separately under further planning applications in due course.

It will be necessary to agree the height and design of any fencing required to prevent balls leaving the football pitch by condition.

Accordingly, the proposed development is considered to be acceptable in relation to Policy D1 of the EDDC Local Plan and Policy EB2 of the Exmouth Neighbourhood Plan.

Access and parking

The access points from Dinan Way were secured as part of the outline approval, as part of the initial submission of this application a further access was proposed from Marley Road, however as this access did not accord with the outline permission it was removed from the proposal and would now be a turning area for Marley Road.

The internal road layout is considered acceptable by Devon County Highways Engineer together with footpath linkages to the wider strategic footpath network. Each dwelling would be served by two no. parking spaces whether this be 2 no. parking spaces or 1 no. space and a garage or carport.

As such the proposal is considered to accord with Policies TC7 and TC9 of the EDDC Local Plan.

Trees and landscaping

A large proportion of the trees and hedgerows on the site would be retained as part of this development and protection fencing provided during the development to ensure that the root protection areas of the important landscaping are protected against damage and storage of materials upon them. Through the course of the determination of the application discussions have been held between the Council's Tree Officer and the applicant's agent to overcome issues and provide amended layouts that allow for the majority of important trees and hedgerows to be retained. Discussions have also confirmed that the maintenance of the majority of the trees will be dealt with by a management company rather than being in third party ownerships.

The area of woodland where the LEAP is proposed has been the subject of a number of concerns by local residents and wildlife groups who see the loss of trees in this area to be detrimental to the scheme and the local wildlife, however, the applicant's tree consultant has provided evidence that a number of these trees are suffering from ash dieback and other trees are typical of woodland growth, including Douglas Fir, and not individually great species and therefore whilst there would be some trees removed (30% thinning) and some disturbance to habitats, the LEAP proposed would assimilate well into the woodland and still be appropriately screened from its surroundings and biodiversity safeguards and enhancements will be provided elsewhere on the site.

Overall the landscape strategy has been well conceived working with the constraints of the site and ensuring that the majority of the existing trees and hedgerows would be retained and protected (it is acknowledged that some would be lost) together with new planting to enhance the character of the area and is considered acceptable in relation to Policies D2 and D3 of the EDDC Local Plan.

Drainage

The application proposes to provide an onsite surface water drainage attenuation basin in the south western corner of the site adjacent to the commercial land to collect the water from the development and slowly release it at a controlled rate into an existing watercourse. There has been much discussion between the applicant's drainage engineer and the Flood Risk Management Team and Devon County Council regards the size of the basin, the non-culverting of some of the existing watercourses which run through the site for ease of maintenance and to ensure they are not consumed into third party properties and the diversion of the existing watercourses away from draining into the proposed drainage basin so that during times of flooding and water surges the basin can accommodate the increased flows from the site and not the watercourses which serve a much wider catchment along their route, this could have increase potential for the basin control valves to be breaches and increase flood risk to third parties downstream.

The amendments to the scheme have now been finalised with the applicant's drainage consultant proposing a basin within the eastern area of the site. This basin would manage flows from this eastern area only. Although the eastern basin will be discharging at slightly higher than Greenfield rates for the relevant impermeable area, the western basin will be discharging at slightly lower than Greenfield rates to compensate for this. The applicant must assess the existing watercourse to ensure that these flows can be safely conveyed and would form part of a pre-commencement condition on any approval. The applicant has confirmed that watercourses shall remain open except for access.

At the detailed design stage, the applicant will need to ensure that the location of the basins are acceptable to any relevant landowners. At the moment, DCC Flood Risk are unsure whether the basins are located adjacent to embankments, and whether these are Devon County Council owned embankments. If the basins will use an embankment as a bank, then the applicant will need to assess the formation of the embankment and then assess whether storing water against this embankment is suitable. It is considered necessary to impose a suitably worded condition to ensure that additional structural details of these embankments are provided prior to the drainage basins being installed and consultation with DCC Highways on these matters.

Accordingly, subject to appropriate safeguarding conditions, the proposal is considered acceptable in relation to Policy EN22 of the EDDC Local Plan and advice contained in the NPPF.

Other matters

There have been a number of representations raising concerns over wildlife on site and how this was dealt with at the outline application stage, however, as part of the legal agreement a wildlife corridor of hedgerow running through the middle of the site was secured to ensure that the bat activity identified of foraging and commuting would continue, this has been provided for on the plans submitted with the application. In accordance with the paragraphs 170 & 174 of the NPPF, opportunities to achieve a

measurable net gain for biodiversity should be sought through the delivery of this development. As part of the proposal there are large areas of the application site where net gain could be achieved, and as such it is proposed that a landscape and ecological management plan (LEMP) is provided by condition to secure such gains over and above the submitted landscaping scheme/details.

Concerns have been expressed regarding the limited number of affordable homes on such a large development. However, during the determination of the outline planning application (14/0330/MOUT), the viability discussions concluded that only 5% affordable housing was possible due to the topography of the site and other abnormal costs. This provision was secured by a legal agreement. Furthermore in accordance with the adopted Planning Obligations SPD the total floor space of the development to be delivered at the reserved matters stage was capped so that the viability position was maintained. As a consequence of the number of houses for determination being 300 rather than the 350 envisaged at outline, the total floor space of the development is much less than secured in the legal agreement; the number of affordable houses remains at 5% of the overall development (16). As the affordable housing was secured as part of the Outline consent, this proposal provides the required number of affordable housing units and the Housing Officer has confirmed that the proposed mix is acceptable, the proposal is in accordance with the outline consents and its legal requirements in terms of affordable housing provision.

Should the profits of the developer exceed those stated in the original viability report, the overage clause secured in the legal agreement as part of the Outline consent will be triggered and the 'super profit' shared 50/50 with the developer or additional affordable units provided on site.

NHS England has requested a financial contribution towards the cost of care of new residents for 1 year following occupation of each dwelling as there is a lag between housing completions and receiving NHS funding. However such contributions need to be sought at the Outline planning application stage and are only currently justified for unplanned development (i.e. departures from the development plan). As the application site is allocated/planned form in the Local Plan, the NHS should have secured their future funding based on this planned development in the Local Plan. Furthermore, at this point in time, whilst a request for funding on non-allocated sites is justified in principle, the evidence behind the amount requested from the NHS is not in sufficient detail to ascertain how the money will be spent and if the amount requested is correct given that different patients would require care others would not.

Accordingly, as further contributions cannot be secured at the reserve Matters stage, as the NHS should have planned for this development due to its strategic allocation in the Local Plan, and as the exact contribution amount remains unjustified, this request cannot be secured and is not justified.

Comments have been received regarding the layout (in relation to the location of the employment units falling within Lymptone) that it will reduce the CIL receipts received by Lymptone. However this is not a material planning consideration that could be used to justify refusal of planning permission. In addition, it was indicated at the outline stage that the employment units would be located on the western part of the site and with a suitable layout, the proposal is acceptable in planning terms.

CONCLUSION

It is clear that the site allocation in the EDDC Local Plan which envisaged provision of up to 350 homes and around 5 hectares of mixed use employment and community facilities did not take full account of the constraints of the site, as when taking into account protected trees, existing watercourses, wildlife and the topography of the site, the quantum of development achievable is significantly reduced. However, the scheme that has been submitted (and amended through negotiation) provides for a development that is well balanced and provides for 300 residential units, 16 of which (5%) would be for affordable occupation, 2.3 hectares of mixed use employment land, 1.3 hectares for a school and associated infrastructure, a 106 metre by 70 metre (0.85 hectares) football pitch and a 775 square metre (0.1 hectares) locally equipped area for play (LEAP) together with attenuation basins.

Following considerable negotiation and amendment, the development is considered to be well balanced and will have an acceptable impact on its surroundings, the trees on site, existing watercourses, highway safety or the amenity of nearby residents.

In light of this, and subject to a number of conditions, the proposal is considered to be acceptable.

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, copies of which are attached to this notice relating to:-
 - (a) Appearance
 - (b) Landscaping
 - (c) Layout
 - (d) Scale

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. No. 14/0330/MOUT) granted on 23 August 2019.

The following reserved matters have yet to be approved:

None

The following Conditions attached to the Outline Planning Permission (ref 14/030/MOUT) referred to above are discharged:

2, 5, 7, 9, 14, 17, 18, 19

The following conditions attached to the Outline Planning Permission (ref 14/1227/MOUT) referred to above remain to be complied with during the implementation of the development:

4, 6, 8, 10, 11, 12, 13, 15, 16, 20, 21, 22, 23, 24, 25, 26, 27

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Prior to the football pitch being brought into use details including design, height, materials and a maintenance schedule for ball stop fencing around the football pitch, together with any lighting design shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the fencing is suitable given the proximity to highways and third party properties in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.
4. No part of the development hereby permitted shall be commenced until the condition and capacity of the receiving culvert, as well as downstream culverts, are comprehensively assessed, and any necessary repair and/or improvement works are approved in writing by the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority.
Reason: To ensure that the receiving watercourse is of a satisfactory condition to receive the surface water runoff from the development in accordance with Policy EN22 (Surface Water Run-Off) of the Est Devon Local Plan.
5. Prior to any works commencing on the eastern attenuation basin hereby approved, the detailed design and structural stability of the embankment/retaining structure for the southern side of the basin adjacent to Dinan Way shall be submitted to and approved in writing by the Local Planning Authority in consultation with DCC Flood Risk Department and DCC Highways Department. The development shall thereafter be carried out in accordance with the agreed details only.
Reason – To ensure that the stability of any embankment for the basin is suitable adjacent to the public highway in accordance with policies TC7 (Adequacy of Site Access and Road Network) and EN22 (Surface Water Run Off) of the East Devon Local Plan.
6. Prior to occupation of the first dwelling on site a detailed Landscape and Ecology Management Plan (LEMP) for a minimum period of 25 years shall be submitted and should include the following details:
 - ☐ Extent, ownership and responsibilities for management and maintenance.
 - ☐ Details of how the management and maintenance of open space will be funded for the life of the development.

- ☐ Inspection arrangements for existing and proposed trees and hedgerows and monitoring of bio-diversity net-gain.
- ☐ Management and maintenance of trees and hedgerow.
- ☐ Management and maintenance of shrub, herbaceous and grass areas.
- ☐ Management of ecological habitat, maintenance of any ecological mitigation measures and further measures for enhancement of biodiversity value.
- ☐ Management and maintenance of any boundary structures, drainage swales and other infrastructure/ facilities within public areas.

Maintenance shall be carried out in accordance with the approved plan.

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

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:

6637-200 C : HOUSE TYPE A.AH	Proposed Combined Plans	14.05.20
6637-201 C HOUSE TYPE B	Proposed Combined Plans	14.05.20
6637-202 D HOUSE TYPE C.AH	Proposed Combined Plans	14.05.20
6637-203 A HOUSE TYPE D.OM	Proposed Combined Plans	14.05.20
6637-204 A HOUSE TYPE E.OM	Proposed Combined Plans	14.05.20

6637-206 A HOUSE TYPE G.OM	Proposed Combined Plans	14.05.20
6637-207 A HOUSE TYPE H.OM	Proposed Combined Plans	14.05.20
6637-208 A HOUSE TYPE J.OM	Proposed Combined Plans	14.05.20
6637-210 A HOUSE TYPE F2.OM	Proposed Combined Plans	14.05.20
6637-211 : GARAGE	Layout	14.05.20
6637-212 : CAR PORT	Layout	14.05.20
6637-213 A HOUSE TYPE D2.OM	Proposed Combined Plans	14.05.20
6637-215 A HOUSE TYPE L.OM	Proposed Combined Plans	14.05.20
6637-217 HOUSE TYPE M.OM	Proposed Combined Plans	14.05.20
6637-LP	Location Plan	14.05.20
6637-106	Proposed Site Plan	24.07.20
6637-300 F	Other Plans	24.07.20
6637101AA	Proposed Site Plan	22.01.21
6637 102AA	Proposed Site Plan	22.01.21
6637 103AA	Proposed Site Plan	22.01.21
6637 104AA	Proposed Site Plan	22.01.21
6637 300K	Proposed Site Plan	22.01.21

6637 205A	Proposed Combined Plans	22.01.21
A235	Agricultural Survey or Appraisal	22.01.21
667_01 REV C	Landscaping	22.01.21
667_02 REVC	Landscaping	22.01.21
667_03 REVD	Landscaping	22.01.21
667_04 REVC	Landscaping	22.01.21
6637 100AA	Proposed Site Plan	22.01.21
667_05 REVD	Landscaping	22.01.21
667_06 REVC	Landscaping	22.01.21
667_07 REVB	Landscaping	22.01.21
667_09 REVB	Landscaping	22.01.21
667_10 REVD	Landscaping	22.01.21
667_101 REVB	Landscaping	22.01.21
667_08	Landscaping	22.01.21
667_11	Landscaping	22.01.21
19.572 14LS_B	Other Plans	22.01.21
19.572_13.38HA_A	Other Plans	22.01.21
19.572 12.21S_C	Other Plans	22.01.21
19572 022_G	Other Plans	22.01.21
19572 056_H	Other Plans	22.01.21
19572 110_H	Other Plans	22.01.21
19572 102_A	Other Plans	22.01.21
19572 061_B	Other Plans	22.01.21
19572 060_F	Other Plans	22.01.21
19572 062_A	Other Plans	22.01.21

19572 050_G	Other Plans	22.01.21
19572 001_G	Other Plans	22.01.21
19572 002_C	Other Plans	22.01.21
19572 003_E	Other Plans	22.01.21
19572 004_E	Other Plans	22.01.21
19572 005_E	Other Plans	22.01.21
19572 006_C	Other Plans	22.01.21
19572 007_E	Other Plans	22.01.21
19572 008_D	Other Plans	22.01.21
19572 009_F	Other Plans	22.01.21
19572 010_E	Other Plans	22.01.21
19572 011_C	Other Plans	22.01.21
19572 012_C	Other Plans	22.01.21
19572 013_E	Other Plans	22.01.21
19572 014_E	Other Plans	22.01.21
19572 015_D	Other Plans	22.01.21
19572 016_D	Other Plans	22.01.21
19572 017_D	Other Plans	22.01.21
19572 018_D	Other Plans	22.01.21
19572 118_E	Other Plans	22.01.21
19572 055_K	Other Plans	22.01.21
19572 023_H	Other Plans	22.01.21

List of Background Papers

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

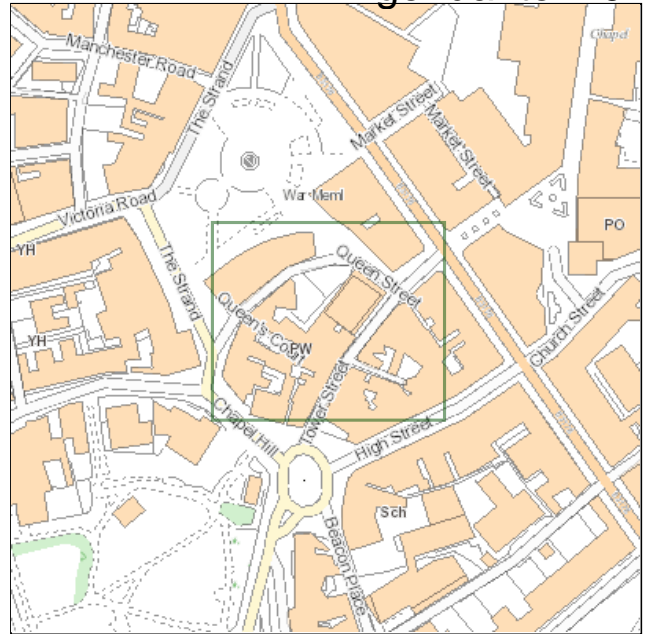
Ward Exmouth Town

Reference 19/2829/MFUL &
19/2830/LBC

Applicant Mr B Male (Hansard Ltd)

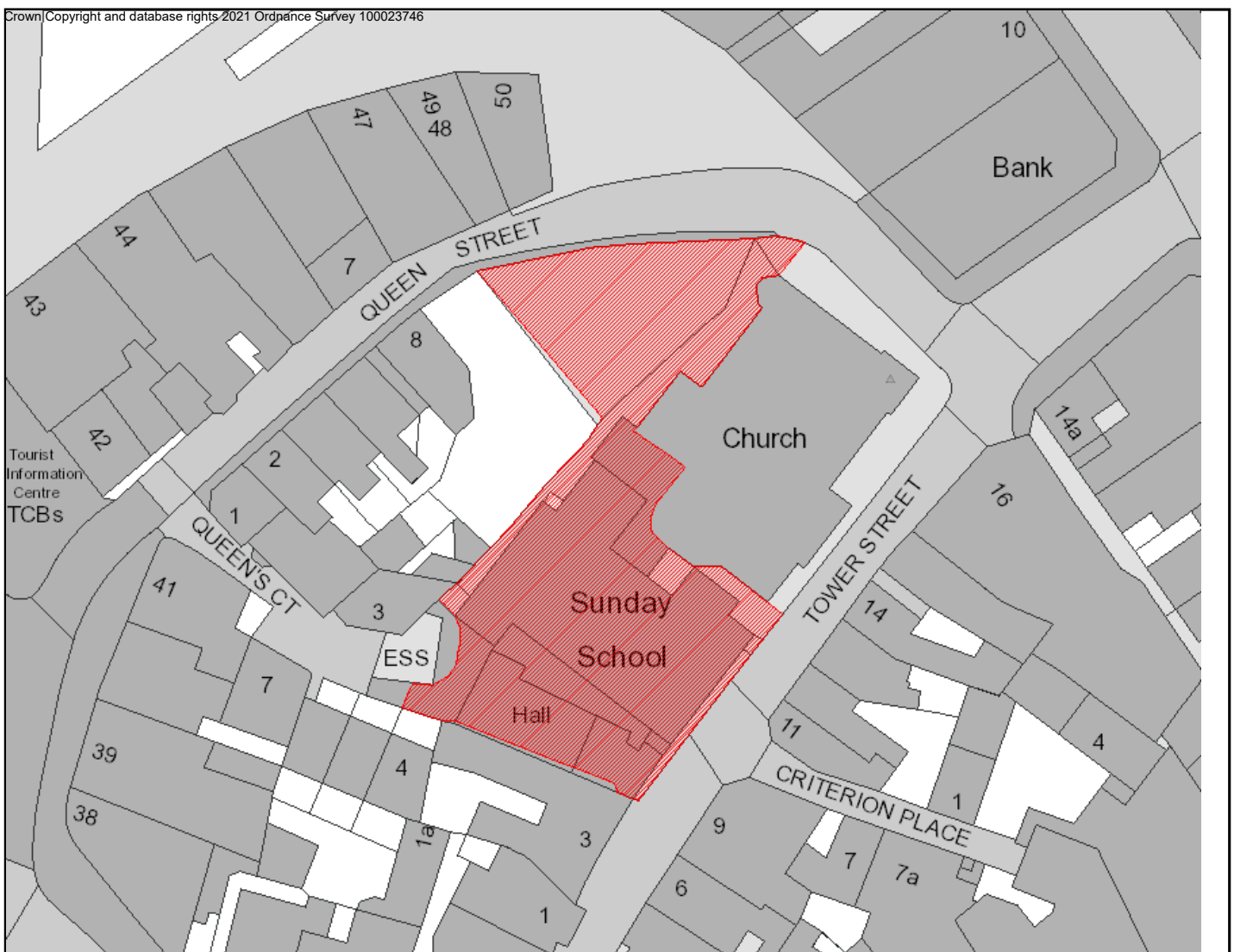
Location Tower Street Methodist Church Tower Street
Exmouth EX8 1NT

Proposal Part demolition and redevelopment and part
conversion of vacant buildings to create 19
residential units plus development to provide
two retail units



RECOMMENDATION:

1. Adopt the appropriate assessment attached to this report
2. Secure an overage clause through a Section 106 legal agreement.
3. Approve with conditions



		Committee Date: 10th February 2021
Exmouth Town (Exmouth)	19/2829/MFUL	Target Date: 09.04.2020
Applicant:	Mr B Male (Hansard Ltd)	
Location:	Tower Street Methodist Church Tower Street	
Proposal:	Part demolition and redevelopment and part conversion of vacant buildings to create 19 residential units plus development to provide two retail units	

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- 1. Adopt the appropriate assessment attached to this report**
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Applicant:	Mr B Male (Hansard Ltd)	
Location:	Tower Street Methodist Church Tower Street	
Proposal:	Part demolition and redevelopment and part conversion of vacant buildings to create 19 residential units	

RECOMMENDATION: Approve with conditions

EXECUTIVE SUMMARY

These two applications are before Members as the officer recommendation differs from that of Exmouth Town Council

These applications seek planning permission and listed building consent for the partial demolition of a number of curtilage listed buildings surrounding the rear of the grade II listed Tower Street Methodist Church and for the redevelopment of

the site to provide a total of 19 residential units and two new units of retail space split across the two proposed buildings.

The brownfield site occupies a highly sustainable and prominent position within the heart of Exmouth town centre and has a number of heritage constraints which include the setting of the grade II listed church and the Conservation Area.

Through the Council's pre-application process and through significant amendment during the application process, the final design, height, scale and form of the proposed development is now considered to be appropriate for the site, its surroundings and its historic context.

Removal of the curtilage listed buildings which surround the church and which make a neutral to negative contribution to its setting provides an opportunity to enhance the setting of the church whilst re-developing the site to provide a mixture of 1 and 2 bedroom units would help to meet an unmet need within the town. Whilst it is regretful that no affordable housing would be provided, the application of vacant building credit and viability testing have indicated that the applicant would be making a much reduced profit than that usually expected. Providing any affordable housing would make the scheme unviable and the proposal would therefore be unlikely to come forward and the heritage benefits would be lost. Furthermore the provision of two additional retail units would help contribute to the vitality and viability of the town centre.

The proposals would result in less than substantial harm to the character of the Conservation Area and the setting of the listed church where there are considered to be a number of heritage benefits arising from the proposal in terms of providing a much improved local setting for the church whose significance would be better revealed through demolition of a number of buildings along with a number of public benefits that are considered to outweigh the less than substantial harm - a key policy test within the National Planning Policy Framework.

In the absence of any significant harm to the character and appearance of the area, the residential amenities of the occupiers of surrounding properties, highway safety, ecology, archaeology and flood risk, it is considered that on balance, the proposed development is acceptable and would comply with both the strategic and development management policies contained within the East Devon Local Plan and the policies contained within the Exmouth Neighbourhood Plan.

It is recommended that planning permission and listed building consent are granted and accordingly these applications are both recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council
Meeting 20.01.20

Objection, the proposal was considered to be out of keeping in terms of design and style and would not relate well to the surrounding properties. The proposal conflicted with the Neighbourhood Plan policies EB1 & 2 which stated that development should conserve Exmouth's heritage assets and be mindful of surrounding building styles. The proposal for 20 flats was considered overdevelopment for the size of the plot and would be harmful to the Conservation area and detract from the Grade II listed Church. Lack of parking was also a concern.

Further comments:

Meeting 01.09.2020

Objection sustained, the amended plans did not mitigate previous concerns raised.

Technical Consultations

Urban Designer 14/04/2020

Introduction

This report forms the EDDC's urban design response to submitted planning application documents and drawings alongside additional drawings received by EDDC after submission following feedback from the Council.

Design and response to site context

The site surroundings have been covered quite well in the Design and Access Statement so will not be described here all over again apart from where they relate to comments on the design response or where I have comments on the assessment within the D&A itself.

Context analysis within the D&A

I do not entirely agree with some of the conclusions of the Design and Access Statement, particularly where it states that buildings surrounding the site have 'no sense of order or cohesive design rationale'. The way in which the area has developed over a number of centuries is reflected in the diversity of design evident around the site. The buildings and architecture responded to their contemporary built, social, cultural and economic context. This has resulted in a coherent, if slightly eclectic, built environment where the urban blocks have particular characters that reflect their history. The development site sits within an urban block that is fairly consistently 18th and 19th century and low key in character. It has a working history that is relatively domestic and impoverished which is reflected in the scale and nature of the buildings as illustrated by the street elevations in the Design and Access Statement (p.24). Tower Street is narrow, pedestrian, and two storey with low floor to ceiling heights. It is made up of fishermen's cottages, shops and pubs to support these largely impoverished workers. Buildings around the site are taller, particularly bounding the public area of The Strand, reaching 3.5 storeys with mansard roofs being a common feature. These reflect the change in the fortunes of Exmouth brought by the arrival of the railways and the tourism boom that followed. Being around one of the main open spaces in the town centre, the architecture of these buildings is far more grand than that of the buildings in the urban blocks behind. The use of buildings around The

Strand as design precedent for the block behind in which the development sits is, therefore, mistaken.

Response to context – Apartment building

The two buildings that make up the submission have very different design languages reflecting, in part, the different locations on the site. However, the responses also demonstrate the different levels of design priority given to the buildings. This is natural, considering the direct impact the larger block has on a listed building, but the smaller building fronting Queen Street is highly visible and has an important role in creating a new urban space that opens directly off the main open area within Exmouth town centre, the Strand. The larger block is effectively tucked away and contained within the urban block completed by the Queen Street building. This building, to which a great degree of attention has been placed, needs to be well designed and competent, but not particularly flashy. The design cues must be taken from the urban block within which it sits, which means 18th and early 19th century buildings. Therefore, the submitted design with peaked roofs is a well-designed building whose materials and design fit well with the block itself and the church next to it. However, it is too tall and too intrusive on the skyline when viewed from the end of The Beacon or the top of Tower Street itself, as demonstrated by the images on page 57 of the D&A.

The revised design using a Mansard roof achieves the right scale and does not intrude on the skyline. However, the architecture does not work with the urban block in which it sits as it takes design cues from the Mansard buildings around The Strand making it appear very out of place. To be acceptable a design solution needs to marry together the design language of the former (or another using an understanding of the architecture within this urban block as starting point) and the scale and massing of the latter.

I am not sure that the use of standing-seam cladding is necessary. It may look like the materials palette is trying to look too 'designed'. Unless there is a practical reason otherwise a more ordinary material, such as a good silicone render or crisply detailed brickwork that can withstand the seaside environment, would be fine. The detailing will be what carries this off.

Response to context – Retail and apartment building

The smaller building on Queen Street does not appear to have had as much design attention and appears as an after-thought to the proposal. However, this building completes an urban space on Queen Street that could be intimate and attractive. What appears to have been thought of as a secondary building is actually much more important in terms of its visibility and setting up a successful townscape within Exmouth. It will be visible to people in The Strand and needs to do the job of inviting people into this smaller space and being the introduction to the smaller scale environment that this particular urban block represents. This building therefore needs significantly more design input than appears to have been given to it to date. The building needs to respond to the low-key architecture of the block in which it sits. The flat roof and almost Edwardian rhythm to the façade do not work in this context. The retail frontages need to be better articulated and appear narrower to fit with the scale of this block. The flat panels of wide glazing and the overall flat façade of the ground floor retail units also do not work with the context but this may be addressed in any revision to the design to address the articulation and appearance of the units themselves.

Treatment of entrances and access

This appears tidy and well thought through but the opportunity it provides has not been realised. It could be a pleasant space between the two proposed buildings and the church for residents and visitors. It would benefit from some well-designed planting incorporated within it, perhaps to create a courtyard garden, even with a bench or two. The rear elevation of the building proposed on Queen Street is poor, and does not provide a particularly attractive entrance to the flats it contains and has a work-a-day appearance that loses the opportunity to create an attractive outdoor space and entrance to both buildings. As currently designed the pre-cast concrete stairs and landings along with the galvanised balustrades and handrails will look cheap and utilitarian. The same materials could be used but landings extended and given some shading and privacy panels to make balconies that would be useful to the occupants of these units and help to make them more attractive and saleable in the more 'premium' market that this development is being pitched at.

Conclusion and summary

The current submission has clearly had a lot of design attention given to it and this shows in the results where the larger building is concerned. However, this building in the submitted design is too tall for the site, while being otherwise well-designed and attractive, while the revised building has an inappropriate design for the site but has appropriate massing.

The smaller building does not appear to have much design attention paid to it and needs to have the same level of attention to detail as the larger one. Both buildings need to respond to the architecture and design of the urban block within which they sit, that bounded by Tower Street and Queen Street.

Overall, the submission shows promise that with some changes could be realised. However, as submitted I cannot support the scale of the larger building or the design of the smaller one. In the revised submission I cannot support the design of the larger building as it is inappropriate to the context while the scale is fine and cleverly achieved. The smaller building needs revision that change of materials and detailing will not rectify.

Further comments 05/01/2021:

1 Introduction

This report forms EDDC's urban design response to revised drawings received 30.07.2020 following comments made by the council. This report will not cover context and other background that has been provided in previous comments and will concentrate on the current design as presented and whether they have covered previous design concerns.

2 Design and response to site context

Response to context – Apartment building behind the former Saint Martin's Church

Design comments about the previous submitted design of this building were mainly concerned about the scale in relation to the urban block in which it is sited between Tower Street and Queen Street. The initial submitted design was good, but too tall for the site and would have dominated this block and changed the nature of the

conservation area. However, the form that it took could be interpreted as a modern take on an 18th – 19th century warehouse, which would be in keeping. A subsequent revision changed the form of the roof to a mansard while retaining the same storey height. This used a design language totally at odds with this urban block having taken its cue from the buildings around The Strand which is from a different era and that originally served a totally different purpose and market.

The latest revised drawings have reduced the height of the proposed building while returning to the previous design language. This change has been very effective in enabling the building to fit the scale of its surroundings while also using a design that is appropriate and complimentary, though there has been a loss to the floor area. This is a design that if constructed with good materials, detailing and workmanship should be a welcome modern addition to this area, replacing the existing 1930's building that is tired and of little design merit.

Response to context – Retail and apartment building

The revised building fronting onto Queen Street and facing the Strand has been redesigned to follow the rhythm along this street of relatively low buildings and narrow frontages. The building footprint reverts back to following the site boundary following precedent set by neighbouring buildings. This revision successfully allows the building to fit with its context while the footprint helps to form the spaces around it so that there is a natural form to the street and a much more attractive setting to the former church. The rear access stairs and walkways are still utilitarian in appearance but in a way that is not incongruous while also now providing usable levels of outdoor space to future occupants of the flats. Again, with good material choices, crisp detailing and good workmanship this building will be a welcome addition to a small but important space at the heart of Exmouth, helping to draw people through from two sides of the centre where now there is only a rubble-floored car park.

Conclusion and summary

The revised designs for these two drawings have addressed the concerns raised about their architecture and relationship to the urban surroundings. Both respond well to their respective contexts taking design cues from their surroundings and producing a modern interpretation that is not intrusive. In doing so this design is successful and will help to improve a relatively neglected corner at the heart of Exmouth that has presented a challenging design context.

Conservation

CONSULTATION REPLY TO
LISTED BUILDING CONSENT/CONSERVATION AREA
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Tower Street Methodist Church, Tower St, Exmouth.

GRADE: II & grade II curtilage APPLICATION NO: 19/2829/MFUL & 19/2830/LBC

CONSERVATION AREA: Exmouth.

PROPOSAL: Part demolition and redevelopment and part conversion of vacant buildings to create 20 residential units plus development to provide two retail units.

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

There had been early discussions that included the Conservation Officer prior to the submission of these applications.

Comments are as follows;

- o In principle the redevelopment of the curtilage buildings is supported, although this should be supported by sufficient information.

- o In principle the development of the car park site is supported, in part due to historic maps showing buildings in this position. These will continue the built frontage along Queen Street.

- o Q: Will there be any heritage gains to the listed building as a consequence of this proposal?

- o Design and Access statement - there is some ambiguity regarding the context of the proposed design for the main apartment block (Ref 01). The ridge height of the proposed "01" block is compared to the spire of the church, rather than being subservient to the ridge height of the church itself. It would be better to just focus on the ridge height of the church and not the spire. The proposals do have a direct impact, as it directly affects the rear of the church and where the Boys Brigade building adjoins the South-Western boundary of the site and the wider character of the Conservation Area.

- o Q: Is there a requirement to make good/move any of the parts of the church organ?

- o Sustainability - it is recommended that more existing materials are re-used on site, such as the internal doors, roofing slate, brick and any metal rainwater goods etc. It would be interesting to have more information regarding the sustainability of the proposed materials. The photovoltaic panels appear to be well hidden.

- o Demolition - it is appreciated there is scope for some demolition. This is supported by the Structural Inspection Report. After a site inspection too, it was evident that the long term failure to maintain the rainwater goods and roof were one of the principle reasons for the present condition. The proposed demolition drawings submitted as part of these applications does not seem to follow the full extent of the proposed demolition on the "existing and proposed plans showing usages and level of proposed demolition" in the structural inspection. There is a greater retention of the historic fabric of the Sunday School walls, which is supported in principle. It would be useful to have more detail regarding how/if the smaller existing structures are connected to the apse of the church and also some small areas of investigation into the materials and condition of the Boys Brigade structural walls. This area was noted as "stable" and of "traditional solid masonry walls". This may also help to inform the works.

As it stands it would be appreciated to have more detailed investigation to better inform the proposed stage of the demolition. It would be preferred if more historic fabric was retained.

The structural report included the failing wall within the electricity sub station. It is appreciated that this may not be part of this application, but could have an impact on the land within the site boundary, should this wall fail.

- o Design - Block 01; its roof is still not subservient to the ridge height of the church (please do not include height of spire). When viewed from the principle elevation of the church its height and massing is still dominating the listed building. The recessed elevation of the Block 01, creates an over dominant and unnecessary edge detail. The proposed space/access at the rear of the church makes a positive impact on the full appreciation of the principle listed building.

The fenestration (as also in Block 02) is a little random and does not seem to respond in context to the local architecture. It could be more simplified, although it does have a vertical emphasis. All rooflights should be conservation type. There are too many rooflights on the remaining front section of the Sunday School. The front one at either side of the roof should be removed.

External fixings - will there be any vents, lighting, security, post boxes or utility meter boxes? It would be better if these did not obviously clutter the main elevations.

More details on how the metal gate fixed between the church and Block 02, specifically the impact on the church. Could it be not be directly fixed to the church? There is an opportunity to make this more decorative on this important elevation and as it has a central position within the Conservation Area.

Block 02 - this strengthens the historic street pattern on this corner. The flat roof needs to have a stronger detail to the parapet, although this allows a greater view of the church. It is a shame that the shopfronts appear a little "flat" on the elevation compared to the traditional set-in doorway, however, this should always be a contemporary interpretation of the local character.

- o Materials - in general the modern materials, specifically the external cladding is not supported. It is considered that this does not respond to the local vernacular and is not at all sympathetic. The colour scheme overall, Block 02 in particular seems to be a little too grey (mono tone). It would be helpful, if possible to see more details and colours of all of the proposed materials. This would include external hard landscaping.

- o Drawings - (observations) More details of the new brick North-West wall by the church for the new bin store.

- o Proposed plan AS17. 51 L.02.06 Rev 3 - does not show the lower flat roof and terraces and also the remaining existing buildings on Tower St.

- o Dormer window and door to South elevation is an awkward addition, this could be removed, but the window and door set within the roof structure.

- o Proposed plan AS17.51 L.02.06 Rev 3 - does not show the Southern side of the remain roof cutting into the central Sunday School roof pitch (as it does now?).

- o Proposed drawing AS17.51 L.09.00 Rev 1 (existing) - this drawing shows that there are 2 windows and a door missing on the side access.
- o Drawing AS17.51 L.04.11 Rev 3 - (West elevation) does not show the rear path and back of the Tower Street new bin access door.
- o Drawing AS17.51 L.02.15 Rev 3 - Apartment 14 & 16 - front window not shown on plan drawing. Although not supportive of this solution to put a panel over the dividing partition wall.
- o Apartment 4 - bedroom window too small.
- o Apartment 1 - main bedroom has wardrobe blocking up window.
- o Apartment 10 - bedroom double window plan drawing seems to have blocked panel across glazing. Unfortunate that the bathroom window needs to be obscured as it is a bathroom on the main elevation.
- o Apartment 13 - window to right of bathroom, has kitchen unit above the cill height.
- o Apartment 8 & 7 - bedroom window plan drawing seems to have blocked panel across glazing.
- o Apartment 14 & 15 - bedroom windows plan drawing seems to have blocked panel across glazing and not supportive of this solution to put a panel over the dividing partition wall.
- o Apartment 10 & 13 - on the front elevation the windows for the front 2nd floor, (Apartment 10 bathroom & Apartment 13 Kitchen unit) windows is not shown, however, it seems it is impossible to have windows in these positions due to the Sunday School roof.

In conclusion as it stands, it would be appreciated if there was now more investigative information regarding the structural condition of the curtilage buildings, specifically the Sunday School that could better inform the full extent of the demolition. In addition, due to the overbearing ridge height and massing of the main Block 01 to the listed building, the design and the unsympathetic materials, this proposal is not supported.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

Further comments:

The following comments are based on the amended drawings should be considered along with any earlier comments submitted.

They are as follows;

- o In principle the redevelopment of the curtilage buildings is supported, although this should be supported by sufficient information.
- o In principle the development of the car park site is supported. These will continue the built frontage along Queen Street.

Block 1

- o The amendments made to the block 1 particularly to the front (East) and rear (West) elevations has simplified the new fenestration creating a more ordered rhythm that is more sympathetic to that of the church.
- o The reduction in the ridge height has long been an important point of concern and it has been addressed and appears subservient to the principle listed building.

- o The removal of the outside roof terraces removes the visual distraction and clutter from this setting.

Block 2

- o The re-design to a "safe" solution suffers from becoming a pastiche within its context of setting and to the quality of architecture and materials that surrounds it. The principle elevation has too many different window styles (7 in total) not including the shopfronts. The East-side elevation that is seen in the same view as the church is disappointing and would be better to be simpler in style (as previous submission) rather than try to emulate the quality of materials and finishes of the church especially with modern equivalents.

- o The shopfronts have been improved, however due to the awkward symmetry of all of the window styles above them, they do not make such a successful contribution on the streetscene as they could.

- o The rear of the block is not as successful as the previous submission due to the overbearing and extensive staircases. Some of the landing areas could be shortened to reduce the visual impact and reveal the elevation better.

External landscaping

- o There are no details as yet with regards to external fixtures and fittings. This could be as a condition. It is recommended that external fittings are kept to minimum to reduce clutter and not to distract from the heritage assets. There should be no fixings to the listed building. Any letterboxes and utility boxes should be designed in hidden.

- o The loss of some of the path retaining wall that is on the West side of the church requires justification. It needs to be established if this is historic fabric or not. If it is not then this would be supported.

- o One of the main heritage gains to the project was the opportunity to reveal the rear (North) side of the church with its beautiful stained glass. The previous submission achieved this, however the placement of the 2 large bicycle stores (North & West) elevations is contrary to this gain. They harm the setting of the church, go against the heritage gains and would prevent maintenance and repair of the listed building.

o

Conclusion - there are benefits and losses to the overall design in this amended version. Overall, it is considered that there remains less than substantial harm to the listed building and conservation area, therefore it is disappointing to recommend that this is not supported.

Devon County Highway Authority

The site sits on the junction of Tower Street (V3702) and Queen street (L3911).

The site is within the vicinity of Exmouth town centre, which has various facilities and services, this together with the near train station, bus services to Exeter and afield, and the Exe-estuary trail makes this development ideal for non-car sustainable travel.

The layout allows for through-route travel by pedestrians to get out and in on either Tower Street or Queen street. Cycle storage is dedicated for on the Queen Street side together with easy access bin storage, I wonder whether due to the size of the site, another cycle storage facility would be worth placing next to the secondary bin store on the Tower Street side, this would assist in meeting the desire line.

I also recommend that a Construction and environment management plan (CEMP) is put together and submitted to the LPA, due to the amount of demolition and construction works and the location being in the busy centre of Exmouth.

Overall the County Highway Authority has no objection to this planning application.

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

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

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

Devon County Archaeologist
Application No. 19/2829/MFUL

Tower Street Methodist Church Tower Street Exmouth EX8 1NT - Part demolition and redevelopment and part conversion of vacant buildings to create 20 residential units plus development to provide two retail units: Historic Environment

My ref: Arch/DM/ED/35077b

I refer to the above application and your recent re-consultation. The Historic Environment Team has no additional comments to those already made, namely:

The proposed development lies in an area of high archaeological potential, within the historic core of the town and in an area that could contain evidence of the medieval settlement. Archaeological observations on a development site to the south-east recorded late medieval pottery amongst later material and the development site lies within an area that is suggested by the county Historic Environment Record to contain an early medieval ferry station. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the early settlement here. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2019) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of:

- (i) the archaeological monitoring and recording of all groundworks associated with the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits within the area occupied by the new buildings to the rear of the Sunday Hall on Tower Street, and
- (ii) a staged programme of archaeological works on the site of the new buildings on Queen Street, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits.

The results of both elements of fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

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/>.

Stephen Reed

Senior Historic Environment Officer

Housing Strategy Officer Melissa Wall

This application is for the part demolition and conversion to create 20 residential units. Under strategy 34 this would require 25% on-site affordable housing (5 units).

The applicant is claiming Vacant Building Credit (VBC). Guidance states that where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.

Based on the floor areas provided by the applicant in their planning statement applying VBC would reduce the requirement for affordable housing to 2.5 units or 12.84%. If the application of VBC is supported by the planning officer then a commuted sum rather than on-site provision would be more appropriate. With this being a 'flat scheme'

there is the risk that a registered provider would not be interested in on-site units and such a small number.

Therefore a commuted sum would be more appropriate and this would be £114,888. The applicant is also submitting viability evidence and this may result in no affordable housing or a commuted sum being viable.

Further comments:

The proposed amendments reduce the number of residential units to 19. This in turn results in a reduction in the number of affordable units required under strategy 34 (25% target) to 4.75 units.

If the application of vacant building credit is supported by the planning officer the revised floor areas will be required to calculate the 'credit' and reduced requirement for affordable housing. The applicants previously stated that they would be submitting viability evidence to reduce the requirement for affordable housing further. I have not seen any information regarding viability so cannot comment on this.

As per my previous comments if the application of VBC results in a low number of affordable units (1 or 2) then a commuted sum would be more appropriate.

Should it not prove viable to provide any affordable units or a commuted sum then an overage clause will be sought as per strategy 34.

The revised area results in 2.365 units or 12.45% affordable housing. We cannot use the commuted sum amount on the website as they assume a 25% or 50% provision (i.e. 25% or 50% of 1 unit). Therefore we need to amend the calculator to reflect the 12.45% (attached). This tells us that 1 unit with 12.45% AH provision is £5,780. Therefore $£5,780 \times 19 = £109,820$.

Development Delivery Project Manager 23/11/2020

I have now reviewed the Viability prepared by Herridge Property Consulting (Instructed by Bell Cornwall LLP) for the above mentioned site. I comment as follows:

The report appears to be of a robust nature, with a well-reasoned viability approach, with good relevant commentary, and a suitable amount comparable market evidence for both the residential (flats) and the ground floor commercial elements (Lock-up shop units) of the scheme.

I have reviewed the costs associated with the proposed scheme and agree with the build costs proposed. The residential rate is fair and corresponds with BCIS Estate Flats rates for East Devon. The build costs associated with Development elements of scheme have been evidenced against BCIS data, and a more detailed cost appraisal produced by the developers cost consultant, Randell Simmonds. This advice comprises the individual base build unit costs (including prelims) plus external works such as service infrastructure and roads. In addition it includes more site specific abnormal development costs including; demolition, foul and surface water drainage, utilities, conversion works associated with listed buildings and lower ground floors enabling works. These all seem reasonable and I have no reason to doubt the cost data provided by the Developers Cost Consultants.

Contingency percentage of 3% seems a bit low, taking into account this type of development. I would have preferred them using a higher contingency with them using the standard / typical market allowance of 5%.

S.106 contribution for Estuary Habitat Mitigation seems correct. The CIL Rate applied, taking into account Vacant Building Credit could not be checked due to the calculation not being included in the original report. Subsequently we have received this from Bell Cornwall and this now seem to be correct. Although I would ask that the original report be revised to include this calculation.

Professional fees of 8% is typical market allowance. The marketing, letting and disposal costs are within the normal parameters I would have expected.

Finance cost 6% is appropriate and the developers profit is within EDDC normal parameters.

I have also reviewed the GDV including the market evidence of residential sales values, commercial rental levels evidenced within the report. I have checked these against current market comparable evidence within a 3 mile radius of the site and these all seem to be within acceptable sale values and commercial / office market rental levels.

Environmental Health

These comments below set out the concerns we have about the above application. Some of these relate to fundamental design concerns and if these are not addressed there is a high likelihood of unacceptable noise transmission between the various units. As it stands at the moment we would not recommend that the application as submitted is approved.

I have assessed the application and have the following comments:

Residential units above commercial retail units

Drawing number AS17.51 L.02.01 revision 4 titled 'proposed lower ground floor plan' shows 2 proposed retail units. Drawing number AS17.51 L.02.02 revision 4 titled 'proposed ground floor plan' shows 2 proposed residential units (Apt 17 and Apt 18) directly above the proposed retail unit.

I am concerned about sound transmission from the retail to the residential units and consequently would recommend the following planning conditions:

Sound Insulation

Prior to the commencement of works a sound insulation scheme shall have been submitted to and approved in writing by the local planning authority. Such a scheme shall be designed to reduce the transmission of noise between the commercial premises and the residential development with the airborne sound insulation performance designed to achieve, as a minimum, a 10dB increase in the minimum requirements of Approved Document E. The standard must be applied to all transmission routes between all commercial and residential units, as well as floors and ceilings shared with the commercial premises. The scheme to be submitted shall also

provide for post construction testing certification to demonstrate that the sound insulation performance has met the required standard and where necessary set out what further mitigation measures will be employed to achieve the required levels. The sound insulation scheme shall be installed and maintained only in accordance with the details approved by the Local Planning Authority.

(Reason -To protect the amenity of future occupiers of the dwellings in accordance with policies D1 (Design and Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013 - 2031.)

Noise from the operation of the commercial premises / Hours of opening

No hours of opening have been given in the planning application, but we would suggest the following condition:

The commercial premises shall not be open for business except between the hours of 0900 and 18:00 Monday to Saturday and 10:00 and 16:00 on Sundays or Bank Holidays

Reason: to protect the amenity of residents living adjacent to the commercial units

Poor Internal arrangement of residential units

Page 25 of the BUILDING RESEARCH ESTABLISHMENT (BRE) and CIRIA. Sound control for homes, 1993 BR 238/CIRIA report 127 states:

Planning to control internal noise

Adjacent rooms should be compatible in terms of noise production and sensitivity. 'Habitable' rooms, such as bedrooms, living rooms and dining rooms, are noise sensitive. (Kitchens and bathrooms are not 'habitable' rooms.) Bedrooms are particularly sensitive to noise and should not be situated next to neighbours' living or dining rooms, kitchens, common circulation areas, bathrooms, lifts or other service areas

The proposed development has examples of good and poor internal arrangement and stacking. I have listed examples of poor internal arrangement and stacking below:

Ground Floor - Poor internal arrangement

- o Common parts area (corridor GF) next to bedroom (Apt 4)
- o Lift shaft adjacent to bedroom in Apt 5
- o Bedroom Apt 3 adjacent to staircase

First Floor - Poor stacking

- o Living room Apt 8 above bedroom Apt 1, Upper
- o Bathroom Apt 7 partially above bedroom Apt 2, Upper
- o Living room Apt 7 above bedroom Apt 5
- o Living room Apt 6 above bedroom Apt 4
- o Living room Apt 9 above bedroom Apt 3

First floor - Poor internal arrangement

- o Bedroom Apt 9 adjacent to staircase

Second floor - Poor internal arrangement

- o Bedroom Apt 13 adjacent to staircase

Third floor - Poor stacking

- o Apt 14 Living room / Kitchen is partially above bedroom in Apt 10

Third floor - Poor internal arrangement

- o Bedroom Apt 17 adjacent to staircase

I would therefore recommend that the internal arrangement is redesigned such that rooms and other areas are stacked 'like for like' (for example bedroom above bedroom) to reduce the likelihood of noise complaints from future residents complaining about everyday living noises. Furthermore, adjacent rooms should be compatible in terms of noise production and sensitivity, as per the aforementioned BRE / CIRIA report.

Other Internal Noise - Lift

As previously discussed, lifts should not be situated next to habitable rooms, in particular bedrooms. Furthermore noise and vibration from the electro-mechanical operation of the lift should also be considered and the following conditions are recommended:

Noise from the lift - Noise Rating Curves

Any plant (including lifts, 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 noise generated within residential units within the development shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide.

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

Vibration from the lift

Any plant (including lifts, 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 vibration generated within all rooms of the development shall not exceed the low probability of adverse comment as specified within BS 6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings. Part 1: Vibration sources other than blasting.'

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

Other matters - construction

Given the close proximity of the proposed development to other premises, and the potential impact on these premises during the construction phase, I would also recommend the following condition:

A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

Other matters - operation of building - servicing the retail units

Proposed planning condition - operation of building - servicing the retail units

No deliveries or collections (including waste disposal) shall be accepted or despatched to or from the site except between the hours of 0800 to 1800 Monday to Friday, or 0800 to 1300 on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: to protect the amenity of adjacent residents

Further comments:

Further to the email from Bell Cornwall 10 Dec 2020 I am satisfied that the layout is not capable of full stacking but the architects are proposing SI measures to reduce the likely impact.

I am concerned about sound transmission from the retail to the residential units and consequently would recommend the following planning conditions:

Sound Insulation

Prior to the commencement of works a sound insulation scheme shall have been submitted to and approved in writing by the local planning authority. Such a scheme shall be designed to reduce the transmission of noise between the commercial premises and the residential development with the airborne sound insulation performance designed to achieve, as a minimum, a 10dB increase in the minimum requirements of Approved Document E. The standard must be applied to all transmission routes between all commercial and residential units, as well as floors and ceilings shared with the commercial premises. The scheme to be submitted shall also provide for post construction testing certification to demonstrate that the sound insulation performance has met the required standard and where necessary set out what further mitigation measures will be employed to achieve the required levels. The sound insulation scheme shall be installed and maintained only in accordance with the details approved by the Local Planning Authority.

(Reason -To protect the amenity of future occupiers of the dwellings in accordance with policies D1 (Design and Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013 - 2031.)

Noise from the operation of the commercial premises / Hours of opening

No hours of opening have been given in the planning application, but we would suggest the following condition:

The commercial premises shall not be open for business except between the hours of 0900 and 18:00 Monday to Saturday and 10:00 and 16:00 on Sundays or Bank Holidays

Reason: to protect the amenity of residents living adjacent to the commercial units

Other Internal Noise - Lift

As previously discussed, lifts should not be situated next to habitable rooms, in particular bedrooms. Furthermore noise and vibration from the electro-mechanical operation of the lift should also be considered and the following conditions are recommended:

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

Vibration from the lift

Any plant (including lifts, 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 vibration generated within all rooms of the development shall not exceed the low probability of adverse comment as specified within BS 6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings. Part 1: Vibration sources other than blasting.'

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

Other matters - construction

Given the close proximity of the proposed development to other premises, and the potential impact on these premises during the construction phase, I would also recommend the following condition:

A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

Other matters - operation of building - servicing the retail units

Proposed planning condition - operation of building - servicing the retail units

No deliveries or collections (including waste disposal) shall be accepted or despatched to or from the site except between the hours of 0800 to 1800 Monday to Friday, or 0800 to 1300 on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: to protect the amenity of adjacent residents

Environment Agency

The proposed development will only meet the National Planning Policy Framework's (NPPF) requirements in relation to flood risk if the following planning condition is included. The reason for this position is also included below.

Condition - Implementation of Flood Risk Mitigation

The development shall be carried out in accordance with the submitted flood risk assessment (Clarkebond, 10/12/19) and the mitigation measures it details in section 5.3 "Building Construction and Flood Resilience and Resistance" to a level of 5.45m AOD.

These mitigation measures 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 reduce the risk of flooding to the proposed development and future occupants.

Reason for position - The site is located partially within flood zone 3, identified by Environment Agency flood maps as having a high probability of flooding. We have reviewed Flood Risk Assessment (Clarkebond dated 10/12/19) and can agree with the summary and conclusions of this document. We note that the ground floor use of Block 2 on Queen Street (identified as block 2 in Drawing number AS17.51 L.02.00) is proposed to be commercial 'less vulnerable' usage. The improvements to the Exmouth flood defence scheme will also provide a greatly improved standard of protection to this development.

Advice to the LPA - The FRA states that pedestrian connectivity will be available for the residents of Block 2 (Queen Street) through the site itself to the rear of Queen Street apartments and in the ground surrounding Tower Street apartments. We highlight that this access/egress route should remain unfettered over the lifetime of the development as the effects of climate change may affect the severity of a flood event. We recommend that you consult with your emergency planners for further guidance. You may also find the ADEPT Guidance for flood risk emergency plans for new development helpful. This is available at the following link:
<https://www.adeptnet.org.uk/system/files/documents/ADEPT%20%26%20EA%20Flood%20risk%20emergency%20plans%20for%20new%20development%20September%202019....pdf>

Advice to the Applicant - Flood Resilience and Flood Plan

In view of the potential flood risks in this locality, we would advise that any developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation. Detailed information on flood proofing and mitigation can be found by referring to the CLG free publication 'Improving the Flood Performance of New Buildings'. Please see the link below:
http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf

It would also be advisable for the applicant to prepare a flood plan which outlines how the business will respond to a flood. Further advice on this can be found in the following link:
<https://www.gov.uk/prepare-for-a-flood>

Further Comments:

Dear Sir/Madam

PART DEMOLITION AND REDEVELOPMENT AND PART CONVERSION OF
VACANT BUILDINGS TO CREATE 19 RESIDENTIAL UNITS PLUS DEVELOPMENT
TO PROVIDE TWO RETAIL UNITS.
TOWER STREET METHODIST CHURCH TOWER STREET EXMOUTH EX8 1NT

Thank you for re-consulting us on this application.

Environment Agency position

We have reviewed the additional information and consider that it does not change our position as set out in our previous letter dated 29th January 2020 in that we have no objection subject to the inclusion of a condition regarding Implementation of flood risk mitigation measures. Please refer back to our previous letter for further details.

South West Water

I refer to the above application and would advise that South West Water has no objection subject to surface water being managed in accordance with the submitted Flood Risk Assessment.

DCC Flood Risk Management Team

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:

Where brownfield sites are being developed, peak flow control should still be based on the greenfield runoff rate. The applicant must therefore attempt to match this greenfield rate in the first instance, but if this is robustly demonstrated to be unfeasible, the applicant should work backwards to achieve a runoff rate as close to the greenfield conditions as possible. Importantly, the applicant will be required to provide evidence of the calculations undertaken to achieve the proposed runoff rate.

The proposed off-site discharge rate is 5l/s which is higher than the derived greenfield runoff rates. Indeed, on small sites where the greenfield runoff rates are very low, we still wish to see discharge rates as close as possible to the greenfield performance, whilst also ensuring that a maintainable control structure can be provided. This is due to the fact that modern control structures can now facilitate discharge rates lower than 5l/s, and as a result the minimum 5l/s discharge rate recommendation is being phased out of national best-practice.

Majority of the new building development is proposed with blue roofs to attenuate the flows generated prior to discharge into the below ground drainage system. The external areas and the remaining roof areas will be drained to a below ground attenuation tank system. 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.

Further comments:

The applicant is restricting the peak discharge rate to 2.0l/s for the 1 year event, 2.1l/s for the 30 year event and 3.0l/s for the 1 in 100 year event compared to the previously proposed 5l/s. The proposed orifice size is 70mm.

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy and the results of the information submitted in relation to (a) and (b) above
- (b) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The

assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (b) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG.

The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

NHS Royal Devon & Exeter NHS Foundation Trust

This is a consultation response to the planning application ref: 19/2829/MFUL in relation to Part demolition and redevelopment and part conversion of vacant buildings to create 20 residential units plus development to provide two retail units

Introduction

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The creation and maintenance of healthy communities is an essential component of sustainability as articulated in the Government's National Planning Policy Framework, which is a significant material consideration. Development plans have to be in conformity with the NPPF and less weight should be given to policies that are not consistent with the NPPF. Consequently, local planning policies along with development management decisions also have to be formulated with a view to securing sustainable healthy communities. Access to health services is a fundamental part of sustainable healthy community.

As the attached document demonstrates, University Hospitals of Leicester NHS Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare.

It is further demonstrated that this development will create potentially long term impact on the Trust ability provide services as required.

The Trust's funding is based on previous year's activity it has delivered subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients.

The contract is agreed annually based on previous year's activity plus any pre-agreed additional activity for clinical services. The Trust is unable to take into consideration the Council's housing land supply, potential new developments and housing trajectories when the contracts are negotiated. Further, the following year's contract does not pay previous year's deficit retrospectively. This development creates an impact on the Trust's ability provide a services required due to the funding gap it creates. The contribution sought is to mitigate this direct impact.

CIL Regulation 122 and 123

The Trust considers that the request made is in accordance with Regulation 122:

"(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development."

S 106

S 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the impact it creates on the services. The contribution in the amount £28,652.00 sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculation are provided within the attached document.

Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with NPPF and Local Development Plan policies as explained in the attached document (under "view associated documents" tab

Other Representations

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

- Overlooking and loss of privacy to properties on Queen Street, Queens Court and Tower Street
- Design of buildings is not appropriate for the site
- The building is too high
- Samples of materials are needed
- Lack of parking
- Retail units are not required- there are vacant retail units in the town
- Congestion and hazards from servicing retail units
- No amenity space for residents
- Over development of the site
- Loss of a private parking area
- Over bearing impact
- Design inappropriate for the historic area
- Capacity of the sewerage network
- Impacts from building work
- Contrary to the Exmouth Neighbourhood Plan
- Block will dominate the skyline and affect views of the church
- Retail block will affect visibility from an adjacent car park.
- Damage to Queen Street during construction

PLANNING HISTORY

Reference	Description	Decision	Date
19/1825/FUL	Change of use from church to gymnasium	Approval with conditions	25.10.2019
79/C1154	kitchen and toilets	Approval with conditions	09.11.1979

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

EN6 (Nationally and Locally Important Archaeological Sites)

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

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

The application site falls within the Exmouth Conservation Area and occupies an urban block that is rare in the town, being a largely intact part of the original commercial and industrial area from the 18th and early 19th centuries. This particular block has Tower Street to the east, Queen Street to the west and curving around the north and a short frontage onto Chapel Hill to the south. Tower Street rises from north to south to reach the highest point where the street meets Chapel Hill. Queen Street is level around the western and northern frontages of the block while the Northern frontage of the block rises sharply up Chapel Hill. At this southern end of Tower Street there are views down across the block with the roof-tops following the lie of the land.

The development site fronts onto both Tower Street and Queen Street, spanning the urban block bounded by these two short streets. The site currently includes a small area of derelict ground used as car parking that fronts onto Queen Street and partially visible from The Strand, and a larger area occupied by a former Sunday School building that was once an ancillary building of the former Saint Martin's church and shares its architecture. A 1930's addition to this building is larger than the original and is built off the back of it into the centre of the urban block. This 1930's addition is in poor condition and of little architectural or historic merit.

Of the two parts of the site, the most prominent is arguably the area facing Queen Street. This opens onto the entrance to The Strand, which forms one of the most important public areas in the town centre of Exmouth. At this point, Queen Street curves round to meet Tower Street, past the site, at the corner of the former church. Tower Street then extends to Rolle Street and links through to the main shopping area of Exmouth. As such this part of the site fronts what could be an important link from these two areas of the town.

The other area of the site, comprising the Sunday School, is larger, but is mostly set back from the street frontage and not very visible. The Sunday School frontage onto Tower Street, however, is particularly attractive, being a small-scale single storey stone façade that reflects the ecclesiastical origins of the building and the architecture of the church it was once part of.

The site is located within the built-up area boundary of Exmouth and falls within the Conservation Area. Immediately to the north east is the Tower Methodist Church, a grade II listed building which is now in use as a gym. The church occupies a relatively prominent corner position and is an attractive feature within the streetscene and the Conservation Area. It is constructed of stone under a slate roof. The site is located partially within flood zone 3, identified by Environment Agency flood maps as having a high probability of flooding.

Proposed Development

Planning permission and listed building consent is sought for the part conversion and part demolition of existing buildings and the redevelopment of the site to provide new residential accommodation and two new units of retail space. The application proposes a total of 19 residential units in the form of 10 no 1 bed apartments and 9 no 2 bed apartments split across the two proposed buildings. The proposal can be split into two distinctive parts:

Building 1 - Demolition of the 1930's Boys Brigade building, the rear block, the Sunday School link extension and partial demolition of the Sunday School building, the conversion of the retained section of the Sunday School building with its attractive façade onto Tower Street together with the construction of a new residential apartment block behind. Owing to the levels change across the site, the building would present itself in 4 storey form to Tower Street and in 5 storey form to the Queen Street side. The proposal would provide a total of 15 apartments within the building.

The submitted plans indicate that the building would be constructed using a palette of artificial materials which include buff coloured stone effect cladding panels, man-made slate hanging and white render for the walls under a zinc clad roof.

Building 2 - It is proposed to construct a new three storey building fronting onto Queen Street on the site of the existing private car park. The proposal would provide two retail units on the ground floor with 107 sqm of retail floor space with two stories of residential accommodation in the form of 4 apartments above.

The building would be constructed from a mix of render and grey brick under a man-made slate roof. The building would include brick lintel and stone window surrounds, brick soldier course bands and concrete parapet detailing. The shop fronts would be of aluminium construction with glazing and recessed door detailing over a brick plinth.

There would be two principal entrances into the site, through secured access via controlled gates, leading into the main building providing pedestrian access off Tower Street and Queen Street. The proposal is to be a car free development and does not make provision for on-site car parking. 29 secure, covered cycle parking spaces are proposed.

ANALYSIS

Having regard for the Strategic and Development Management policies within both the East Devon Local Plan and the made Exmouth Neighbourhood Plan (ENP), the main issues to consider in determining this application are as follows:

- Principle of Development
- Loss of a Community/ Social Facility
- Affordable Housing Provision/ Vacant Building Credit/Viability
- Urban Design and Impact on the Character and Appearance of the Area
- Heritage Impact
- Residential Amenity
- Highway Safety and Parking Provision

- Ecological Impact
- Appropriate Assessment
- Archaeological Impact
- Flood Risk
- Surface Water Drainage

Principle of Development:

The site lies within the built-up area boundary of Exmouth where the principle of residential development is supported under the provisions of Strategy 6 (Development within Built-up Area Boundaries) of the East Devon Local Plan.

Strategy 22 (Development at Exmouth) has an expectation that Exmouth will see larger scale development as a Local Plan strategy which seeks to promote:

1. New Homes - Moderate new housing provision
2. Jobs - significant new employment provision in the town.
3. Town Centre - significant investment in new retail and commercial facilities in the town centre.

Policy EN1 of the ENP states that proposals for development within the built-up area boundary will generally be supported. Development will only be permitted where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

The site is located within the heart of the town in a highly sustainable location with immediate access to shops, services and everyday facilities all of which are accessible on foot as well as excellent public transport links again accessible on foot. The principle of development in location terms is considered to be acceptable and in compliance with the Strategic policies within the Local Plan and the ENP.

Loss of a Social/ Community Facility:

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) states that in order to ensure that local communities remain vibrant and viable and are able to meet the needs of residents we will resist the loss of employment, retail and community uses. This will include facilities such as buildings and spaces used by or for job generating uses and community and social gathering purposes, such as pubs, shops and Post Offices.

Permission will not be granted for the change of use of current or allocated employment land and premises or social or community facilities, where it would harm social or community gathering and/or business and employment opportunities in the area, unless:

1. Continued use (or new use on a specifically allocated site) would significantly harm the quality of a locality whether through traffic, amenity, environmental or other associated problems; or
2. The new use would safeguard a listed building where current uses are detrimental to it and where it would otherwise not be afforded protection; or

3. Options for retention of the site or premises for its current or similar use have been fully explored without success for at least 12 months (and up to 2 years depending on market conditions) and there is a clear demonstration of surplus supply of land or provision in a locality; or

4. The proposed use would result in the provision or restoration of retail (Class A1) facilities in a settlement otherwise bereft of shops. Such facilities should be commensurate with the needs of the settlement.

As the site and buildings constitute a former community gathering use, Strategy 32 of the Local Plan is engaged which requires justification for the loss of such facilities and in the event that the loss would harm community gathering, up to date marketing information is required together with identification of surplus of land provision for such a use in the locality.

It is understood that the buildings on the application site (previously used by the Women's Institute, the Boys and Girls Brigades and a dance school) has been vacant for over 10 years and therefore it is accepted that it hasn't contributed to social or community gathering opportunities for some time. Evidence has been submitted in support of the application that the buildings are generally in a state of disrepair and that it is not viable to retain and maintain the buildings in their current form which is the reason why they have been vacant for a number of years.

It is therefore accepted that the proposal does not conflict with the policy in so far as it does not harm social or community gathering and as such it is not necessary to consider the development against the remaining four criteria set out within Strategy 32 of the Local Plan- a position that has been supported by a Planning Inspector at a recent appeal for the Doyle Centre (ref APP/U1105/W/18/3201622).

In any event the applicant has provided evidence to show that the site and buildings have been marketed since 2012 but that no parties were found largely because of the poor condition of the buildings and their complicated layout which was not attractive to potential purchasers or tenants.

As will be discussed later within the report, the proposed re-development of the site and the demolition of existing buildings which have caused structural problems, damp and maintenance problems for the adjacent grade II listed church allows for the visual separation of the church from the adjoining buildings which would be of benefit to its setting and also enable maintenance and repair works to be carried out where they aren't currently accessible. The case is therefore being made that the re-development of the site would safeguard a listed building where current uses are detrimental to it and where it would otherwise not be afforded protection.

On balance, having regard for the overall condition of the buildings on the site, the fact that they have been vacant for over 10 years, coupled with the fact that evidence of marketing has been provided along with the suggested improvements that could be made to the grade II listed church, it is considered that the loss of the buildings in favour of re-development of the site would not harm social or community gathering opportunities within the town.

Affordable Housing/ Vacant Building Credit

This application is for the part demolition and conversion to create 19 residential units. Under strategy 34 (District Wide Affordable Housing Provision Targets) of the Local Plan there is a requirement to provide 25% on-site affordable housing which equates to 4.75 units. This is supported by ENP Policy H2 which seeks 25% affordable housing on housing developments within the built-up area boundary on sites of more than 10 properties.

The applicant is claiming Vacant Building Credit (VBC). Guidance states that where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.

Based on the floor areas provided by the applicant in their planning statement applying VBC would reduce the requirement for affordable housing to 2.365 units or 12.45%. The Council's Housing Enabling Officer has advised that a commuted sum rather than on-site provision would be more appropriate. With this being a 'flat scheme' there is the risk that a registered provider would not be interested in on-site units and such a small number.

Therefore it is considered that a commuted sum would be more appropriate and this would be £109,820 subject to viability.

Viability

The application is accompanied by a viability appraisal prepared by Herridge Property Consulting which has been considered by the Council's Development Delivery Project Manager. The report is considered to be of a robust nature, with a well-reasoned viability approach, with good relevant commentary, and a suitable amount comparable market evidence for both the residential (flats) and the ground floor commercial elements (Lock-up shop units) of the scheme.

The report and supporting viability appraisal demonstrate that the proposed re-development of the site can only be considered viable if there is no affordable housing provision either on site or through an offsite financial contribution.

In accordance with the provisions of Strategy 34 it is considered that the applicants have submitted sufficient evidence to demonstrate why an affordable housing contribution is not viable for this proposed development subject to an overage clause within the Section 106 agreement.

Urban Design and Impact on the Character and Appearance of the Area:

Strategy 6 of the Local Plan states that within the boundaries development will be permitted if:

1. It would be compatible with the character of the site and its surroundings and in villages with the rural character of the settlement.
2. It would not lead to unacceptable pressure on services and would not adversely affect risk of flooding or coastal erosion.
3. It would not damage, and where practical, it will support promotion of wildlife, landscape, townscape or historic interests.
4. It would not involve the loss of land of local amenity importance or of recreational value; 5. It would not impair highway safety or traffic flows.
6. It would not prejudice the development potential of an adjacent site.

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
3. Do not adversely affect:
 - a) The distinctive historic or architectural character of the area.
 - b) The urban form, in terms of significant street patterns, groups of buildings and open spaces.
 - c) Important landscape characteristics, prominent topographical features and important ecological features.
 - d) Trees worthy of retention.
 - e) The amenity of occupiers of adjoining residential properties.
 - f) The amenity of occupants of proposed future residential properties, with respect to access to open space, storage space for bins and bicycles and prams and other uses; these considerations can be especially important in respect of proposals for conversions into flats.

Policy EB2 of the ENP requires new developments to be designed to be mindful of surrounding building styles and to ensure a high level of design as exemplified in the Avenues Design Statement (2005).

It should be noted that the applicants have engaged in a number of detailed pre-application discussions prior to submission of this planning application. Through these discussions with the input of the Council's Conservation Officer, officers have been able to offer guidance on issues of design, scale, bulk and massing of the proposed development to minimise the impact it would have on the character and appearance of the area, the Conservation Area and the setting of heritage assets.

In conjunction with advice from the Council's Urban Designer and the Conservation Officer as part of this application, a number of amendments have been made to the submitted scheme to address concerns that were expressed about the design of the buildings, their roof form, the bulk, scale and massing and materials etc. in order to achieve an overall design that would be best suited to the shape and configuration of the site as well as its streetscene and historic context. Concerns were raised about the height of the proposed apartment building and its intrusiveness on the skyline when viewed from the end of the Beacon or the top of Tower Street itself and how the

building would have dominated this block and changed the nature of the conservation area. Concern was also expressed about the design and form of the retail and apartment building to Queen Street which did not respond to the low key architecture of the block in which it would be sited and was generally of a poor design. Whilst the impact of both buildings is important to consider, the proposed retail and apartment building is considered to be very important in terms of its visibility and its contribution to the townscape of Exmouth.

The amended plans have sought to address these concerns by reducing the height of the proposed residential building which in the opinion of the Urban Designer has been very effective in enabling the building to fit the scale of its surroundings while also using a design that is appropriate and complimentary. This is a design that if constructed with good materials, detailing and workmanship should be a welcome modern addition to this area, replacing the existing 1930's building that is tired and of little design merit.

In terms of the revisions to the proposed retail building fronting onto Queen Street and facing the Strand, amended plans have been provided which have re-designed the building to follow the rhythm along this street of relatively low buildings and narrow frontages. The building footprint reverts back to following the site boundary following precedent set by neighbouring buildings. The Urban Designer is satisfied that this revision successfully allows the building to fit with its context while the footprint helps to form the spaces around it so that there is a natural form to the street and a much more attractive setting to the former church.

Whilst the rear access stairs and walkways would still be utilitarian in appearance, the revised design would ensure that this would be in a way that is not incongruous while also providing usable levels of outdoor space to future occupants of the flats. Subject to the use of good material choices, crisp detailing and good workmanship this well designed building would be a welcome addition to a small but important space at the heart of Exmouth, helping to draw people through from two sides of the centre where now there is only a rubble-floored car park which would be of wider benefit to the overall vitality and viability of the town.

In summary, through the extensive input of the Urban Designer, the revised designs for the two buildings have addressed the concerns raised about their architecture and relationship to the urban surroundings. Both buildings now respond well to their respective contexts taking design cues from their surroundings and would produce a modern interpretation that would not be overly intrusive or harmful to the character and appearance of the area. In doing so this design and re-development of the site would remove a number of ugly buildings and would help to improve a relatively neglected corner at the heart of Exmouth that has presented a challenging design context.

Given the site's historic context, the materials and finishes of the proposed buildings will be key to ensuring they assimilate with the surrounding environment and the local vernacular. It is noted that materials shown on the approved plans are artificial which are not normally considered to be appropriate on sites with a historic environment and context. Therefore it is recommended that a condition is imposed that requires the submission of samples of all materials and finishes that can be agreed by officers

notwithstanding what is showing as being proposed on the submitted plans to ensure that the materials are appropriate both for the character and appearance of the area and to the setting of the listed building and conservation area.

On balance, it is considered that the proposals comply with the design policies contained within the Local Plan and ENP.

Heritage Impact

In determining this application under the statutory duty of section 66(1) and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the LPA has to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Furthermore, there is a requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Paragraphs 193-196 of the NPPF deal with the assessment of harm to designated heritage assets and which advises that great weight should be given to an asset's conservation and this should be proportionate to the importance of the asset. The NPPF requires that any development within a conservation area should look to preserve or better reveal the significance of the affected heritage assets (Para 200).

Relevant policies for an assessment of the impact of proposals from the East Devon Local Plan and the ENP are considered to be:

Policy EN10 (Conservation Areas) of the Local Plan which states that proposals for development, including alterations, extensions and changes of use, or the display of advertisements within a Conservation Area, or outside the area, but which would affect its setting or views in or out of the area, will only be permitted where it would preserve or enhance the appearance and character of the area. Favourable consideration will be given to proposals for new development within conservation areas that enhance or better reveal the significance of the asset, subject to compliance with other development plan policies and material considerations. Loss of a building or other structure that makes a positive contribution to the significance of a Conservation Area will be considered against the criteria set out in Policy EN9.

Policy EN9 (Development Affecting a Designated Heritage Asset) of the Local Plan which states that the Council will not grant permission for developments involving substantial harm or total loss of significance of a designated heritage asset unless it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site.
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.
 - c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible.
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest

significance should be wholly exceptional. Where total or partial loss of a heritage asset is to be permitted the Council may require that:

- e) A scheme for the phased demolition and redevelopment of the site providing for its management and treatment in the interim is submitted to and approved by the Council. A copy of a signed contract for the construction work must be deposited with the local planning authority before demolition commences.
- f) Where practicable the heritage asset is dismantled and rebuilt or removed to a site previously approved.
- g) Important features of the heritage asset are salvaged and re-used.
- h) There is an opportunity for the appearance, plan and particular features of the heritage asset to be measured and recorded.
- i) Provision is made for archaeological investigation by qualified persons and excavation of the site where appropriate.

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. Favourable consideration will be given for new development within the setting of heritage assets that enhance or better reveal the significance of the asset, subject to compliance with other development plan policies and material considerations.

Listed Building Consent

The Tower Street Methodist Church is grade II listed and the adjacent buildings at the rear fall within the definition of curtilage listed buildings and are therefore considered to be part of the principal listed building.

The application is accompanied by a detailed Heritage Statement which provides an assessment of the significance of the buildings to be demolished and their contribution to the setting of the church which include part of the Sunday School building, the Boys Brigade Building, the rear block and a single storey link extension.

It is accepted that the architectural and historic interest of the site is mixed, with the Tower Street elevation of the Sunday School clearly contributing most positively to the listing and the setting of the church and the conservation area. The Sunday School shares architecture and materials with the church and appears to have been built around the same time. The visibility of 3 sides of the church and the Tower Street elevation of the Sunday School are important in the overall streetscene and the understanding of the group with a clear hierarchy between the different parts and purposes of the building.

An important aspect of this scheme is that it includes retention of as much of the Sunday School as possible and to open it up and enhance the interior, enabling the fabric of the building to be better understood and the street frontage to be retained and enhanced. Internally, the front section of the Sunday School would be retained in full as a double height space, open to the roof with the corbelled arched trusses refurbished.

It is accepted that the remaining buildings make a neutral or negative contribution to the historic setting of the site. The quality and architecture of most of the buildings

proposed for demolition is poor and their contribution to the significance of the listed church is negligible. Removal of the buildings around the apse of the church will provide an improved local setting for the church allowing better space around the apse and the adjacent buildings to the south. It is accepted that there will be a loss of historic fabric however this is considered to be the less architecturally interesting elements of the buildings.

There is no doubt that through demolition alone, this would allow space around the church and for the protection of important elements of the building which would be of benefit to the heritage asset. The removal of the buildings surrounding the rear of the church, including the west gable and the apse will be an enhancement that will allow the listed building to be better appreciated from public vantage points outside of the site and for its long term repair and maintenance.

Impact on Setting

Being a prominent and important site within the Conservation Area and given the adjacent grade II listed church, re-development of the site has the potential to impact on heritage assets and this needs to be carefully assessed. The previous detailed section and assessment of the impact on character and appearance of the area is relevant to the assessment of the impact on both the setting of the church and Conservation Area insofar as the design, height, bulk and massing of both proposed buildings has been amended to address not only the constraints of the site but also the historic context within which the site sits and therefore the impact upon the both the setting of the listed church and the Conservation Area.

Pre-application discussions with the applicants established that buildings on the site that are curtilage listed structures are of varying importance in terms of the overall significance of the church. The key elements of the site's special architectural and historic interest are in terms of the elevation and detailing of the stone elements of the church and the Sunday School building, and the prominence of the church spire in the street scene. A significant successful element of this scheme is the retention of the attractive frontages onto Tower Street and retention of part of the Sunday School building and its incorporation into the design of the scheme. This would maintain the external appearance onto Tower Street and provide continuity in the streetscene.

The amendments that were made to main residential apartment building have addressed a number of concerns that were expressed by the Council's Conservation Officer in terms of:

- To the front (East) and rear (West) elevations has simplified the new fenestration creating a more ordered rhythm that is more sympathetic to that of the church.
- A reduction in the ridge height of block 1 which has long been an important point of concern has been addressed and would now appear subservient to the principle listed building.
- The removal of the outside roof terraces removes the visual distraction and clutter from this setting.

The amendments that were made to retail and residential apartment building have addressed a number of concerns that were expressed by the Council's Conservation Officer although it is noted that not all changes have been supported in terms of:

- The re-design to a "safe" solution suffers from becoming a pastiche within its context of setting and to the quality of architecture and materials that surrounds it. The principle elevation has too many different window styles (7 in total) not including the shopfronts. The East-side elevation that is seen in the same view as the church is disappointing and would be better to be simpler in style (as previous submission) rather than try to emulate the quality of materials and finishes of the church especially with modern equivalents.
- The shopfronts have been improved, however due to the awkward symmetry of all of the window styles above them, they do not make such a successful contribution on the streetscene as they could.
- The rear of the block is not as successful as the previous submission due to the overbearing and extensive staircases. Some of the landing areas could be shortened to reduce the visual impact and reveal the elevation better.

There are some remaining concerns expressed by the Conservation Officer, who considers there to be benefits and losses to the overall design in its amended version. Officers are however satisfied that whilst 4 stories in form, the main residential building has been designed to sit within the existing built form without being the dominant structure whilst allowing the church and its spire to retain its prominence within the streetscene and the Conservation Area. Furthermore the proposals allow for the key elements of the church's special architectural and historic interest to be preserved which include retention of the front façade of the Sunday School which contributes to its significance.

Whilst the concern about the more pastiche design approach to the retail and apartment building onto Queen Street are noted, it is considered that this approach is more suited to its urban context and the surrounding townscape. The building would help to enclose views from the Strand providing an improved backdrop over the existing car park and rear elevations of the buildings. This new building would also rebuilt the historic built footprint on this part of the site as evidenced by historic maps which show buildings historically in this position. Officers agree with the conclusions of the Conservation Officer in that overall it is considered that the proposals would result in less than substantial harm to the listed building and conservation area.

When considering the impacts of a proposed development on the significance of a designated heritage asset paragraph 193 of the NPPF states that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

In this case, it is considered that the proposed demolition of curtilage listed buildings and re-development of the site would result in less than substantial harm to both the setting of the Conservation Area and the grade II listed Tower Street Methodist Church. In these circumstances under the provisions of paragraph 196 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against any

public benefits of the proposal including, where appropriate, securing its optimum viable use.

It is considered that there are a number of public benefits that would be derived from this proposal which include:

- The provision of new retail space for the town centre which would contribute to the vitality and viability of the town centre and provide additional jobs.
- The provision of a number of smaller units of accommodation in a highly desirable town centre location to meet an identified shortage and need.
- Removal of a number of unsightly buildings and the private car park which would better reveal the significance of the church and be on benefit in terms of public views of the area.

In addition to these public benefits it is considered that re-development of the site would also be of benefit to the setting of the listed church and the wider Conservation Area meeting the provisions of para 200 of the NPPF that requires that any development within a conservation area should look to preserve or better reveal the significance of the affected heritage assets (Para 200). It is considered that the proposal would be of benefit to heritage assets in terms of the following:

- Removal of the unsightly buildings in close proximity to the grade II listed church would provide better separation and would improve its setting when viewed from the south.
- Removal of the buildings would also allow structural and damp issues to be dealt with that have arisen because of the building's proximity to the side of the church coupled with the inability to gain access for maintenance which has put the grade II church at risk.
- Retention of the Tower Street elevation of the Sunday School building contributes to the setting of the listed church.
- Removal of the car park at the rear which is at odds with the historic tight urban grain and rebuilding the historic footprint of a building fronting Queen Street.
- The opportunity to reveal the rear (North) side of the church with its stained glass window.

Having regard for the above, it is considered that the public benefits that would be derived from the proposal and the benefits to heritage assets would outweigh the less than substantial harm that would be caused to the setting of both the Conservation Area and the grade II listed church.

Residential Amenity

Policy D1 of the Local Plan states that proposals should not adversely affect the residential amenity of existing residents. It also states that the amenity of occupants of proposed future residential properties with respect to open space, storage space for bins and bicycles etc.

Owing to its town centre location, the area is already densely populated with a mixture of residential and commercial properties. There is a tight urban grain and the application site has a close relationship with a number of residential properties and

flats on both Tower Street, Queen Street and Queens Court. Each of these impacts will be addressed in turn:

Tower Street

The properties on the opposite side of the application site on Tower Street (no's 9, 11, 12 and 13) are those most likely to be impacted upon by the proposed development through the physical impact on the building, overlooking and loss of privacy. Whilst concern from local residents is noted and it is accepted that the proposed building would have an impact, the existing character of Tower Street is of properties on either side of the street of varying heights and window to window distances of less than 6.0 metres. The proposed elevation facing Tower Street at first floor level would be set back 12.0 metres from the properties on opposite side which would be a greater distance than the whole of the street. First, second and third floor windows on the Tower Street elevation would serve bedrooms and living spaces such that it is accepted that there will be an impact in terms of overlooking and loss of privacy to a degree however given the nature of the street and the surrounding urban context it is not considered that this relationship and impact would be so detrimental as to justify refusal of planning permission.

An outside amenity area for apartment 6 has been designed to sit behind the retained single storey element of the Sunday School Building where the mono-pitch roof is of a height (1.8 metres) that would prevent any overlooking from this space.

Queens Court

The rear part of the application site also shares a close relationship with properties on Queens Court which project away from the proposed building. Whilst a number of first and second floor windows will be on the elevation closest to the properties on Queens Court, they would mainly overlook a parking court, access and substation and therefore would not provide any direct overlooking. As there is already a large building in this position, it isn't considered that the proposal would give rise to any over bearing or over dominant impact.

Queen Street

The rear of the application site shares a close relationship with the rear elevations of properties 2, 4, 6 and 8 Queen Street which face the site. These properties are a mix of commercial and residential uses although residential uses are above the commercial units with a number of first floor windows facing the application site. Whilst the proposed apartment building would have a degree of impact where first, second, third and fourth floor windows serving bedrooms and living spaces, this would be at a distance of 14 metres which would not result in a relationship that would be unacceptable in a town centre environment especially given the density and close knit nature of properties in the area.

The proposed retail and residential building facing onto Queen Street would also have a degree impact through the introduction of a three storey building on an otherwise open and undeveloped part of the site. It would have its greatest impact on the

properties on the opposite side of Queen Street which has a number of first, second and third floor windows facing the site.

A number of bedroom and living space windows at first and second floor level would face across the street at a distance of 5 metres and whilst this would introduce a new relationship between the buildings, it would replicate the relationship that exists between buildings on Queen Street and would not be a relationship that would be unacceptable in a town centre environment given the close knit relationship between properties in the area. Furthermore, it appears as though the windows on Queen Street facing the site are secondary windows with larger windows facing onto the Strand.

Given the close proximity of the proposed development to other premises, and the potential impact on these premises during the construction phase the Environmental Health Officer has recommended that the submission of a Construction and Environment Management Plan is conditioned. In addition given the proximity of the proposed retail units to residential properties a condition controlling the hours of operation of the retail units in terms of deliveries or collections to between the hours of 0800-1800 Monday to Friday and 0800 to 1300 on Saturdays with no deliveries on Sundays or Bank Holidays is recommended.

Accordingly it is considered that the proposed development would not detrimentally impact on residential amenity to an unacceptable level that would justify refusal of planning permission. The proposal is considered to comply with policy D1 of the Local Plan.

Archaeological Impact

Policy EN6 (Nationally and Locally Important Archaeological Sites) states that development that would harm nationally important archaeological remains or their settings, whether scheduled or not, including milestones and parish stones, will not be permitted. Development that would harm locally important archaeological remains or their settings will only be permitted where the need for the development outweighs the damage to the archaeological interest of the site and its setting. There is a presumption in favour of preservation in situ in the case of nationally and locally important remains. Preservation of locally important remains by record will be required where the need for the development outweighs the need to preserve the remains in situ.

Policy EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance) states that when considering development proposals which affect sites that are considered to potentially have remains of archaeological importance, the District Council will not grant planning permission until an appropriate desk based assessment and, where necessary, a field assessment has been undertaken.

The County Council's Archaeologist has considered the application and advised that the proposed development lies in an area of high archaeological potential, within the historic core of the town and in an area that could contain evidence of the medieval settlement. Archaeological observations on a development site to the south-east recorded late medieval pottery amongst later material and the development site lies within an area that is suggested by the county Historic Environment Record to contain

an early medieval ferry station. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the early settlement here. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

Subject to a pre-commencement condition that requires the submission of a WSI it is considered that the proposal would comply with the provisions of paragraph 199 of the National Planning Policy Framework (2019) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan.

Highway Safety and Parking Provision

Policy TC7 (Adequacy of Road Network and Site Access) states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC9 (Parking Provision in New Development) states that spaces will need to be provided for Parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home.

The policy does however state that in town centres where there is access to public car parks and/or on-street parking lower levels of parking and in exceptional cases where there are also very good public transport links, car parking spaces may not be deemed necessary.

The site is within the vicinity of Exmouth town centre, which has various facilities and services, this together with the near train station, bus services to Exeter and afield, and the Exe-estuary trail makes this development ideal for non-car sustainable travel. This proposal does not make provision for any car parking spaces on the basis that it is within the heart of the town within easy access of a number of services and facilities and links to public transport. In this case, it is considered that a car free development in this location would be acceptable.

The layout allows for through-route travel by pedestrians to get out and in on either Tower Street or Queen street. Cycle storage is dedicated for on the Queen Street side and Tower Street side of the development together with easy access bin storage.

Subject to a condition that requires the installation of the cycle storage prior to occupation of the residential units and the submission of a Construction and

environment management plan (CEMP) that controls traffic associated with the amount of demolition and construction works and its location within in the busy centre of Exmouth the proposal is considered to be acceptable. The County Highway Authority has no objection to the application.

Ecological Impact

Policy EN5 (Wildlife Habitats and Features) of the Local Plan states that wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites. Where potential arises positive opportunities for habitat creation will be encouraged through the development process.

The application is accompanied by an Ecological Survey prepared by Richard Green Ecology who carried out a preliminary ecological appraisal consisting of a daytime visual inspection for bats and nesting birds and a bay emergence survey. The reports conclude that no bats were found within the building and therefore a European Protected Species Licence would not be required. Herring gulls and pigeons were nesting on the site and the ecologist has advised that a check should be made for nesting birds prior to any works commencing on the site.

Subject to a condition requiring the development being carried out in accordance with the mitigation and ecological enhancement measures (the installation of a bird nest box on the new building) contained within the ecology report, it is considered that the proposal complies with the provisions of policy EN5 (Wildlife Habitats and Features) of the Local Plan.

Appropriate Assessment

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

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

In protecting land for SANGS, it is critical to ensure that it is deliverable and provides the best use of resources. Work has taken place on delivery of such SANGs across the three authorities. The joint strategy between the authorities proposes 4 SANGS across the area these being at the following locations:

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

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

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

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

Natural England have advised that, on the basis of the appropriate financial contributions being secured to the South-east Devon European Sites Mitigation Strategy (SEDESMS), they concur with the authority's conclusion that the proposed development will not have an adverse effect on the integrity of Dawlish Warren SAC, the Exe Estuary SPA and Exe Estuary RAMSAR site. The appropriate financial contributions have been secured through the submission of a Unilateral Undertaking that has been submitted with the application.

Flooding and Sequential Test

Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan states that a sequential approach will be taken to considering whether new developments excluding minor developments and changes of use will be permitted in areas subject to river and coastal flooding.

The site is located partially within flood zone 3, identified by Environment Agency flood maps as having a high probability of flooding. The Environment Agency have raised no objections on the basis that they have reviewed Flood Risk Assessment prepared by Clarkebond and agree with the summary and conclusions of the document. In particular the EA note that the ground floor use of Block 2 on Queen Street (identified as block 2 in Drawing number AS17.51 L.02.00) is proposed to be commercial 'less vulnerable' usage. They have also advised that the improvements to the Exmouth flood defence scheme will also provide a greatly improved standard of protection to this development.

In accordance with guidance in the National Planning Policy Framework (NPPF) development should be directed to areas with a lower risk of flooding (flood zone 1) unless it can be demonstrated, through a sequential test, that there are no other suitable sites in flood zone 1. It is usual practice to set the areas of search for the sequential test as the whole of East Devon's administrative area and clearly there would be a number of sites available in flood zone 1 to accommodate 19 no. apartments, however, as indicated in the following text from the National Planning Practice Guidance, the area of search can be reduced where there is an overriding need to certain developments.

'For individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives.'

When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere. For nationally or regionally important infrastructure the area of search to which the Sequential Test could be applied will be wider than the local planning authority boundary.

Any development proposal should take into account the likelihood of flooding from other sources, as well as from rivers and the sea. The sequential approach to locating development in areas at lower flood risk should be applied to all sources of flooding, including development in an area which has critical drainage problems, as notified to the local planning authority by the Environment Agency, and where the proposed location of the development would increase flood risk elsewhere'.

For this proposal, the need for 1 and 2 bedroom properties in Exmouth is an important consideration and one that should be taken into account when determining the area of search for a sequential test. The table below (taken from Devon Home Choice) indicates the current level of need in Exmouth, this is where the greatest need is in the district.

3.Areas in East Devon	Exmouth
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Count of Bedroom	Bedroom					
Band	1	2	3	4	5	Grand Total
Band B	27	13	6	3	2	51
Band C	31	51	40	10	1	133
Band D	160	45	14	3	1	223
Grand Total	218	109	60	16	4	407

Given this high demand for one and two bedroom properties in excess of 300 units, it is considered that a reduced area of search for a sequential test could be justified in principle.

Furthermore, the re-development and regeneration of this site and the benefits that would derived from the scheme in terms of heritage are considered to outweigh the fact that 4 of the 19 proposed residential properties would be constructed on the first and second floors of the retail building in the flood zone. Less vulnerable retail uses are proposed for the ground floor. This is a unique opportunity to re-develop the site, in the centre of the town and would provide a number of identified benefits to the setting of grade II listed church whilst helping to meet demand for 1 and 2 bedroom properties. There are very limited available sites in close proximity to the town centre that can accommodate the 19 units proposed which weighs in favour of developing this site. In the absence of any objections from the EA and based on appropriate flood risk and mitigation measures contained within the submitted Flood Risk Assessment, it is considered that a reduced area of search can be justified.

Whilst a small part of block 2 would be located within the flood zone, it has been designed with rear accesses to the residential units above the retail units that are above the flood level to ensure safe access and egress in times of flooding so occupants have a safe refuge through the access to block 1 into Tower Street.

Subject to a condition that requires the development to be carried out in accordance with the submitted flood risk assessment and the mitigation measures it details in section 5.3 "Building Construction and Flood Resilience and Resistance" to a level of 5.45mAOD the EA have advised that the proposed development will meet the National Planning Policy Framework's (NPPF) requirements in relation to flood risk and would comply with the provisions of policy EN21 of the Local Plan.

Surface Water Drainage

Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan requires that:

1. The surface water run-off implications of the proposal have been fully considered and found to be acceptable, including implications for coastal erosion.
2. Appropriate remedial measures are included as an integral part of the development, and there are clear arrangements in place for ongoing maintenance over the lifetime of the development.

3. Where remedial measures are required away from the application site, the developer is in a position to secure the implementation of such measures.
4. A Drainage Impact Assessment will be required for all new development with potentially significant surface run off implications.
5. Surface water in all major commercial developments or schemes for 10 homes or more (or any revised threshold set by Government) should be managed by sustainable drainage systems, unless demonstrated to be inappropriate

An objection was originally raised by the County Council's Flood Risk Management Team on the basis that the proposed off-site discharge rate was 5l/s which is higher than the derived greenfield runoff rates. DCC requirement, on small sites where the greenfield runoff rates are very low, are to see discharge rates as close as possible to the greenfield performance, whilst also ensuring that a maintainable control structure can be provided. This is due to the fact that modern control structures can now facilitate discharge rates lower than 5l/s, and as a result the minimum 5l/s discharge rate recommendation is being phased out of national best-practice.

The preliminary drainage strategy is that the development and external areas will be attenuated in a below ground attenuation tank to manage the increased directly contributing flows. The originally proposed blue roofs to attenuate the run off have been removed due to design changes that were made to address other concerns. The applicant's drainage consultant has advised that the attenuation tank will necessitate a new office connection to the combined sewer within Queen Street as opposed to reusing the existing onsite sewers.

The County Council have now removed their objection on the basis that the drainage scheme now proposes restricting the peak discharge rate to 2.0 l/s for the 1 year event, 2.1l/s for the 30 year event and 3.0l/s for the 1 in 100 year event compared to the previously proposed 5l/s.

Subject to a pre-commencement condition that requires the submission of a detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy along with a detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals the proposal is considered to be acceptable.

Planning Obligations

NHS England has requested a contribution towards the cost of care of new residents for 1 year following occupation of each dwelling as there is a lag between housing completions and receiving NHS funding - at this point in time, the request for funding on non-allocated sites is justified in principle but the evidence behind the amount requested from the NHS is not in sufficient detail to ascertain how the money will be spent and if the amount requested is correct given that different patients would require care others would not. Accordingly, for both reasons the NHS England request for £28,652.00 is not justified at the present time and does not meet the tests for securing a financial contribution

Whilst the proposal does not make provision for either on-site affordable housing or an off-site contribution because of viability, in accordance with the Council's Planning

Obligations SPD and Strategy 34, it is considered necessary to secure through a Section 106 agreement that any 'super profit' above the level of profit indicated the viability assessment is shared on a 50/50 basis with the Council to provide affordable housing in the area (overage clause).

Planning Balance and Conclusions

These applications propose the demolition of a number of curtilage listed buildings which are considered to detract from, and offer little positive contribution to, the historic and architectural character and setting of the grade II listed church and the wider Conservation Area. This would result in less than substantial harm to the setting for heritage assets where there are considered to be a number of both heritage and public benefits that weigh in favour of the scheme.

The proposed re-development of this site would introduce new buildings and activity to the site on a brownfield site within the heart of the town centre which would allow for an environmentally friendly car free scheme in a highly sustainable location where the proposed retail space would contribute positively to the vitality and viability of the town centre.

The design, form, height and scale of the proposed buildings has been the subject of much discussion and negotiation however it is now considered that the proposals are appropriate for both the site, its urban and historic context.

The lack of affordable housing provision within the scheme is regrettable however the applicant has robustly demonstrated through the application of vacant building credit and through a viability appraisal, that it would not be viable to provide affordable housing on site or even an off-site contribution. The proposal would however provide much needed 1 and 2 bedroom accommodation within the town for which there is an identified need.

On balance, it is considered that the proposals would positively contribute to the town centre environment and that any less than substantial harm to heritage assets that its derived from the demolition of existing building and from the development itself would be outweighed by the public benefits and in terms of the benefits to the setting of the grade II listed church and the wider Conservation Area.

The proposals are therefore recommended for approval.

RECOMMENDATION 1

For the **19/2829/MFUL** planning application:

- 1. Adopt the appropriate assessment attached to this report**
- 2. Approve subject to the following matters to be secured by a Section 106 legal agreement:**

- Overage clause

- 3. Approve subject to the following conditions:**

Time Limit:

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).

Approved Plans:

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.)

Materials:

3. Notwithstanding the submitted details, no development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area and the setting of the grade II listed building in accordance with Policies D1 - Design and Local Distinctiveness, EN9- Development Affecting a Designated Heritage Asset and EN10- Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)

Hard landscaping:

4. Prior to commencement of any hard landscaping works, a hard landscaping scheme to include samples and finishes of the materials to be used in the construction of the hard surfaces shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also give details of any proposed walls, fences and other boundary treatment including details of materials and finishes. The development shall thereafter be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness), EN9 (Extension, Alteration or Change of Use of Buildings of Special Historic or Architectural Interest) and EN11 (Preservation and Enhancement of Conservation Areas) of the Adopted and emerging East Devon Local Plan.)

Surface water drainage:

5. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
 - (a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy and the results of the information submitted in relation to (a) and (b) above
 - (b) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (b) above.

(Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed in accordance with policy EN22 (Surface Water Implications of New Development) of the East Devon Local Plan 2013-2031)

Flood Risk Assessment:

6. The development hereby permitted shall be carried out in accordance with the submitted flood risk assessment prepared by Clarkebond, ref E05217 dated 10/12/19 and the mitigation measures it details in section 5.3 "Building Construction and Flood Resilience and Resistance" to a level of 5.45m AOD. These mitigation measures 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 reduce the risk of flooding to the proposed development and future occupants in accordance with policy EN21- River and Coastal Flooding) of the East Devon Local Plan 2013-2031).

Amenity of Future Occupiers:

Sound Insulation:

7. Prior to first occupation of the residential units in Block 2, a sound insulation scheme shall have been submitted to and approved in writing by the local planning authority. Such a scheme shall be designed to reduce the transmission of noise between the commercial premises and the residential development with the airborne sound insulation performance designed to achieve, as a minimum, a 10dB increase in the minimum requirements of Approved Document E. The standard must be applied to all transmission routes

between all commercial and residential units, as well as floors and ceilings shared with the commercial premises. The scheme to be submitted shall also provide for post construction testing certification to demonstrate that the sound insulation performance has met the required standard and where necessary set out what further mitigation measures will be employed to achieve the required levels. The sound insulation scheme shall be installed and maintained only in accordance with the details approved by the Local Planning Authority.

(Reason -To protect the amenity of future occupiers of the dwellings in accordance with policies D1 (Design and Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013 - 2031.)

Noise:

8. Any plant (including lifts, 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 noise generated within residential units within the development shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide.

(Reason: To protect the amenity of local residents from noise in accordance with policies D1 (Design and Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013 - 2031.)

Vibration from the lift:

9. Any plant (including lifts, 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 vibration generated within all rooms of the development shall not exceed the low probability of adverse comment as specified within BS 6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings. Part 1: Vibration sources other than blasting.'

(Reason: To protect the amenity of local residents from vibration in accordance with policies D1 (Design and Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013 - 2031.)

Amenity of Existing Residents:

10. The area to the rear of apartment 5 labelled as no general access on drawing no AS17.51 L.02.02 REV 6 (Proposed ground floor plan) shall not be used as an outside amenity space.

(Reason: To protect the amenities of adjoining residents in accordance with policy D1 (Design and Distinctiveness) of the adopted East Devon Local Plan 2013 - 2031.)

Construction Management Plan:

11. Prior to commencement of development on any part of the site the Planning Authority shall have received and agreed in writing a Construction Management Plan (CMP) which shall include the following information:
- (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
- The development shall thereafter be carried out in accordance with these details.
- (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 and in the interests of highway safety in accordance with policies D1 (Design and Distinctiveness) and EN14 (Control of Pollution) and TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013 - 2031.)

CEMP:

12. A Construction and Environment Management Plan shall be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.
- (Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with policies

D1 (Design and Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013 - 2031.)

Retail Units:

13. No deliveries or collections (including waste disposal) for the retail units in block 2 shall be accepted or despatched to or from the site except between the hours of 0800 to 1800 Monday to Friday, or 0800 to 1300 on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: to protect the amenity of adjacent residents in accordance with policies D1 (Design and Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013 - 2031.)

14. The retail units in block 2 hereby approved shall not be open for business except between the hours of 0900 and 18:00 Monday to Saturday and 10:00 and 16:00 on Sundays or Bank Holidays.

(Reason: to protect the amenity of residents living adjacent to the commercial units in accordance with policies D1 (Design and Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013 - 2031.)

Archaeology:

15. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority. This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

(Reason 'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development).

Bin and Cycle Storage:

16. Notwithstanding the submitted details and prior to first occupation of the development hereby approved, in accordance with details of the design, materials and finishes that shall have first been submitted to and approved in writing by the Local Planning Authority, the cycle and bin stores shall be provided in accordance with the details shown on the proposed lower ground and ground floor plans (ref AS17.51 L.02.01 REV 6 and AS17.51 L.02.02 REV 6). The bin stores and cycle stores shall thereafter remain in perpetuity for their intended use.

(Reason: To ensure that adequate facilities are provided for future occupiers of the development and to encourage sustainable modes of travel in accordance

with policies D1 (Design and Distinctiveness) and TC2 (Accessibility of New Development) of the adopted East Devon Local Plan 2013 - 2031.)

Ecology:

17. The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures contained within the ecological report prepared by Richard Green Ecology dated July 2019.

(Reason: In the interests of ecology and biodiversity in accordance with policy EN5- Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031).

Plans relating to this application:

July 2019	Ecological Assessment	23.12.19
L.01.00 rev 1	Location Plan	23.12.19
E05217	Flood Risk Assessment	23.12.19
L.01.20 rev 2 : demolition lower ground	Other Plans	23.12.19
L.01.21 rev 2 : demolition ground floor	Other Plans	23.12.19
L.01.22 rev 2 : demolition first floor	Other Plans	23.12.19
L.01.23 rev 1 : demolition roof	Other Plans	23.12.19
L.03.10 rev 1 : existing	Sections	23.12.19
L.03.11 rev 1 : demolition	Sections	23.12.19
L.04.02 rev 1 : demolition north/east elevations	Other Plans	23.12.19
L02.04 rev 4 : second floor	Proposed Floor Plans	14.08.20
L02.05 rev 4 : third floor	Proposed Floor Plans	14.08.20

L02.06 rev 4	Proposed roof plans	14.08.20
L04.12 rev 04 : block 01 n/s	Proposed Elevation	14.08.20
L02.03 rev 04 : first	Proposed Floor Plans	14.08.20
L02.02.06 ground floor	Proposed Floor Plans	12.01.21
L02.01.06 lower ground floor	Proposed Floor Plans	12.01.21
L01.00.04 site plan	Proposed Site Plan	12.01.21
L04.13.04 block 02 elevations	Proposed Elevation	12.01.21
L04.11 rev 05 : block 01 west	Proposed Elevation	12.01.21
L04.10 rev 04 : block 01 east	Proposed Elevation	12.01.21
L03.12 rev 3	Sections	12.01.21
L.04.02 rev 1 : demolition north/east elevations	Other Plans	23.12.19

List of Background Papers

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

RECOMMENDATION 2

For the 19/2830/LBC listed building consent application:

Approve subject to the following conditions:

Time Limit:

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.

(Reason - To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)

Approved Plans:

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.)

Materials:

3. Notwithstanding the submitted details, no development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area and the setting of the grade II listed building in accordance with Policies D1 - Design and Local Distinctiveness, EN9- Development Affecting a Designated Heritage Asset and EN10- Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)
4. Samples of the proposed roofing materials for the Sunday School and church if damaged during construction including slates, tiles or ridge tiles and details of the method of fixing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works to the roof, and no other materials shall be used without consent.
(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

Safety and Stability:

5. Before any work is undertaken to demolish any part of the building, the applicant shall take such steps and carry out such works as shall, during the process of the works permitted by this consent, secure the safety and the stability of that part of the building which is to be retained. Such steps and works shall, where necessary, include, in relation to any part of the building to be retained, measures as follows:-
 - a) to strengthen any wall or vertical surface;
 - b) to support any wall, roof or horizontal surface;
 - c) to provide protection for the building against the weather during the progress of the works, and
 - d) in the case of cob buildings, the details of cob repairs.
(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 – Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

External Works:

6. All external works of alterations in the existing fabric of the building shall be carried out in matching stonework or brickwork, as appropriate, and all work shall be made in matching stonework or brickwork. A trial area or a sample panel of a minimum 1 sq.m. shall be constructed on site for inspection and approval by the Local Planning Authority prior to commencement of the works. The works as may be agreed shall be carried out and completed in full in line with any specification or other written instructions from the Local Planning Authority.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 – Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

Rooflights:

7. The rooflights indicated on the approved plans shall be of a conservation design flush with the roof, the model specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 – Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

Rainwater Goods:

8. Details of replacement and new rainwater goods including profiles, materials and finishes shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. The works shall be carried out in accordance with the approved details.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 – Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

Partitions:

9. Where partitions are to be removed, the work shall be made good to match the original.

(Reason - To safeguard the architectural and historic character of the building in accordance Policy EN9 – Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

10. Where new partitions are constructed they shall be scribed around (not cut into) existing cornices, skirtings or other features.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 – Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

11. Rooms with cornices, moulded skirtings etc which are to be divided, shall have new lengths of cornice, and skirtings to match existing unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 – Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

Other Works:

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

- Roof ventilation systems.
- Replacement doors including sections, mouldings, profiles and paint colour. Sections through panels, frames and glazing bars should be at a scale of 1:2 or 1:5.
- Replacement windows including sections, mouldings, profiles and paint colour. Sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.
- Eaves and verge details including construction and finishes.
- External vents, flues and meter boxes.
- A scheme for the protection of the stained glass windows in the church during demolition and construction

The works as agreed shall be carried out in accordance with the approved details.

(Reason - In the interests of the architectural and historic character of the building in accordance with Policy EN9 – Development Affecting a Designated Heritage Asset of the Adopted New East Devon Local Plan 2013-2031).

Plans relating to this application:

L.01.00 rev 1	Location Plan	23.12.19
L.01.20 rev 2 : demolition lower ground	Other Plans	23.12.19
L.01.21 rev 2 : demolition ground floor	Other Plans	23.12.19
L.01.22 rev 2 : demolition first floor	Other Plans	23.12.19

L.01.23 rev 1 : demolition roof	Other Plans	23.12.19
L.03.10 rev 1 : existing	Sections	23.12.19
L.03.11 rev 1 : demolition	Sections	23.12.19
L.04.02 rev 1 : demolition north/east elevations	Other Plans	23.12.19
L02.03 rev 04 first	Proposed Floor Plans	14.08.20
L02.04 rev 04 : second	Proposed Floor Plans	14.08.20
L02.05 rev 04 : third	Proposed Floor Plans	14.08.20
L02.06 rev 04	Proposed roof plans	14.08.20
L04.12 rev 04 :block 01 n/s	Proposed Elevation	14.08.20
L.04.02 rev 1 : demolition south/ west elevations	Other Plans	23.12.20
L04.10 rev 04 : block 01 east	Proposed Elevation	12.01.21
L04.11 rev 05 : block 01 west	Proposed Elevation	12.01.21
L01.00.04 site plan	Proposed Site Plan	12.01.21
L02.02.06 ground floor	Proposed Floor Plans	12.01.21
L02.01.06 lower ground floor	Proposed Floor Plans	12.01.21
L03.12 rev 3	Sections	12.01.21

List of Background Papers

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

Appropriate Assessment		
The Conservation of Habitats and Species Regulations 2017, Section (63)		
Application Reference	19/2829/MFUL	
Brief description of proposal	Part demolition and redevelopment and part conversion of vacant buildings to create 19 residential units plus development to provide two retail units	
Location	Tower Street Methodist Church, Tower Street, Exmouth	
Site is:	<p>Within 10km of Dawlish Warren SAC and the Exe Estuary SPA site</p> <p>Within 10km of the Exe Estuary SPA site alone (UK9010081)</p> <p>Within 10km of the East Devon Heaths SPA (UK9010121)</p> <p>Within 10km of the East Devon Pebblebed Heaths SAC (UK0012602)</p> <p>Within 10km of the Exe Estuary Ramsar (UK 542)</p> <p>(See Appendix 1 for list of interest features of the SPA/SAC)</p>	
Step 1 Screening for Likely Significant Effect on Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites		
Risk Assessment		
<p>Could the Qualifying Features of the European site be affected by the proposal?</p> <p>Consider both construction and operational stages.</p>	<p>Yes - additional housing within 10km of the SPA/SAC will increase recreation impacts on the interest features.</p>	
Conclusion of Screening		
Is the proposal likely to have a significant effect, either 'alone' or 'in combination' on a European site?	<p>East Devon District Council concludes that there would be Likely Significant Effects 'alone' and/or 'in-combination' on features associated with the proposal at Tower Street Methodist Church in the absence of mitigation.</p> <p>See evidence documents on impact of development on SPA/SAC at: East Devon District Council - http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf</p> <p>An Appropriate Assessment of the plan or proposal is necessary.</p>	
Local Authority Officer		Date:
Step 2		

Appropriate Assessment

NB: In undertaking the appropriate assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain the authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.

In-combination Effects

Plans or projects with potential cumulative in-combination impacts. How impacts of current proposal combine with other plans or projects individually or severally.	<p>Additional housing or tourist accommodation within 10km of the SPA/SAC add to the existing issues of damage and disturbance arising from recreational use.</p> <p>In –combination plans/projects include around 29,000 new dwellings allocated around the estuary in Teignbridge, Exeter and East Devon Local Plans. This many houses equates to around 65,000 additional people contributing to recreational impacts.</p>
Mitigation of in-combination effects.	<p>The Joint Approach sets out a mechanism by which developers can make a standard contribution to mitigation measures delivered by the South East Devon Habitat Regulations Partnership.</p> <p>Residential development is also liable for CIL and a proportion of CIL income is spent on Habitats Regulations Infrastructure. A Suitable Alternative Natural Green Space (SANGS) has been delivered at Dawlish and a second is planned at South West Exeter to attract recreational use away from the Exe Estuary and Dawlish Warren.</p>

Assessment of Impacts with Mitigation Measures

Mitigation measures included in the proposal.	<p>Joint approach standard mitigation contribution required</p> <ul style="list-style-type: none"> Residential units £354 x 19 (the additional number of units)= £6,726
Are the proposed mitigation measures sufficient to overcome the likely significant effects?	Yes - the Joint Approach contribution offered is considered to be sufficient.

Conclusion

List of mitigation measures and safeguards	Total Joint Approach contribution of £6,726 <i>here</i> has been secured by Unilateral Undertaking	
The Integrity Test	Adverse impacts on features necessary to maintain the integrity of the Sam's Funhouse, Exmouth can be ruled out.	
Conclusion of Appropriate Assessment	East Devon District Council concludes that there would be NO adverse effect on integrity of Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites provided the mitigation measures are secured as above.	
Local Authority Officer		Date:

21 day consultation to be sent to Natural England Hub on completion of this form.

Appendix 1. List of interest features:

Exe Estuary SPA

Annex 1 Species that are a primary reason for selection of this site (under the Birds Directive):

Aggregation of non-breeding birds: Avocet *Recurvirostra avosetta*

Aggregation of non-breeding birds: Grey Plover *Pluvialis squatarola*

Migratory species that are a primary reason for selection of this site

Aggregation of non-breeding birds: Dunlin *Calidris alpina alpina*

Aggregation of non-breeding birds: Black-tailed Godwit *Limosa limosa islandica*

Aggregation of non-breeding birds: Brent Goose (dark-bellied) *Branta bernicla bernicla*

Wintering populations of Slavonian Grebe *Podiceps auritus*

Wintering populations of Oystercatcher *Haematopus ostralegus*

Waterfowl Assemblage

>20,000 waterfowl over winter

Habitats which are not notified for their specific habitat interest (under the relevant designation), but because they support notified species.

Sheltered muddy shores (including estuarine muds; intertidal boulder and cobble scars; and seagrass beds)

Saltmarsh NVC communities: SM6 *Spartina anglica* saltmarsh

SPA Conservation Objectives

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- ☐ ☐ **The extent and distribution of the habitats of the qualifying features**
- ☐ ☐ **The structure and function of the habitats of the qualifying features**
- ☐ ☐ **The supporting processes on which the habitats of the qualifying features rely**
- ☐ ☐ **The population of each of the qualifying features, and,**
- ☐ ☐ **The distribution of the qualifying features within the site.**

Dawlish Warren SAC

Annex I habitats that are a primary reason for selection of this site (under the Habitats Directive):

Annex I habitat: Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes'). (Strandline, embryo and mobile dunes.)

SD1 *Rumex crispus-Glaucium flavum* shingle community

SD2 *Cakile maritima-Honkenya peploides* strandline community

SD6 *Ammophila arenaria* mobile dune community

SD7 *Ammophila arenaria-Festuca rubra* semi-fixed dune community

Annex I habitat: Fixed dunes with herbaceous vegetation ('grey dunes').

SD8 *Festuca rubra-Galium verum* fixed dune grassland

SD12 *Carex arenaria-Festuca ovina-Agrostis capillaris* dune grassland

SD19 *Phleum arenarium-Arenaria serpyllifolia* dune annual community

Annex I habitat: Humid dune slacks.

SD15 *Salix repens-Calliargon cuspidatum* dune-slack community

SD16 *Salix repens-Holcus lanatus* dune slack community

SD17 *Potentilla anserina-Carex nigra* dune-slack community

Habitats Directive Annex II species that are a primary reason for selection of this site:
Petalwort (Petalophyllum ralfsii)

SAC Conservation Objectives

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change; Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

List of interest features:

East Devon Heaths SPA:

A224 Caprimulgus europaeus; European nightjar (Breeding) 83 pairs (2.4% of GB population 1992)

A302 Sylvia undata; Dartford warbler (Breeding) 128 pairs (6.8% of GB Population in 1994)

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

East Devon Pebblebed Heaths SAC:

This is the largest block of lowland heathland in Devon. The site includes extensive areas of dry heath and wet heath associated with various other mire communities. The wet element occupies the lower-lying areas and includes good examples of cross-leaved heath – bog-moss (*Erica tetralix* – *Sphagnum compactum*) wet heath. The dry heaths are characterised by the presence of heather *Calluna vulgaris*, bell heather *Erica cinerea*, western gorse *Ulex gallii*, bristle bent *Agrostis curtisii*, purple moor-grass *Molinia caerulea*, cross-leaved heath *E. tetralix* and tormentil *Potentilla erecta*. The presence of plants such as cross-leaved heath illustrates the more oceanic nature of these heathlands, as this species is typical of wet heath in the more continental parts of the UK. Populations of southern damselfly *Coenagrion mercuriale* occur in wet flushes within the site.

Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:

H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath

H4030. European dry heaths

Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:

S1044. *Coenagrion mercuriale*; Southern damselfly

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

Exe Estuary SPA

Qualifying Features:

A007 *Podiceps auritus*; Slavonian grebe (Non-breeding)

A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)

A130 *Haematopus ostralegus*; Eurasian oystercatcher (Non-breeding)

A132 *Recurvirostra avosetta*; Pied avocet (Non-breeding)

A141 *Pluvialis squatarola*; Grey plover (Non-breeding)

A149 *Calidris alpina alpina*; Dunlin (Non-breeding)

A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)

Waterbird assemblage

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

Exe Estuary Ramsar

Principal Features (updated 1999)

The estuary includes shallow offshore waters, extensive mud and sand flats, and limited areas of saltmarsh. The site boundary also embraces part of Exeter Canal; Exminster Marshes – a complex of marshes and damp pasture towards the head of the estuary; and Dawlish Warren - an extensive recurved sand-dune system which has developed across the mouth of the estuary.

Average peak counts of wintering water birds regularly exceed 20,000 individuals (23,268*), including internationally important numbers* of *Branta bernicla bernicla* (2,343). Species wintering in nationally important numbers* include *Podiceps auritus*, *Haematopus ostralegus*, *Recurvirostra avosetta* (311), *Pluvialis squatarola*, *Calidris alpina* and *Limosa limosa* (594).

Because of its relatively mild climate and sheltered location, the site assumes even greater importance as a refuge during spells of severe weather. Nationally important numbers of *Charadrius hiaticula* and *Tringa nebularia* occur on passage. Parts of the site are managed as nature reserves by the Royal Society for the Protection of Birds and by the local authority. (1a,3a,3b,3c)

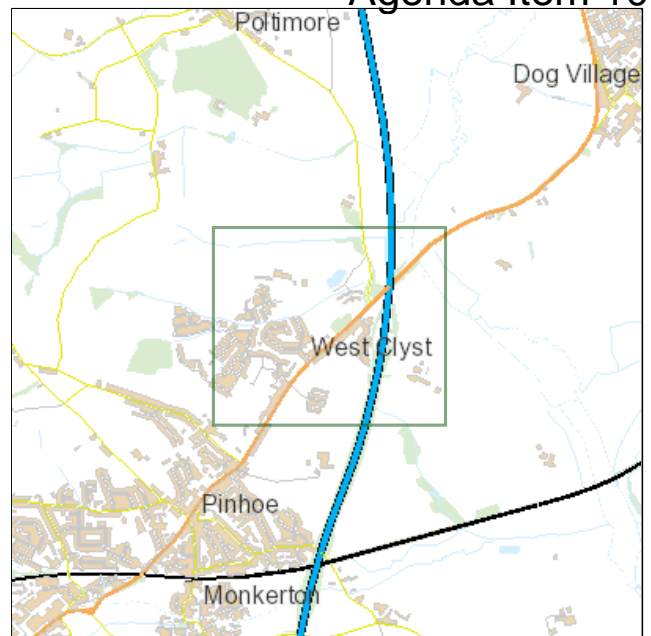
Ward Broadclyst

Reference 18/1653/MOUT

Applicant Johnstone Land (South West) Ltd

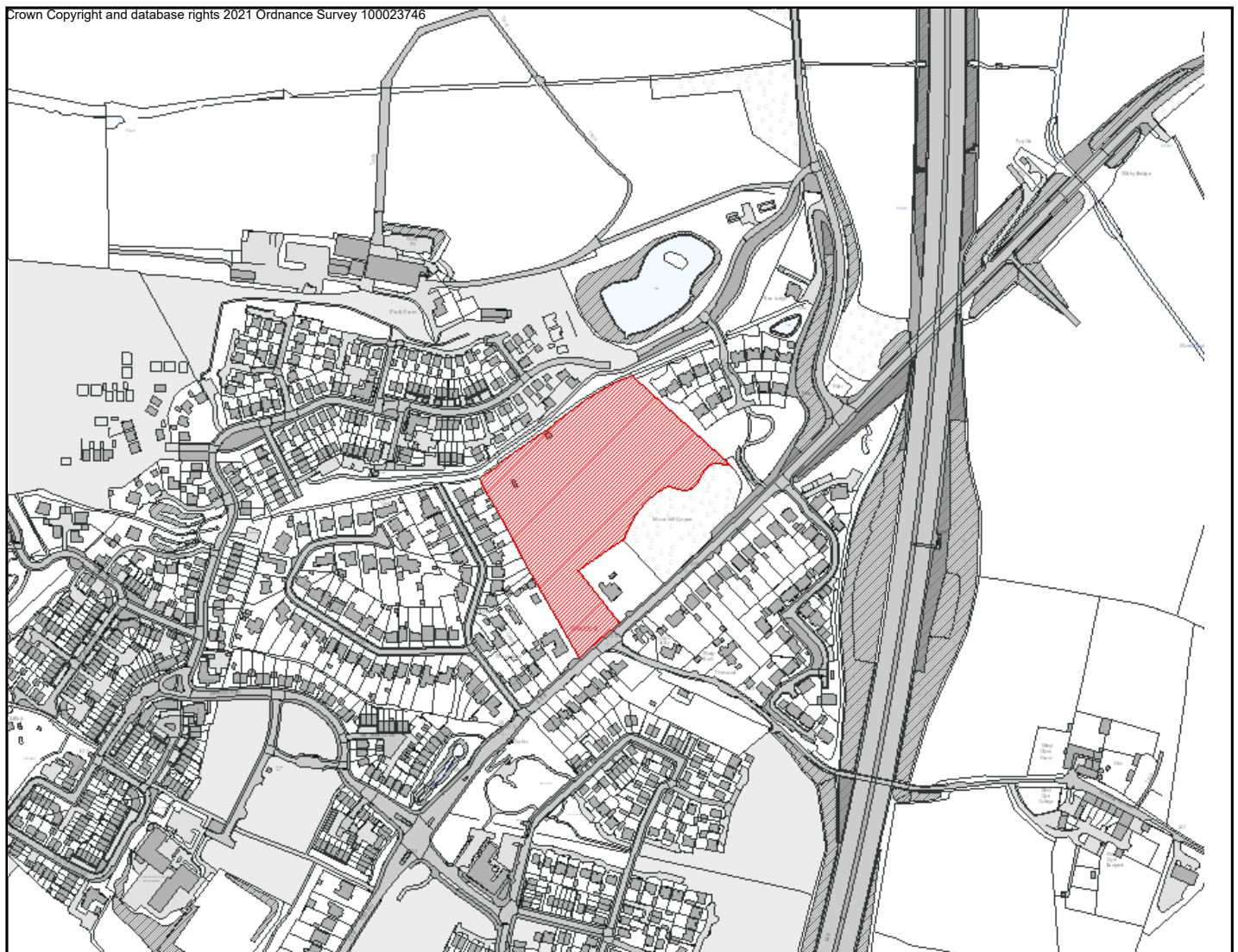
Location Land North Of Moonhill Copse West Clyst
Exeter

Proposal Outline planning application (appearance, landscaping, layout and scale reserved) for up to 71 dwellings, together with access and associated infrastructure, landscaping and drainage



RECOMMENDATION:

1. Adopt the appropriate assessment forming part of the report
2. Approve subject to a legal agreement and conditions



		Committee Date: 10th February 2021
Broadclyst (Broadclyst)	18/1653/MOUT	Target Date: 20.11.2018
Applicant:	Johnstone Land (South West) Ltd	
Location:	Land North Of Moonhill Copse West Clyst	
Proposal:	Outline planning application (appearance, landscaping, layout and scale reserved) for up to 71 dwellings, together with access and associated infrastructure, landscaping and drainage	

RECOMMENDATION:

- 1. Adopt the appropriate assessment forming part of the report**
- 2. Approve subject to a legal agreement and conditions**

EXECUTIVE SUMMARY

This application is before Members as it represents a departure from the development plan and the officer recommendation is contrary to the view of a Ward Member and the Parish Council.

The settlement of West Clyst has witnessed a wealth of housing growth in recent years, the majority of which is planned growth in accordance with housing allocations in the Local Plan. The application site lies outside of any of the allocations and is considered to be countryside even though it is surrounded on all sides by housing development. As a result, the proposal represents a departure from the development plan.

The housing numbers to be provided in the district to ensure that the council can maintain a 5 year supply of houses are such that sites that are in a sustainable location with no other resulting harm should be considered favourably. In this instance the site has very good public transport links to the city of Exeter and further afield settlements including train and bus connection to the rest of the country. A recently constructed primary school lies within easy walking distance of the site and a convenience shop has recently opened on the opposite side of the B3181. These are significant considerations when considering the location of development to seek to minimise the use of the private motor vehicle and weigh significantly in favour on the proposed development. On the basis that houses have been consented surrounding the site having been found to be sustainably located, the same conclusion should be reached in relation to this site.

The policy compliant level of affordable housing is 50% on this site, however a viability assessment has been provided by the applicant arguing for a lower level. This has been tested externally with the outcome that it is considered that 50% provision is viable and should be secured.

The impact on the surroundings including landscape character, heritage assets and residential amenity have been found to be acceptable. Whilst there would be less than substantial harm to the setting of Politmore House (Grade II* listed) as the site can be glimpsed from its grounds, any harm to the landscape can be addressed at the reserved matters stage through suitable planting and there are wider public benefits from the scheme through the provision of open market and affordable housing that outweigh this distant and glimpsed view.

The access details to the site are considered to be acceptable and whilst there has historically been queuing on the main road into Exeter, there is no objection from County Highways with the County Council pursuing highway works elsewhere to alleviate this pressure.

The benefits of the proposal through providing housing development in a highly sustainable area with good linkages and nearby infrastructure to support daily living without reliance on the private motor vehicle, and provision of a high proportion of affordable housing to address the needs of the district, are considered to outweigh any harm caused by the proposal and outweighs the fact that the proposal represents a departure from local plan policy.

As such the application is recommended for approval.

CONSULTATIONS

Local Consultations

Broadclyst - Cllr Eleanor Rylance

Dear planning team,

I wish to register a few objections to application 18/1653/MOUT, which was submitted just before Christmas.

1) Trees

I am concerned that this proposed work is to be carried out very close to existing mature trees. At this time of climate emergency, trees are one of the best possible carbon sinks and removing any makes no sense whatsoever. The level of development proposed will mean that dwellings and paved areas would be very close to existing trees, and as the arboriculturists' report mentions, they cannot be certain that any construction work will not affect existing trees. In addition the density of development will inevitably lead to greater run off at the stream of the site, meaning that existing trees would have their roots in water for more of the year than they do at present, threatening their survival.

2) Traffic

There is one proposed exit road, on a road that is frequently at standstill from Pinhoe to Dog Village. Realistically, most people existing the new development in the mornings will be turning right towards Pinhoe, joining stationary traffic if they can manage to exit, and indeed adding to that traffic. In addition they will be crossing the only pavement in that part of Westclyst as there is none the other side. This pavement is a shared cycle path used by many school children and adults heading in both directions both on foot and on bicycles to the various schools. It is already hazardous for cyclists on that pavement as people drive across the cycle path/pavement to exit their drives and developments. Adding 71 houses could only worsen the situation on an unimprovable road that is reaching saturation with increasing frequency.

3) Water

The existing field is absorbing and retaining a lot of water. This function is becoming increasingly crucial as we experience outlier weather events. The stream at the bottom of the field is already barely coping at times. Attenuation ponds are not a sustainable solution in an area where the field absorbs both its own rainfall and some of the rainfall displaced by older developments which did not include such mitigation measures.

4) Density

The proposed development density, even as lowered, seems very high and out of character with both older developments and newer ones.

Furthermore this development does not form part of the emerging Broadclyst neighbourhood plan's identified sites for development.

I do not support this development, for all the reasons listed above.

Parish/Town Council

Thank you for consulting Broadclyst Parish Council on this application.

Points raised by residents have informed the Council's comment, and are included in the following points:

1. Devon bank enhancement for privacy and wildlife corridor.
2. Provision of a pedestrian access through the north west corner with all-weather surface, creating a safe route to school/shops/play areas etc.
3. Limit on the western boundary height of housing to no more than 2 storeys.
4. Provision of a play area on top of the SUD tank; a sum identified for play provision, the design of which to be chosen through community vote on no less than 3 designs.
5. Council has concerns that traffic joining the B3181 has to cross the Westclyst-Broadclyst pavement/cycleway as it enters/leaves the site. In accordance with the

NPPF 2018 (108) (b), safe and suitable access to the site must be achieved for all users. Council requests that pedestrian only access via B318, with vehicular access from the north via Hawkins Road be explored so as to not pose this danger to non-car users in accordance with NPPF 110 a and c.

6. Traffic exiting the site and turning right will face delays at peak times where Exeter-bound queues reach back past the proposed junction; at other times traffic is leaving the built-up area and is picking up speed.

7. Sustainability: in line with NPPF para 131 Council would like to see evidence that the design of the dwellings promotes high levels of sustainability, including the use of renewable energy sources. The Redrow site and existing homes that border the site have a strong local identity through design and choice of materials; this should be reflected in this development and the design of dwellings enhance and raise the standard of design in the area.

8. Reference to the Killerton Setting Study be given due to the site's proximity to this SSSI site (NPPF para 175 b).

It was noted that despite its proximity to the strategic land allocations, this is not a strategic site. As a departure from the Local Plan, the affordable housing requirement is 50% (Strategy 34) and evidence of need (Strategy 35).

Further comment:

Thank you for consulting Broadclyst Parish Council. The Council considered this application at its meeting on 6th January 2020, and submits the following comments: Council continues to have significant traffic-related concerns with this application. The Site visit in the addendum to the Transport Assessment refers to a c.800m queue from the Hawkins Road traffic lights to the Pinhoe double roundabouts (3.1), however it makes no mention of queuing traffic each morning regularly back past the site entrance to the motorway bridge and often even further. Many residents and the parish council in general (the Council regularly receives communications about queuing traffic on the B3181) are concerned about increasing congestion on the B3181. We need to tackle congestion with improved public transport and improved infrastructure for walking and cycling.

The Highways Authority has asked for a contribution of £3,250 per dwelling towards Pinhoe Area Access Strategy, an essential Condition, but concerns have been raised within the Council that the requested contribution is not sufficient to meet the need for improvement. Priority must be given towards creating a good cycle route into Exeter. A good cycle route into Exeter can be used by the many forms of two-wheel electric vehicles which will be an increasing part of the transport mix in the coming decades, such as electric bikes, electric cargo bikes, electric scooters, etc., as well as traditional bicycles. However, a good cycle route is bound to be expensive, so given the severity of the challenge, the proposed contribution is felt by some to be insufficient.

Both EDDC and DCC has received complaints and evidence of existing and growing issues with busses being late due to delays in the Westclyst area. The addendum notes that it is accepted that the proposed development will exacerbate congestion

(3.3). Development that will cause an even greater negative impact on our existing public transport service cannot be supported.

Council has previously requested that vehicular access be from the north via Hawkins Road, with pedestrian only access from the B3181; this is still the Council's preferred routing for vehicular traffic. Broadclyst Parish Council Members, all of whom use the B3181 on a regular if not daily basis, and local residents have all noticed that traffic has further increased since the traffic count was done in September 2018, and that the queuing is significantly worse at peak times. The length of time of the morning rush hour has extended, with queuing traffic from 07:30hrs through until after 09:00hrs during school term time.

As its previous comments have not been addressed, the Parish Council cannot support this application.

Adjoining Parish - Poltimore

Poltimore Parish Council fully support the comments made by the Broadclyst Parish Council and would add that they are extremely concerned about the additional volume of traffic that would be generated from this application on the busy B3181. There is also a knock-on effect to the country lanes around Poltimore which already have had an increase in traffic since the new developments.

Further comments 03.01.2020:

Given the already prolific building programme in this area this will only serve to exacerbate the current traffic congestion.

Technical Consultations

Police Architectural Liaison Officer - Kris Calderhead

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application.

I appreciate the application is only outline but based on the indicative plan and other information supplied I would make the following comments for consideration.

In general terms the layout will provide overlooking and active frontages to the new internal streets. Car parking spaces have been incorporated well in curtilage of properties and on the whole are well overlooked.

I do have several concerns about other aspects of the design for your consideration:

Surveillance

- There is potentially a lack of surveillance of the 'Youth Trim Trail' which if not perceived as a safe route, is likely to attract illegitimate use and possibly increase the fear of crime and ASB. Ensuring that active rooms in plots 18-28 overlooking the path, will ease some of this concern.
- Similar can be said of the 'Link Path' to the rear of 'Plots 29-34. Is this path needed?

- There is little surveillance of the Children's Play Area. The current design does not allow for easy supervision from nearby dwellings, which could potentially contribute to crime and ASB.

Access & Movement

- Potential access to the rear of properties is a concern throughout the site. Confirmation is needed that the area between the existing Parkside Crescent properties and plots 1-17 is not accessible. If access is needed to this area then it should be suitably restricted and coupled with robust border treatment in order to prevent unauthorised access to the rear of properties which is a significant security risk.
- Additionally where rear access to properties is possible at the perimeter of the rest of the site, suitable defensive planting, fencing and border treatment should be considered. I appreciate that in some areas, the topography of the site may negate the need for additional measures.
- Confirmation is needed that the bank that runs through the rear of the plots in the centre of the site will not provide easy access to the rear of these properties and potentially become an illegitimate alleyway which would attract crime and ASB.

Ownership

- On the whole, ownership of space is clearly defined and private space should be complemented with suitable border treatment. However, the area between plots 55-56 is a concern as it is unclear who owns this space and who will have responsibility for it. It will potentially be used as a desire line and unnecessarily increases permeability.

Lighting

- Will the site be adopted and lit as per normal guidelines (BS 5489)?
- What lighting strategy will be adopted for the pathway and trail?

Devon County Archaeologist

Application No. 18/1653/MOUT

Taveners Field West Clyst, Broadclyst - Outline planning application (appearance, landscaping, layout and scale reserved) for up to 74 dwellings, together with access and associated infrastructure, landscaping and drainage: Historic Environment

My ref: Arch/DM/ED/33262a

I refer to the above application and your recent consultation. Previous archaeological work undertaken on this site have demonstrated that the archaeological potential of the site is low. As such, the Historic Environment Team has no comments to make on this planning application.

Environmental Health

I have considered this outline application and do not have any concerns in principal. However, I would recommend the follow owing conditions to be attached to any permission granted:

A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

I have read and considered the noise report submitted by Acoustic Consultants Ltd and agree with the summary of noise impact in section 8.3.

Also section 10 Conclusions and recommendations and agree that the houses affected in these sections must be constructed as per the report recommendations to prevent noise issues.

Further comments:

I have considered the amended plans for this outline application and our original comments in 2018 stand. These are that we do not have any concerns in principal. However, I would recommend the following conditions are attached to any approval:

A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

I have read and considered the noise report submitted by Acoustic Consultants Ltd and agree with the summary of noise impact in section 8.3 with regards to the potential for residents to be affected by road traffic noise. The conclusions in section 10 of the report make recommendations with respect to construction elements to be incorporated into dwellings in order to mitigate residual noise. The applicant must ensure that this is done.

Contaminated Land Officer

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

DCC Flood Risk Management Team

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:

The applicant has calculated the greenfield runoff rates using the ADAS method which isn't compliant with the runoff estimation methods in Table 24.1 in the Ciria SuDS Manual C753.

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.

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

Further comments:

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:

The greenfield runoff calculation is based on the total site area of 2.517 ha rather than the total impermeable area at the site. The applicant should revise the runoff calculation and the associated attenuation storage.

Exceedance flows are flows which are in excess of the 1 in 100 year event, not the 1 in 30 year event as stated on Page 12 of the Flood Risk Assessment (FRA) 17081 Taverners Field, Broadclyst, Exeter. This should be made clear in the FRA.

It should be noted that a Land Drainage Consent may be required for the discharge into the ordinary watercourse at the north of the site. This would not form part of the planning process and further information is available here <https://www.devon.gov.uk/floodriskmanagement/land-drainage-consent/>. It should be

noted that Land Drainage Consent will not be required for non-maintenance works within 8 m of the watercourse as stated on p15 of the FRA.

Further comments withdrawing objection awaited.

Natural England

Thank you for your consultation on the above dated 22 August 2018 which was received by Natural England on 22 August 2018.

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

SUMMARY OF NATURAL ENGLAND'S ADVICE DESIGNATED SITES [EUROPEAN] - FURTHER INFORMATION REQUIRED

Habitats Regulations Assessment - Recreational Impacts on European Sites

This development falls within the 'zone of influence' for the East Devon Pebblebed Heaths SAC, East Devon Heaths SPA and Exe Estuary SPA as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development.

In line with the SEDEMS and the Joint Approach of Exeter City Council, Teignbridge District Council and East Devon District Council, we advise that mitigation will be required to prevent such harmful effects from occurring as a result of this development. Permission should not be granted until such time as the implementation of these measures has been secured.

Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Providing appropriate mitigation is secured to avoid impacts upon the European sites occurring there should be no additional impacts upon the SSSI interest features of the Exe Estuary and East Devon Pebblebed Heaths

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015

requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

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

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

ANNEX A

Natural England offers the following additional advice:

Landscape Paragraph 109 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments.

Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply the requirements of the NPPF. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in Natural England's Technical Information Note 049.

Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced standing advice¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraph 113 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity.

Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found here². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

2<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Ancient woodland and veteran trees

You should consider any impacts on ancient woodland and veteran trees in line with paragraph 118 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forest Commission have produced standing advice for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 9, 109 and 152 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraph 75 of the NPPF highlights the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

South West Water

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

For information public water mains and sewers run through the site as shown on the attached plans and no buildings/structures or alterations to ground cover will be permitted within 3 metres of them and neither can they be retained in private garden areas.

(see sewer and water maps under documents tab)

EDDC Landscape Architect - Chris Hariades

1 INTRODUCTION

This report forms the EDDC's landscape response to the Outline application for residential development on green field land off Pinn Hill, West Clyst.

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

2 Location and Site description

The 2.5Ha site is situated immediately off Pin Hill at West Clyst and comprises an open field under permanent pasture with a northerly aspect. The top of the site is open to views over open country to the north and north east and back to Exeter to the west. The site slopes steeply down to a water course running along the north western boundary. The water course is lined with mature trees and scrub understorey.

The south western boundary is marked by a length of vegetated earth bund surmounted by sections of timber panel fencing with a length of native mix hedgerow up to 4 m high to either end. The north eastern boundary comprises recent timber panel fence with establishing bramble scrub.

A small mature copse within the grounds of no. 22 Pinn Hill is situated adjacent to the south eastern boundary. Adjoining land to the southwest and northeast of the site is residential and further large scale residential development is currently underway to the north and northwest. Access to the site is from a field gate off Pin Hill in the southern corner of the site.

3 Relevant planning policy and guidance East Devon Local Plan 2013 - 2031

Policy D1 Proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
3. Do not adversely affect inter alia:
 - Important landscape characteristics, prominent topographical features and important ecological features.
 - Trees worthy of retention.
4. Have due regard for important aspects of detail and quality and should incorporate inter alia:
 - Use of appropriate building materials and techniques respecting local tradition and vernacular styles as well as, where possible, contributing to low embodied energy and CO2 reduction.

- Appropriate 'greening' measures relating to landscaping and planting, open space provision and permeability of hard surfaces.

Landscaping

21.4 Natural and artificial landscaping can enhance the setting of new buildings and enable them to be assimilated into surroundings. Landscaping can also assist in nature conservation and habitat creation particularly in urban areas.

21.5 Tree planting and retention should form an integral part of a landscaping scheme submitted with a development proposal either initially or at a detailed planning stage. Such a scheme may include ground and shrub cover together with hard surfaces and paving materials, adequate lighting and grass verges. Continuity of fencing, walling or hedging with existing boundary treatments, which contributes to the street scene, will be sought where appropriate. Schemes will need to include integration of areas of nature conservation value and provision of new areas into proposals.

Policy D2 Landscape Requirements

Landscape schemes should meet all of the following criteria:

1. Existing landscape features should be recorded in a detailed site survey, in accordance with the principles of BS 5837:2012 'Trees in Relation to Construction' (or current version)
2. Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. This should be in addition to the requirement for new landscaping proposals. Where appropriate, existing habitat should be improved and where possible new areas of nature conservation value should be created.
3. Measures to ensure safe and convenient public access for all should be incorporated.
4. Measures to ensure routine maintenance and long term management should be included.
5. Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping.
6. The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

4 REVIEW OF SUBMITTED INFORMATION

Layout proposals

General

The number of proposed dwellings seems excessive given the site constraints, in particular the steep slope. This has resulted in an uninspiring layout lacking any sense of place, with awkward level changes necessitating steeply battered slopes and extensive retaining structures.

Parking

Parking in several areas is awkwardly laid out and is likely to dominate the street scene due to the limited space available for street trees and planting which is needed to soften the layout. Areas of particular concern in this respect are the frontages to plots 1 to 6 adjacent to the site entrance where quality planting could provide an attractive gateway to the development off Pin Hill and also plots 61 to 74 and 21 to 34.

Open space and pedestrian access

Public open space and play provision is pushed to the bottom of the site with little thought for the amenity or safety of users.

The location of the children's play area fails to provide adequate natural surveillance from adjoining property.

Access to the play area between parking bays is poor and potentially dangerous for children emerging from the site onto the access road.

A buffer of 10 metres is required between the play area and adjacent property boundaries.

Siting of the play area above the proposed rainwater attenuation tank may limit the type of equipment that can be provided due to foundation depth limitations.

The amenity space and play area should be co-located and would be better repositioned to the centre of the site in the space occupied by plots 54 and 55 where it would be conveniently accessible from all properties and safely located at the ends of access roads with good natural surveillance from adjacent dwellings.

The proposed path along the water course should extend as a surfaced path from the north east corner of the site around the backs of plots 29 to 33.

A pedestrian link should be provided between the ends of the two cul-de-sacs.

Tree planting should aim to break up the built form of any development to views from the north Poltimore House.

Private gardens

As can be seen in the section on page 20 of the DAS, rear gardens to plots 61 to 74 will be very steeply sloping limiting their usefulness and making it difficult to site sheds.

Due to the changes in level between adjacent plots, boundary structures are likely to be prominent features of the development with awkward level differences at the junctions of adjoining properties.

The boundaries to plots 56 to 58 appear to encompass the 5m ecology buffer strip to the northeastern site boundary. This would encourage occupants to take over this space for additional garden and in order to prevent this plot boundaries should exclude ecology buffer areas.

Rear boundaries to properties adjacent to public open space areas should be brick or masonry in order to provide a durable quality boundary to the publically accessible frontage to the watercourse.

5 CONCLUSIONS

While the site is suitable for residential development, its steep slope is a significant design challenge. The current scheme submitted as part of the application is an overdevelopment of the site resulting in poor layout dominated by car parking and awkward level changes and as such fails to meet the requirements of Local Plan policies D1 and D2 in particular:

- D1 item 2: Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
- D2 item 3: Measures to ensure safe and convenient public access for all should be incorporated.
- D2 item 6: The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

To address this, the number of dwellings should be reduced and the layout refined to enable parking, open space areas and level changes to be better integrated in to the development and allow an increase the provision of street trees and planting areas in order to achieve a high quality environment.

Further comments:

1 INTRODUCTION

This report forms the EDDC's landscape response to the amended outline application for the above site with all matters reserved except for access.

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

The 2.5Ha site is situated immediately off Pin Hill at West Clyst and comprises an open field under permanent pasture with a northerly aspect. The top of the site affords views over open country to the north and north east and back to Exeter to the west.

The site slopes steeply down to a water course running along the north western boundary. The water course is lined with mature trees and scrub understorey.

The south western boundary is marked by a length of vegetated earth bund surmounted by sections of timber panel fencing with a length of native mix hedgerow up to 4 m high to either end. The north eastern boundary comprises recent timber panel fence with establishing bramble scrub. A small mature copse within the grounds of no. 22 Pinn Hill is situated adjacent to the south eastern boundary.

Adjoining land to the west, southwest and northeast of the site is residential and further large scale residential development is currently underway to the north and northwest. Access to the site is from a field gate off Pin Hill in the southwestern corner of the site.

The site is partly situated within the Clyst Valley Regional Park. The grade II* listed Poltimore House which is surrounded by historic parkland approximately 500m to the south. Moonhill Copse to the south of the site is the subject of a blanket Tree Preservation Order (TPO).

2 RELEVANT NATIONAL, REGIONAL AND LOCAL LANDSCAPE RELATED POLICY

The following landscape policies and guidelines are considered relevant to the application:

East Devon Local Plan 2013-2031

Strategy 3 - Sustainable Development

The objective of ensuring sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that [inter-alia] the following issues and their inter-relationships are taken fully into account when considering development:

- a) **Conserving and Enhancing the Environment** - which includes ensuring development is undertaken in a way that minimises harm and enhances biodiversity and the quality and character of the landscape.
- b) **Prudent natural resource use** - which includes minimising fossil fuel use therefore reducing carbon dioxide emissions. It also includes minimising resource consumption, reusing materials and recycling. Renewable energy development will be encouraged
- c) **Promoting social wellbeing** - which includes providing facilities to meet people's needs such as health care, affordable housing, recreation space and village halls.

Strategy 5 – Environment

All development proposals will contribute to the delivery of sustainable development, ensure conservation and enhancement of natural historic and built environmental assets, promote ecosystem services and green infrastructure and geodiversity.

Open spaces and areas of biodiversity importance and interest (including internationally, nationally and locally designated sites and also areas otherwise of value) will be protected from damage, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged through a combination of measures to include [Inter-alia];

- 1) Maximising opportunities for the creation of green infrastructure and networks in sites allocated for development;
- 2) Creating green networks and corridors to link the urban areas and wider countryside to enable access by all potential users;
- 7) Making use of and protecting from development areas that are vulnerable to surface water runoff and flooding.

Strategy 7 - Development in the Countryside

Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

1. Land form and patterns of settlement.
2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.
3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.

Strategy 10 - Green Infrastructure in East Devon's West End

We will ensure that the Green Infrastructure Strategy for East Devon's West End dovetails with comparable work being undertaken in Exeter to provide a green framework within which strategic development occurs. All development proposals of the West End will individually and collectively contribute to the implementation and long-term management of green infrastructure initiatives through appropriate contributions and/or on site provision, and Green Infrastructure initiatives should feature in all developments.

Clyst Valley Regional Park

Land to accommodate the Clyst Valley Regional Park is allocated on the Proposals Map. Developer contributions, the Community Infrastructure Levy and other agricultural-environmental funding streams will be used in combination to deliver this 'landscape' scale strategic project. Landowner, developer and multi-agency collaboration will be essential to achieve the broad range of outcomes intended for this area to ensure the planned growth is delivered sustainably over the plan period. The Clyst Valley Regional Park will:

- a) Provide high quality natural green space that is complementary to development and will be a stimulus to encourage commercial and business development of the highest standard.
- b) Ensure natural ecosystems function in the West End of our District and ensure residents, workers, school children and visitors of all abilities have easy access to high quality open spaces, with linked benefits to health, education and food production.
- c) Take recreation pressure away from more environmentally sensitive locations thereby overcoming concerns arising from application of the Habitat Regulations that would otherwise prevent development coming forward. Provision of the park could help address need and requirements arising from development in other parts of East Devon, Exeter and potentially Teignbridge. We will encourage a park that 'reaches into' the open spaces of our neighbouring authority partners.
- d) Provide new wildlife corridors that enhance the biodiversity of the West End.

- e) Provide green corridors, open space and biodiversity enhancement areas. Enhance cycling and walking opportunities to link habitats and sustainable movement networks that promote the overall recreational experience for the West End.
- f) Conserve and enhance heritage assets and their setting to reflect their intrinsic importance, maximise beneficial outcomes for park users and to encourage use of the park and to enrich the cultural identity of the area.

The park will be designed and managed to highest natural green design standards and it will be subject to parkland, open and recreation space and countryside and green infrastructure policies. Development will not be allowed in the designated area unless it will clearly achieve valley park specific objectives for people and wildlife. Countryside policies of the plan will still apply in non-allocated development locations and areas.

Strategy 46 - Landscape Conservation and Enhancement and AONBs

Development will need to be undertaken in a manner that is sympathetic to, and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty.

Development will only be permitted where it:

1. conserves and enhances the landscape character of the area;
2. does not undermine landscape quality; and
3. is appropriate to the economic, social and well-being of the area.

D1 Design and Local Distinctiveness

Proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
3. Do not adversely affect inter alia:
 - ☐ Important landscape characteristics, prominent topographical features and important ecological features.
 - ☐ Trees worthy of retention.
4. Have due regard for important aspects of detail and quality and should incorporate inter alia:
 - ☐ Use of appropriate building materials and techniques respecting local tradition and vernacular styles as well as, where possible, contributing to low embodied energy and CO2 reduction.
 - ☐ Appropriate 'greening' measures relating to landscaping and planting, open space provision and permeability of hard surfaces.

D2 Landscape Requirements

Landscape schemes should meet all of the following criteria:

1. Existing landscape features should be recorded in a detailed site survey, in accordance with the principles of BS 5837:2012 'Trees in Relation to Construction' (or current version)

2. Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. This should be in addition to the requirement for new landscaping proposals. Where appropriate, existing habitat should be improved and where possible new areas of nature conservation value should be created.
3. Measures to ensure safe and convenient public access for all should be incorporated.
4. Measures to ensure routine maintenance and long term management should be included.
5. Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping.
6. The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

D3 - Trees and Development Sites

Permission will only be granted for development, where appropriate tree retention and/or planting is proposed in conjunction with the proposed nearby construction. The council will seek to ensure, subject to detailed design considerations, that there is no net loss in the quality of trees or hedgerows resulting from an approved development. The development should deliver a harmonious and sustainable relationship between structures and trees. The recommendations of British Standard 5837:2012 (or the current revision) will be taken fully into account in addressing development proposals. No building, hard surfacing drainage or underground works will be permitted that does not accord with the principles of BS 5837 or Volume 4 National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees – Issue 2 (or the current revision or any replacement) unless, exceptionally, the Council is satisfied that such works can be accommodated without harm to the trees concerned or there are overriding reasons for development to proceed.

The Council will as a condition of any planning permission granted, require details as to how trees, hedges and hedge banks will be protected prior to and during and after construction. The Council will protect existing trees and trees planted in accordance with approved landscaping schemes through the making of Tree Preservation Orders where appropriate or necessary.

Planning permission will be refused for development resulting in the loss or deterioration of ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

3 REVIEW OF SUBMITTED INFORMATION

3.1 Landscape and visual impact Assessment (LVIA)

In its consideration of viewpoints the LVIA should have considered the visual impact of the proposals for road users (pedestrians, cyclists and motorists) on the road frontage of the site with the B3181 and residents in houses opposite, where the impact of the proposed development is likely to be moderate/ high adverse over a localised

area reducing to moderate with establishment of suitable structure planting mitigation measures.

Figure 1 - View of site frontage from B3181, Pinn Hill

A view point from the minor county road south of Poltimore village should also have been considered.

Clearer descriptions of the nature of change arising from the proposed development should have been provided in respect of each view point and how proposed mitigation would help reduce the visual impact.

It is also noted that photos are taken in summer when trees are in full leaf and that the visibility of the site is likely to be greater in winter particularly from viewpoints 4, 6 and 8.

Notwithstanding the above points, the findings of the LVIA are broadly acceptable with the overall significance of landscape effect identified as slight/ moderate and generally slight visual impact, the most significant visual impacts being from view point 8 – south of Poltimore House (moderate) and view point 4 - Unnamed county road to the west of the site (slight/ moderate).

View point 8 to the south of Poltimore House (refer figure 1 below) is the most sensitive to change and the viewpoint photo included in the LVIA shows that much of the development could be visible from it and that there is only limited screening provided from the existing tree belt on the southwestern boundary from this view.

It is noted also that since the viewpoint 8 photo within the LVIA was taken, development of the Redrow site to the northwest has advanced and part of this would be visible in this view as well as the completed Redrow estate visible to the northeast.
Figure 2 - Extract of LVIA photo for viewpoint 8 over-marked to show extent of visible grass slope to be developed (shaded orange) and adjacent Redrow Homes site

To provide further clarity a photomontage should be provided for this view indicating the massing and extent of development and the cumulative effect of recent and ongoing development to either side, at year 0 and year 15 post-construction. The photomontage should be prepared in accordance with LI Technical Guidance Note 06/19 Visual Representation of Development Proposals, 2019.

3.2 Layout and landscape details

Although it is noted that this is an outline application with all matters reserved except site access, the application provides a relatively detailed set of layout plans and supporting information to demonstrate how the scheme would deal with the various site constraints including steep slopes and proximity to existing woodland and watercourse, hedgerows, easements and impermeable soils.

The amended scheme has reduced the number of proposed house units from 74 to 71, however the current layout still appears to be too dense to provide a satisfactory layout that provides adequate mitigation to sensitive views, amenity for residents and safeguards for existing trees and bio-diversity. In particular the following points are noted:

Existing trees - Although the arboricultural report refers to tree survey schedule sheets these do not appear to be included in the planning documents and copies should be provided.

The proposed site access road is shown encroaching within the RPA of T406 (category A). The arboricultural assessment indicates that the encroachment is minimal, however the root zone is already constrained by hard surface and the dwelling to the east. At the very least the design of the access road should incorporate a no-dig area within the RPA of this tree.

The assessment also considers that the layout has taken account of proposed shading effects from existing trees. However, the photo on the front of the arboricultural report shows the extent of shading over the top part of the site from the trees in Moonhill Copse and it appears likely from this that residents of plots 58-65 will experience heavy shade effects, potentially leading to pressure by occupiers to reduce canopy area to provide light to their gardens and south facing rooms. The layout should be amended accordingly to avoid such problems and safeguard the existing trees to the south.

Further consultation advice should be obtained from the EDDC tree officer in respect of the above points.

Parking provision - Parking is mostly provided adjacent to each dwelling with the exception of apartment blocks. In a number of instances the available parking width between adjoining dwellings/ boundary walls is 5m or less for double width drives and less than 3m for single width drives. Examples of this are plots 1, 6/7, 8/9, 10/11, 12/13, 51/52 and 63/64. These are too tight to enable easy manoeuvring access and door opening and further width should be provided to allow for this.

Level changes - A crib-lock wall is proposed across the site to take up most of the level change mid slope. Where this lies between adjacent rear gardens its visual impact will be minimal but to the east of plots 34-37 it could be very visible from the proposed play area and access road to the north and should be screened by adequate tree and shrub planting. This should also be part of the screen mitigation planting in views from Poltimore House.

Further retaining walls are likely to be required to the west and north of plot 56 which would also require appropriate screen planting.

Boundary treatments – no detail is provided in respect of proposed boundary treatments. Where rear garden boundaries are required to the top of retaining walls in areas visible from public realm, they should comprise proprietary dark green powder coated steel mesh panels and posts with planting in front rather than close board timber fencing.

The layout would be improved greatly if the houses adjacent to the water course were to front on to it, which would provide natural surveillance rather than the proposed arrangement of rear gardens.

Play, open space and pedestrian/ cycle circulation - As per previous advice, the proposed play area should be co-located with amenity open space. The current layout

indicates a LAP play area. In accordance with the open space strategy this should be a LEAP and should be collocated with amenity space in a location where it is overlooked by adjoining properties and a minimum 10m from surrounding plot boundaries.

The proposed riverside link path should connect with the access path to the eastern end of the flats parking court.

The southwest corner of the site west of Moonhill Copse is included within the Clyst Valley Regional Park (CVRP) as defined in the Local Plan. In accordance with Strategy 10 the applicant needs to demonstrate how the site layout contributes to the CVRP objectives through provision of well-designed cycle/ pedestrian links, open space and wildlife habitat.

The scheme would benefit from a pedestrian/ cycle link from the north east corner of the site to the adjacent Redrow plot and the opportunity for providing this should be explored.

Consideration is needed to improve the amenity value of the proposed cycle/ pedestrian path to the western side of the site access road by reducing private front gardens to adjoining properties and providing a tree lined verge between the path and carriageway.

3.4 Green Infrastructure

- ☐ Appropriate secure cycle storage should be provided for apartment units in accordance with Local Plan policy requirements.
- ☐ Rainwater harvesting – it is noted that water butts are proposed to rear gardens to collect roof water.
- ☐ Renewable energy – consideration should be given to provision of solar pv/ thermal roof panels to roofs with a southerly aspect.

4 CONCLUSIONS & RECOMMENDATIONS

4.1 Acceptability of proposals

Prior to determination the LVIA should be updated and a photomontage provided as set out at section 3.1 above.

In the event that amended information is received that demonstrates that the visual impact, particularly from Poltimore House and the Clyst Valley Regional Park is acceptable, the application could be considered acceptable in principle in terms of landscape and visual impact. However, an amended layout will be required as part of a reserved matters application that addresses the issues raised at sections 3.2 and 3.3.

4.2 Landscape conditions

Should the application be approved the following landscape related conditions should be imposed:

- 1) No development work shall commence on site until the following information has been submitted and approved:

- a) A full set of hard landscape and groundworks details covering earthworks, walls, retaining structures, fencing, gates, pavings and edgings, play equipment, site furniture and signage.
- b) Details of existing and proposed levels and proposed drainage scheme incorporating appropriate SuDS features.
- c) Details of locations, heights and specifications of proposed external lighting compliant with the recommendations of Institute of Lighting Professionals - Guidance notes for the reduction of obtrusive light GN01, 2011 and Bats and Artificial lighting in the UK GN 08/18, 2018.
- d) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites – DEFRA September 2009.
- e) A full set of soft landscape details including planting plans showing locations and number of new tree, shrub and herbaceous planting, type and extent of new grass areas, existing vegetation to be retained and removed and means of protection/ support together with a plant schedule indicating the form, size, numbers and density of proposed planting.
- f) Soft landscape specification/ notes covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period.
- g) Details of proposed tree pits and stakes and calculations of required soil volume for trees within or adjacent to areas of hard paving.
- h) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

2 The planting and external works shall be executed in accordance with the approved drawings and details and shall be completed prior to first occupation.

3 No development shall take place until a landscape and ecology management plan (LEMP) for a minimum period of 25 years has been submitted and approved in writing by the Local Planning Authority which should include the following details:

- ☐ *Extent, ownership and responsibilities for management and maintenance.*
- ☐ *Details of how the management and maintenance of open space will be funded for the life of the development.*
- ☐ *Inspection and management arrangements for existing and proposed trees, hedgerows and amenity planting.*
- ☐ *Management and maintenance of grass areas.*
- ☐ *Management and enhancement of biodiversity value.*
- ☐ *Management and maintenance of any boundary structures, drainage swales and other infrastructure/ facilities within public areas.*

Maintenance shall be carried out in accordance with the approved plan.

4 Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

Housing Strategy Officer

The site is not allocated in the local plan and is not identified as a 'West End' development site. Therefore in accordance with strategy 34 this site would require 50% affordable housing (37 units). The applicant is proposing to provide 25% affordable housing stating that this site has been subsumed within the West End strategic development sites. This does appear to be the case when looking at the built form surrounding the site however it is not allocated or identified within the local plan West End proposals plan where the 25% applies.

Where a proposal does not meet the affordable housing target it will be necessary to submit evidence to demonstrate why provision is not viable or otherwise appropriate. An overage clause will be sought in respect of future profits and affordable housing provision where levels of affordable housing fall below policy targets.

The affordable housing should provide 70% for rented accommodation and 30% intermediate housing. The new NPPF does not define intermediate housing and this should be taken as providing a subsidised route to home ownership, preferably shared ownership. The affordable units should be tenure blind and dispersed throughout the scheme.

In accordance with Strategy 36 all the affordable units should be constructed to meet part M4 (2) of building regulations, category 2: accessible and adaptable dwellings. The affordable units should be transferred to and managed by a preferred registered provider. Applicants for any rented accommodation should come from Devon Home Choice and for any shared ownership units from the regional homebuy agent. Preference will go to those with a local connection to East Devon, a S106 agreement will secure this and the process for allocating the units. The site is located in a Designated Protected Area (DPA) and therefore staircasing should be restricted to 80% on any shared ownership units.

Further comments:

This application is now for 71 dwellings rather than 74. The applicant has submitted viability evidence stating that this site can only accommodate 18% (13) on-site affordable housing. The Council will consider the viability evidence submitted.

The evidence to support the affordable housing values in the viability assessment is lacking and there is no explanation provided. This should be sought and the applicant should justify the affordable values used.

The affordable housing statement claims that the final figure and unit types for the affordable units will be discussed. The indicative plans and statement show 6 x 1 bedroom flats, 6 x 2 bedroom flats and 1 x 3 bedroom house as being affordable. The viability assessment is also linked to the proposed unit types and further consideration should be given to the impact the unit type and tenure has on the viability.

Whilst the need for rented accommodation is for 1 and 2 bedroom units, large blocks of flats and mixed tenure blocks are not popular with registered providers. Often those in need of 1 bedroom accommodation tend to have complex needs and require support to sustain a tenancy. Living in a large block of flats tends to exacerbate these issues. There are also service charge issues which can impact on affordability. Affordable housing should be tenure blind however with no blocks of flats for market housing on the site it could be argued that they are not tenure blind and there is still negative stigma for people living in flats which doesn't help residents integrate into the community. Consideration should be given to providing 1 bedroom houses in a quad formation or two flats which look like a house but each flat has its own entrance and no communal area.

The affordable units are not dispersed and instead are concentrated in one area which should be addressed.

Exeter & Devon Airport - Airfield Operations+Safeguarding

I acknowledge receipt of the amendments to the above planning application for the proposed development at the above location.

This amendments have been examined from an Aerodrome Safeguarding aspect and do not appear to conflict with safeguarding criteria.

Accordingly, Exeter Airport has no safeguarding objections to this development provided there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

Conservation

This site is a continuation of an area of new developments. This site, as the other recent developments, border on the historic parkland and setting to the grade II* listed Poltimore House. It is considered that although there may be a minimal element of broken views within the setting to and from Poltimore House and this site, (due to the topography of the area) overall there is little to no harm to the setting of the heritage and their curtilage assets.

Historic England

Thank you for your letter of 14 February 2020 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Other Representations

17 representations have been received as a result of this application raising the following concerns

- Noise impact on existing residential properties;
- Increased traffic on an already overloaded local highway network;
- Impact on trees in Moonhill Copse
- Impact on wildlife
- Density of houses is too great
- Surface water run-off to houses below
- Not sufficient infrastructure to support more houses
- Development should be bungalows or restricted roof heights
- Protection of hedgerows is a must
- Overlooking and overbearing on Palmers Mead
- Loss of good quality agricultural land
- Bats seen in the area

These issues will be addressed in the main considerations section of this report.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 40 (Decentralised Energy Networks)

Strategy 7 (Development in the Countryside)

EN22 (Surface Run-Off Implications of New Development)

EN14 (Control of Pollution)

EN5 (Wildlife Habitats and Features)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

Strategy 43 (Open Space Standards)

Strategy 10 (Green Infrastructure in East Devon's West End)

D1 (Design and Local Distinctiveness)

Broadclyst Neighbourhood Plan

This plan is currently out to Pre-Submission consultation and as such carried limited weight at present.

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

The site lies in the settlement of West Clyst where there has been a wealth of recent housing growth and development, the majority of which form allocations in the EDDC Local Plan, however this site does not form part of the allocation and is considered to be open countryside.

It currently comprises a 2.46 hectares field formerly used for grazing livestock but is now not farmed. From the B3181 the land is relatively flat until after approximately 110 metres then the site slopes gradually and then steadily down towards a watercourse to the north. The land to the north is currently being built out by Redrow with houses extending up the other side of the valley. Further north, in excess of 900 metres from the site lies Politmore House, a heritage asset. To the east of the site lies a housing development known as Parkside Drive, to the west a small development of houses and to the south on the opposite side of the B3181 lies a linear range of houses.

The site is currently accessed by a single gated field access. There is a bus stop close to the site.

Relevant Planning History

None relevant in the determination of this application

Proposed Development

This application seeks outline planning permission for the erection of up to 71 dwellings, of which 30% would be for affordable occupation. Together with associated infrastructure and landscaping, matters of layout, scale, appearance and landscaping are reserved for subsequent approval with only the access to the site to be considered at this stage.

The application was originally submitted for 74 dwellings but this has been reduced through negotiation after concerns raised by officers and consultees.

The application would include protected areas for bat flyways, on-site open space, a connection to the district heating network and a contribution towards habitat mitigation and travel planning. Moonhill Copse to the south-east of the site is outside of the application site.

ANALYSIS

The main considerations in the determination of this application relate to:

- The principle of the proposed development
- Appropriate assessment
- Agricultural land classification
- Viability and affordable housing
- Impact on the surroundings
- Impact on the highway network
- Drainage
- Ecology
- Planning obligations
- Planning balance

The principle of the proposed development

The site lies in the growing settlement of West Clyst which has seen a large amount of housing growth in recent years, the majority of which formed allocations for housing and associated infrastructure in the East Devon Local Plan, though some of the developments have been permitted as departures from the development plan as they were considered to constitute sustainable development and reasonable extensions to the settlement. The proposal site does not form an allocation in the Local Plan and lies outside of the built up area boundary and therefore constitutes countryside with the proposed development a departure from the development plan.

The site is not proposed to be allocated for residential development in the emerging Broadclyst Neighbouring Plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

"where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise."

As such, an assessment is required regarding whether there are any material considerations that weigh in favour of the development and outweigh the lack of planning policy support and any adverse impacts from the proposal.

The report will therefore examine whether approving this development, which runs contrary to the EDDC Local Plan and does not gain support from any other specific Local or Neighbourhood Plan policies, would amount to sustainable development and whether there are other material considerations that weigh in favour of the proposal such that they outweigh any harm caused by the proposals that would justify the grant of planning permission.

The remainder of the report will therefore run through the key issues with a balance made at the end with regard to weighing up any harm and benefits from the proposal

Site Location and access to services and facilities

With regard to the location of the site, it is well located being surrounded by recently granted housing development that has been deemed to be in a sustainable location. The same conclusion should therefore be reached in relation to this site.

The site benefit from close access to a recently open shop on the opposite side of the road and access to a recently opened Primary school.

There is a footway/cycleway running along the site frontage that provides links to wider services and facilities.

In light of the above, and given that planning permission has been granted for the surrounding development of many hundreds of dwellings on the basis of the sustainable location of those sites, it is considered that the site is sustainably located.

Agricultural land classification

The site is currently an agricultural field, and where the loss of agricultural land is proposed an assessment must be made as to whether it is the best and most versatile agricultural land (Grades 1, 2 and 3a). Policy EN13 of the EDDC Local Plan and advice contained in the NPPF suggest that agricultural land falling in Grade 1, 2 or 3a should not be lost where there are sufficient areas of lower grade land available or the benefits of development justify the loss of the high quality land.

The majority of the site constitutes grade 1 agricultural land which is the highest grade land with an area towards the road frontage constituting grade 3 land. The field is not currently farmed and is constrained by housing developments on all sides and therefore is not connected to other similar grades of land to form a profitable area to farm. Much of the land within the growth point around the eastern and northern side of Exeter was identified in the former Regional Spatial Strategy (now rescinded) at which time it was concluded that the other benefits of developing the area would outweigh the loss of the agricultural land.

Whilst it is considered that the loss of 2.46 hectares of the higher quality land is regrettable, where it is not physically connected to land of a similar quality (as in this instance) and as there are large amounts of other land in the locality of higher quality, it is considered that the loss would not significantly harm agricultural interests or the national food supply. Therefore, should the benefits of the proposal outweigh any perceived harm it is considered that the proposal would be in accordance with Policy EN13 and advice contained in the NPPF (paragraph 170).

Viability and affordable housing

The site is not recognised as one of those which would benefit from a reduced level of affordable housing, and the site does not form part of an affordable housing rural exemption scheme, therefore the Local Plan under Strategy 34 envisages that the site should provide 50% affordable housing. The applicant's agents have provided a viability assessment indicating that it is not viable to provide the 50% target.

The Housing Projects Officer would expect to see a tenure mix of 70% as rented accommodation and 30% as shared ownership or similar affordable housing products.

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

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

- 1) Accept the use of viability appraisals at outline stage, and require the details of the scheme that justify the viability conclusions to be pinned down. For example, if a scheme was for 9 three bed houses with a total floor space of 891 square metres, would have a viability appraisal prepared on this basis and the outline would pin this down. The completed scheme would then still need to be subject to viability appraisal on completion to assess whether or not any overage payment was due under a section 106 obligation.
- 2) Accept that at the moment the indicative viability indicates that there may be a viability issue with the scheme but this could only be confirmed at reserved matters stage, when full details of the scheme are known. A Section 106 agreement would be required that sets out the mechanisms by which the current viability appraisal would be tested, adjusted, or redone, as required at reserved matters stage. The Section 106 agreement would also then set out the requirement for a viability appraisal of the completed scheme, and how the assessment of any overage payment would be undertaken.'

As part of the submission, a viability appraisal was submitted indicating that due to costs of developing the undulating site the policy level compliant level of 50% affordable housing could not be achieved and instead a level of 18% affordable housing was proposed. The viability appraisal has been reviewed by Plymouth City Council who have confirmed that the policy compliant 50% affordable housing level would can be achieved on site.

Furthermore, the developer has indicated, through their viability appraisal, the floor area of each dwelling type and the number of units of that type to be built and therefore, it is reasonable to take the approach outlined in paragraph 1 above and pin down this floor space in a legal agreement. The total amount of floor space of the development to come forward at reserved matters would be 6,000 square metres across the 71 units.

Accordingly, the policy compliant level of 50% affordable housing can be provided on site and should be secured via the associated legal agreement.

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

Impact on surroundings

This section of the report will be broken down into three parts, the impact on heritage assets, the impact on landscape character and the impact on residential amenity

Impact on heritage assets

The site has the potential to impact on the setting of Poltimore House which is a grade II* listed building situated in excess of 900 metres to the north of the proposal site.

Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on Local Planning Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The land between the heritage assets and the site is relatively flat in the main, although there is rising topography where Old Park Farm is situated atop in close proximity to the site which obscures direct views of the site, furthermore there are other housing developments that have recently been implemented by Redrow between the site and heritage asset such that the proposal site would form a backdrop leading up to trees on the skyline in views from Poltimore House. At the distance involved (in excess of 900 metres) and the receding topography there would only be limited views of the site and these, as the Conservation Officer comments below, would only cause less than substantial harm (if any harm):

'This site is a continuation of an area of new developments. This site, as the other recent developments, border on the historic parkland and setting to the grade II* listed Poltimore House. It is considered that although there may be a minimal element of broken views within the setting to and from Poltimore House and this site, (due to the topography of the area) overall there is little to no harm to the setting of the heritage and their curtilage assets.'

Historic England, a statutory consultee on applications affecting a grade II* heritage asset have no comments to make on the application, considering that the local conservation officer should determine the likely impacts on the asset.

Subject to the benefits of the proposal outweighing the less than substantial harm identified (see planning balance section of this report), the proposal is considered to be acceptable in accordance with Policy EN9 of the EDDC Local Plan, the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on landscape character

The landscape to the south and to the west of the site is characterised by residential development with a recent housing development being implemented to the north west

(Redrow at Old Park Farm) and a handful of houses to the east (Redrow at Old Park Farm) from these perspectives it is considered that here would be very limited harm to the character and appearance of the area. Therefore the foremost impact would be when it is viewed from the north and north east of the site, the views from Poltimore House have been addressed above, however when travelling south along the road between Poltimore and West Clyst there would be views of the site from some of the gateways leading into agricultural fields, these have been identified by the Council's Landscape Architect as areas of concern.

The foremost concern is that the south eastern corner of the site, which is elevated, could have a detrimental impact on the surroundings and appear as skyline development even though there is a belt of trees behind the site if houses were placed on this section of the site, the remainder of the site would be screened by preceding topography or vegetation and the houses would appear on their own at odds with the character of the landscape from these limited viewpoints. Whilst the application is in outline with all matters reserved for subsequent approval apart from access it is difficult to comment on the specific impact that a potential layout may have, at the reserved matters stage it will be a consideration as to whether that part of the site should have bungalows with appropriate landscaping on or no houses on at all.

At this outline stage it is a matter of consideration as to whether 71 units can be reasonably accommodated on site, the indicative layout indicates a terraced approach extending up the hillside with sufficient space for an attenuation pond and play area together with 71 houses and parking with a substation for connection to the district heating network, it is a layout that is flexible and therefore is considered acceptable even if certain areas were precluded from development in terms of landscape impact at the reserved matters stage. The trees bounding the site can be protected from development with the location of the dwellings considered in detail at the Reserved Matters stage to ensure no harm to those trees.

The applicant's agent has requested that a parameters plan is approved at this stage which indicates where the roads, drainage, wildlife corridor, play area and footpath/cycleway would be located with a tolerance of +/- 5 metres. The site has a complex topography and the parameters set out seem a sensible layout that whilst the entire layout is not fixed, provides some certainty over what has been negotiated at the outline stage would come forward at the reserved matters stage. The plan would be included in the list of approved plans on any approval.

A footpath through the site from the B3181 to the north-west corner of the site will ensure that the development links to the wider area including the Clyst Valley Regional Park.

Impact on residential amenity

The application is in outline with all matters reserved apart from access and therefore there is no fixed layout to comment on regarding the impact on the living conditions of nearby dwellings, however as the site is elevated in relation to the dwellings in Palmer Close to the east consideration must be given as to whether dwellings can be accommodated in relative close proximity to the boundary as indicated on the indicative layout submitted with the application.

Concern was expressed to the applicant's agent regarding this and additional details have been provided in terms of levels, sections and amended dwelling types indicating that split level dwellings or bungalows could be accommodated on this part of the site to avoid an overbearing structure or overlooking from taking place. Ultimately, however, this will be a matter to be considered at the reserved matters stage, though it does indicate that 71 dwellings can be reasonably accommodated on the site.

Impact on highway safety

The site fronts onto the B3181 Broadclyst to Exeter public highway where there is an existing field gate access onto the footway then road. It is proposed to move the access to the east so that the dwellings at the frontage of the site would be to the west of the access. Devon County Highways have verbally raised no objections to the proposed layout and visibility of the access in accordance with Policy TC7 of the EDDC Local Plan. Further written comments will be provided to Members at the Committee.

In their initial verbal consultation response, Devon County Highways sought a contribution from each dwelling toward the Pinhoe Area Access Strategy which would fund various initiatives such as the Tithe Barn Link Road and other footway and cycleways in the local area. However, no specific project was identified and it is understood that the Bloor Homes development on the opposite side of the B3181 and development of Home Farm have fully funded the link road, therefore it is considered that this contribution has not been fully justified and therefore because the impacts that the development would have on the highway network have not found to be harmful, the unjustified contribution cannot be sought. In addition, it is considered that such works are strategic as they benefit more than the application site and as such any such works should be funded by CIL and not financial contributions on individual developments.

Whilst it is appreciated that the highway network in the area can get congested at times, there are wider highway works planned to address this and in the absence of any objection to the additional dwellings by Devon County as the Highway Authority, a refusal of permission on the ground of highway safety could not be justified.

In accordance with paragraph 36 of the NPPF the development will be required to have a Travel Plan.

Major developments in Exeter, have been required to provide travel welcome packs, travel vouchers, personalised travel planning, monitoring of the Travel Plan and a summary report of the work undertaken and impacts of this. The specific approach needs to be set out and agreed prior to commencement of any part of the development. Alternatively, as part of the area wide approach to travel planning identified in the Local Transport Plan DCC are, subject to a contribution of £500 per dwelling, willing to undertake this on behalf of the developer. Unless an alternative approach is agreed, it is recommended that this is secured as part of the Section 106 agreement.

The indicative layout plan provides for 2 no. spaces per dwelling which would comply with Policy TC9 of the EDDC Local Plan, whilst it is submitted in outline it seems

appropriate to condition that all two bedroom houses and above are provided with at least 2 no parking spaces by condition.

Accordingly, the proposed development is considered acceptable in accordance with Policies TC7 and TC9 of the EDDC Local Plan.

Drainage

The site is within Flood Zone 1 and is not subject to any critical drainage issues according to the latest Environment Agency mapping. However the site exceeds 1ha and therefore a flood risk assessment (FRA) has been submitted with the application. As the proposal would increase the level of impermeable surfaces - the current site is after all a grassed area for the most part - the FRA suggests the use of a sustainable drainage system through a combination of soakaways and a drainage basin in the north east corner of the site.

The DCC Flood Risk Management Team were consulted on the application and initially requested that additional information/amendments were submitted as the greenfield run off rates submitted included impermeable surfaces and were not in accordance with their guidance, amended figures have been provided was submitted and accordingly the DCC Flood Risk Team have verbally withdrawn their objection (written comments to follow) but have requested that the Local Planning Authority impose conditions to require a management plan for the construction period and to cover the final development and other monitoring on site.

Accordingly the proposal is considered acceptable in relation to Policy EN22 of the EDDC Local Plan.

Ecology

A phase one preliminary ecological appraisal was carried out on site as the site was considered to have the potential to support a range of protected species, the results of the preliminary survey meant that bespoke surveys of some of the protected species were necessary, the results of both investigations were as follows:

Badger: The site has the potential to support badgers, however, during the time of the visit no evidence of badgers using the site were found and no setts on or close to the site were recorded. Mitigation measures in the form of covering over open foundation trenches and providing plank of wood for ease of access are proposed in the ecology report in case badger have moved onto the site since the survey was undertaken.

Bats: There are a number of mature trees on or close to the boundaries of the site, not least the woodland copse to the south of the site which have the potential to support both foraging and commuting bats, a dedicated bat activity survey was carried out on the southern section of the site in April 2018 and over the course of 6 nights 6,489 pipistrelle passes were recorded and 262 Myotis sp passes were recorded indicating that the site is used for both foraging and commuting. Mitigation in the form of 'dark' corridors have been designed to be located on the southern and eastern boundaries of the site to ensure that the bats can continue to forage and commute on and across the site, light spill from neighbouring houses has the potential to disturb the bats and

therefore the planting of two hedgerows side by side will enable bats to remain in the area. The provision of 'dark' corridors and their maintenance would need to be secured through a legal agreement.

Otter: There were no records of otter being on or close to the application site, the nearest watercourse is located 250 metres to the north of the site. No mitigation measures are therefore considered necessary.

Dormice: The hedgerows surrounding the site offer the potential to support dormice, however they lack connectivity to other suitable habitats and therefore the potential for dormice to be present is low. No mitigation measures are therefore considered necessary.

Reptiles: Slow worms were recorded on site on more than one occasion with a maximum count of two males on site at any one time. Given the low numbers of slow worm it is not considered necessary to translocate them to an alternative site, however a mitigation measure of providing reptile exclusion fencing around the site is considered necessary.

Amphibians: The nearest pond is located over 250 metres to the north of the site and therefore the site is unlikely to contain any amphibians. No mitigation measures are therefore considered necessary.

To provide ecological enhancement it is considered, in the submitted appraisal, that 20 bat and bird boxes should be provided on the site whether these be on retained trees or dwellings.

Accordingly, subject to a condition securing the mitigation measures outlined in section 6 of the appraisal the proposal is considered acceptable in relation to Policy EN5 of the EDDC Local Plan.

Habitat Regulations and Appropriate Assessment

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

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

In protecting land for SANGS, it is critical to ensure that it is deliverable and provides the best use of resources. Work has taken place on delivery of such SANGs across the three authorities. The joint strategy between the authorities proposes 4 SANGS across the area these being at the following locations:

- o Dawlish Warren
- o South West Exeter

- o Cranbrook
- o Exmouth

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

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

Given that SANGS is being provided within the District to mitigate development, and given that the development will contribute financially to the provision of these areas through CIL payments and a financial contribution that can be secured off the back of this application, it is considered that the proposal adequately mitigates any impacts upon the Pebblebed Heaths and Exe Estuary and will not result in any likely significant effects.

Natural England have advised that, on the basis of the appropriate financial contributions being secured to the South-east Devon European Sites Mitigation Strategy (SEDESMS), they concur with your authority's conclusion that the proposed development will not have an adverse effect on the integrity of Dawlish Warren SAC, the Exe Estuary SPA and Exe Estuary RAMSAR site.

Subject therefore to securing the necessary financial contribution through a S.106 Agreement, the proposal will not have any likely significant effects and is acceptable in this regard.

Planning obligations

The report has identified a number of contributions or infrastructure which need to be provided to make the development acceptable in policy terms. These are as follows:

- Habitat mitigation contribution of £354 per residential unit
- Connection to the district heating system as advocated by Strategy 40 of the EDDC Local Plan.
- 30% affordable housing to be 70% rented and 30% shared ownership

- Provision of an onsite locally equipped area for play (LEAP) and funding for equipment in accordance with Strategy 43 of the EDDC Local Plan
- Provision and maintenance of protected bat corridors
- Travel plan contribution of £500 per residential unit
- Floor space cap to be submitted at reserved matters stage of 6,000 square metres to accord with the viability appraisal submitted with this application
- Provision of an overage clause to ensure any 'super profit' is shared with between the developer and Council to provide additional affordable units in the locality.

Planning balance

The proposal represents development on Greenfield land that is not in accordance with the adopted EDDC Local Plan or emerging Neighbourhood Plan. As such, the proposal represents a departure from the development plan.

It is therefore considered necessary to undertake an assessment of whether there are any benefits/other material considerations of the proposal that outweigh the harm arising from the proposed development and its location outside of the allocations and BUAB for West Clyst.

Such an assessment will be carried out using the three strands of sustainability as follows:

Economic

The proposal would support the construction industry albeit for a limited period of time.

There would be an economic dis-benefit of losing 1.5 hectares of grade 1 and 3 agricultural land (BMV), however, for the reasons outline in the report, this is likely to only have a limited impact on the nation's agricultural supply and land for the growth of food to enter the supply.

Overall, therefore, the proposed development is considered to have short term economic benefits that weigh in favour of the proposal.

Social

The proposal would provide a significant proportion of houses as affordable (50%) towards meeting the needs of the district, this would weigh in favour of the proposed development.

There are also wider social benefits through the provision of general housing to meet general housing needs.

Environmental

The use of unallocated greenfield land to provide housing where it is in agricultural use and can contribute towards the nation's food supply is a dis-benefit of the proposal.

The proposal has been found to have a less than substantial impact on the setting of a listed building which is afforded special protection but there are public clear benefits that outweigh the harm that is minimal due to a glimpsed distanced view of the site. There are no wider harmful visual impacts given that the site is surrounded by existing development.

There are bats using the site although again mitigation measures are proposed to enable these to remain on or close the site.

In terms of location and access to services and facilities, the site has very good public transport links to the city of Exeter and further afield settlements including train and bus connections. A recently constructed primary school lies within easy walking distance of the site and a convenience shop has recently opened on the opposite side of the B3181. These are significant considerations when considering the location of development to seek to minimise the use of the private motor vehicle and weigh significantly in favour on the proposed development.

CONCLUSION

Taking the above into account, the benefits of the proposal through providing housing development in a highly sustainable area with good linkages and nearby infrastructure to support daily living without reliance on the private motor vehicle and provision of a high proportion of affordable housing to address the needs of the district are considered to outweigh any harm caused by the proposal and outweighs the fact that the proposal represents less than substantial harm to a heritage asset and where it represents a departure from local plan policy.

RECOMMENDATION

- 1. Adopt the appropriate assessment**
- 2. APPROVE subject to a legal agreement securing the following matters:**
 - **Habitat mitigation contribution of £354 per residential unit**
 - **Connection to the district heating system**
 - **50% affordable housing to be 70% rented and 30% shared ownership**
 - **Provision of an onsite locally equipped area for play (LEAP) and funding for equipment**
 - **Provision and maintenance of protected bat corridors**
 - **Travel plan contribution of £500 per residential unit**
 - **Floor space cap to be submitted at reserved matters stage of 6,000 square metres**
- 3. And subject to the following conditions:**

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).
2. Approval of the details of the layout, scale and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline with one or more matters reserved.)
3. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
4. No development shall take place until a detailed phasing plan including all necessary works to implement the development has been submitted to and agreed in writing with the Local Planning Authority (hereinafter referred to as Local Planning Authority). The development shall not be carried out other than in strict accordance with the Phasing Plan as may be agreed unless otherwise agreed in writing with the Local Planning Authority.
(Reason - to ensure the development proceeds in a properly planned way from an early stage and to limit any unacceptable impact on the locality in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan)
5. As part of any reserved matters application a Construction and Environment Management Plan (CEMP) (to include schemes for the suppression of dust and air quality measuring and mitigation has been submitted to and agreed in writing with the Local Planning Authority. The development shall not proceed otherwise than in strict accordance with the CEMP as may be agreed unless otherwise agreed in writing with the Local Planning Authority.
(Reason - To ameliorate and mitigate, at an early stage, against the impact of the development on the local community in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan)
6. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.
(Reason - To ameliorate and mitigate against the impact of the development on the local community in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan)
7. As part of a reserved matters application for the residential elements of the proposal a detailed Design Code for the whole of the residential element of the

development shall be submitted to and agreed in writing with the Local Planning Authority. The Design Code shall include details and principles of site layout, highway design (including footways and shared surfaces), soft and hard landscaping, materials to be used on dwellings and for ground surfacing, building heights, spans and proportions, boundary features, window and door details, details of flues, meter boxes, eaves and roof ridges and treatment of verges and open areas to the front, rear and side of all dwellings, car parking courts and areas, and details and design parameters of public open space areas including play equipment where necessary. Each phase of the development shall thereafter be carried out in accordance with the approved details.

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

8. As part of any reserved matters application a detailed Landscape and Ecology Management Plan (LEMP) for a minimum period of 25 years shall be submitted and should include the following details:

- ☐ Extent, ownership and responsibilities for management and maintenance.
- ☐ Details of how the management and maintenance of open space will be funded for the life of the development.
- ☐ Inspection arrangements for existing and proposed trees and hedgerows and monitoring of bio-diversity net-gain.
- ☐ Management and maintenance of trees and hedgerow.
- ☐ Management and maintenance of shrub, herbaceous and grass areas.
- ☐ Management of ecological habitat, maintenance of any ecological mitigation measures and further measures for enhancement of biodiversity value.
- ☐ Management and maintenance of any boundary structures, drainage swales and other infrastructure/ facilities within public areas.

Maintenance shall be carried out in accordance with the approved plan.

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

9. The landscaping scheme approved at the reserved matters stage shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design

and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan)

11. Prior to the commencement of any works on site, a Tree Protection Plan (TPP) and Arboricultural Method Statements (AMS) for the protection of all retained trees, hedges and shrubs on or adjacent to the site, shall be submitted to and approved in writing by the Planning Authority.

The layout and design of the development shall be informed by and take account of the constraints identified in the survey and report.

The tree survey and report shall adhere to the principles embodied in BS 5837:2012 and the AMS shall indicate exactly how and when the trees will be protected during the development process.

The development shall be carried out in accordance with the approved details. Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

Reason: To ensure the continued well being of retained trees in the interests of the amenity of the locality in accordance with Policy D3 (Trees and Development) of the East Devon Local Plan.

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

13. Tree Pruning / Felling Specification/ ground condition amelioration
Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed and timetabled specification for all necessary arboricultural work to retained trees shall be submitted to and approved in writing by the Local Planning Authority. The specification will accord with the principles given in BS 3998:. All tree felling and pruning works shall be carried out in full accordance with the approved specification and the principles of British Standard 3998:2010 - Recommendations for Tree Works

and in accordance with the agreed timetable of operations or such other works at such other times as may be agreed in writing by the Local Planning Authority (Reason: To ensure the continued well being of the trees in the interests of the amenity of the area locality in accordance with Policy D3 (Trees and Development Sites) of the East Devon Local Plan)

14. Each new dwelling or flat with one bedroom shall be provided with at least one parking space (excluding garages), each new dwelling or flat with two or more bedrooms shall be provided with at least two parking spaces (excluding garages).

(Reason: To ensure there is sufficient parking provision in accordance with Policy TC9 (Parking provision in New Development) of the East Devon Local Plan.

15. The reserved matters application(s) shall be submitted in accordance with the recommendations of Section 6 of the Ecological Impact Assessment undertaken by Clarkson and Woods Ecological Consultants dated November 2019 and the development shall thereafter be carried out in accordance with the recommendation set out therein.

Reason: To ensure that the protected species found to be on site/have the potential to be on site are dealt with in an appropriate and sensitive manner to safeguard their future and to replace lost habitats in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.

20. The reserved matter application(s) shall be submitted in accordance with the methodology and recommendation set out in the Flood Risk Assessment prepared Clive Onion Consultant Engineer Reference V5, dated October 2019 (Reason -To ensure the development complies with the guidance as set out in the National Planning Policy Framework).

21. The following information shall be submitted at the reserved matters stage:

(a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with DCC groundwater monitoring policy.

(b) Evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins/tanks.

(c) A detailed drainage design based upon the approved Flood Risk Assessment Winslade Park, Clyst St Mary 13528-HYD-XX-XX-RP-FR-0001 dated 2nd April P02 and Drainage Strategy Sheet 3 WIN-HYD-XX-XX-DR-C-1002 P08, Drainage Strategy Sheet 2 WIN-HYD-XX-XX-DR-C-1002 P09 and Drainage Strategy Sheet 1 WIN-HYD-XX-XX-DR-C-1002 P06 and the results of the information submitted in relation to (a) and (b) above

(d) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(f) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(g) A plan indicating how exceedance flows will be safely managed at the site.

(h) A detailed assessment of the condition and capacity of the existing surface water drainage system that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

No building shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (h) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017), Policy EN22 (Surface Run-Off Implications of New Development) and national policies, including NPPF and PPG.

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:

002 G	Other Plans	13.07.18
LOC 01	Location Plan	13.07.18
Parameters plan	Layout	05.11.20

List of Background Papers

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

Appropriate Assessment

The Conservation of Habitats and Species Regulations 2017, Section (63)

Application Reference	18/1653/MOUT	
Brief description of proposal	Outline planning application (appearance, landscaping, layout and scale reserved) for up to 71 dwellings, together with access and associated infrastructure, landscaping and drainage	
Location	Land South of Moonhill Copse, West Clyst Exeter	
Site is:	Within 10km of Dawlish Warren SAC and the Exe Estuary SPA site Within 10km of the Exe Estuary SPA site alone (UK9010081) Within 10km of the East Devon Heaths SPA (UK9010121) Within 10km of the East Devon Pebblebed Heaths SAC (UK0012602) Within 10km of the Exe Estuary Ramsar (UK 542) (See Appendix 1 for list of interest features of the SPA/SAC)	
Step 1 Screening for Likely Significant Effect on Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites		
Risk Assessment		
Could the Qualifying Features of the European site be affected by the proposal? Consider both construction and operational stages.	Yes - additional housing within 10km of the SPA/SAC will increase recreation impacts on the interest features.	
Conclusion of Screening		
Is the proposal likely to have a significant effect, either 'alone' or 'in combination' on a European site?	East Devon District Council concludes that there would be Likely Significant Effects 'alone' and/or 'in-combination' on features associated with the proposal at Land south of Moonhill Copse, West Clyst, Exeter in the absence of mitigation. See evidence documents on impact of development on SPA/SAC at: East Devon District Council - http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf An Appropriate Assessment of the plan or proposal is necessary .	
Local Authority Officer	G Spiller	Date: 15 th January 2021

Step 2

Appropriate Assessment

NB: In undertaking the appropriate assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain the authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.

In-combination Effects

Plans or projects with potential cumulative in-combination impacts. How impacts of current proposal combine with other plans or projects individually or severally.	<p>Additional housing or tourist accommodation within 10km of the SPA/SAC add to the existing issues of damage and disturbance arising from recreational use.</p> <p>In –combination plans/projects include around 29,000 new dwellings allocated around the estuary in Teignbridge, Exeter and East Devon Local Plans. This many houses equates to around 65,000 additional people contributing to recreational impacts.</p>
Mitigation of in-combination effects.	<p>The Joint Approach sets out a mechanism by which developers can make a standard contribution to mitigation measures delivered by the South East Devon Habitat Regulations Partnership.</p> <p>Residential development is also liable for CIL and a proportion of CIL income is spent on Habitats Regulations Infrastructure. A Suitable Alternative Natural Green Space (SANGS) has been delivered at Dawlish and a second is planned at South West Exeter to attract recreational use away from the Exe Estuary and Dawlish Warren.</p>

Assessment of Impacts with Mitigation Measures

Mitigation measures included in the proposal.	<p>Joint approach standard mitigation contribution required</p> <ul style="list-style-type: none">Residential units £354.00 x 71 = £25,134
Are the proposed mitigation measures sufficient to overcome the likely significant effects?	Yes - the Joint Approach contribution offered is considered to be sufficient.

Conclusion

List of mitigation measures and safeguards	Total Joint Approach contribution of £25,134 will be secured through Section 106 agreement.	
The Integrity Test	Adverse impacts on features necessary to maintain the integrity of the land south of Moonhill Copse can be ruled out.	
Conclusion of Appropriate Assessment	East Devon District Council concludes that there would be NO adverse effect on integrity of the Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites provided the mitigation measures are secured as above.	
Local Authority Officer	G Spiller	Date: 15 th January 2021

21 day consultation to be sent to Natural England Hub on completion of this form.

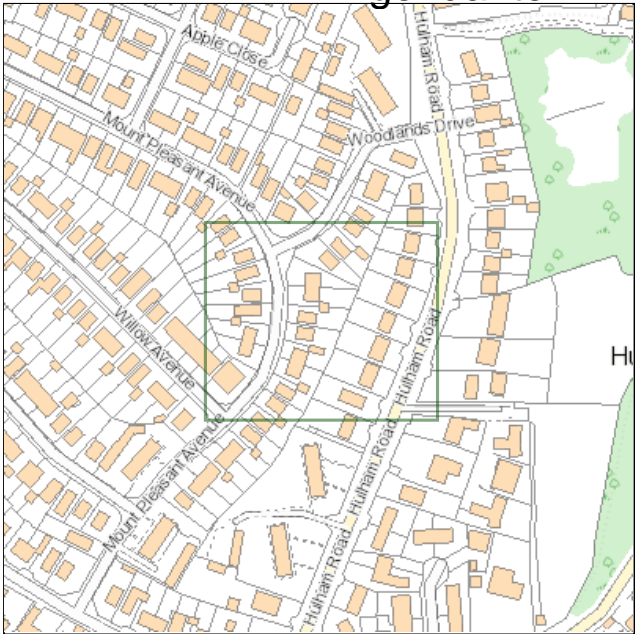
Ward Exmouth Halsdon

Reference 20/2585/FUL

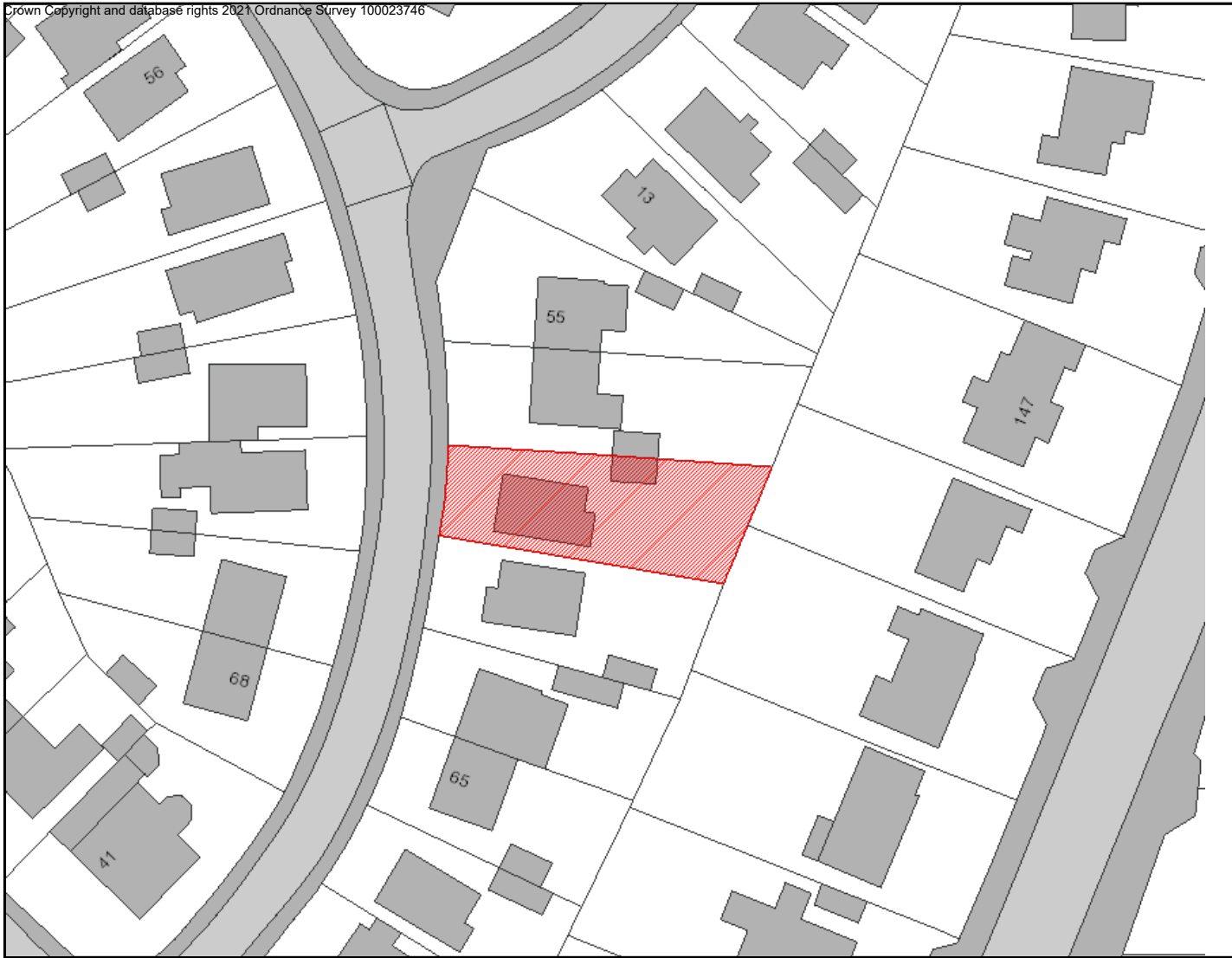
Applicant Mr Mark Philp

Location 59 Mount Pleasant Avenue Exmouth EX8 4QR

Proposal Front and rear hip to gable extension with side dormer to form new first floor living space and associated works



RECOMMENDATION: Refusal



		Committee Date: 10th February 2021
Exmouth Halsdon (Exmouth)	20/2585/FUL	Target Date: 15.01.2021
Applicant:	Mr Mark Philp	
Location:	59 Mount Pleasant Avenue Exmouth	
Proposal:	Front and rear hip to gable extension with side dormer to form new first floor living space and associated works	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application has been deferred from Chair's Delegation for consideration of the relevant matters.

Permission is sought to add a hip to gable extension to the front and rear of the existing bungalow, along with a large side dormer window to enable conversion of the roof space to provide additional living accommodation.

This application is a resubmission of a previously refused application with the subsequent appeal dismissed on the grounds of the significant visual harm to the streetscene.

The changes proposed as part of the application are not considered to overcome the Planning Inspector's reasons for dismissing the appeal and the Officer view is that whilst there would be a small benefit arising to the applicant from the creation of the additional living accommodation (enabling the family to remain in the existing premises in an area with few large families), this benefit does not outweigh the harm to the building and streetscene from the scale of the alterations.

In light of the continued harm to the streetscene and previous Inspector's findings, the application is again recommended for refusal.

CONSULTATIONS

Local Consultations

Exmouth Halsdon - Cllr Paul Millar

Policy H1 of Exmouth Neighbourhood Plan on p73 which states that there needs to be a 'balanced housing stick for a range of age groups within the town'. The key objective highlighted in the Neighbourhood Plan Housing Chapter is that 'priority should be given to developments which can be easily adapted for life long accommodation'.

This adaptation would also support Strategy 4c of the East Devon Local Plan which emphasises the importance of 'Balanced Communities' and 'getting more age-balanced communities'. The Strategy states that, 'Many East Devon communities have an overtly aged population profile. Where this is the case we will encourage residential development that will be suited to or provide for younger people and younger families'. Mount Pleasant Avenue is an example of a community with an overtly-aged population profile. Conversations with neighbours confirms that the presence of younger families in the areas improves social and community cohesion, with older residents acting as babysitters for younger families before the pandemic, and younger families supporting older residents during the pandemic with shopping.

This pandemic has highlighted the importance of Strategy 4 and therefore despite previous officer recommendations, I am therefore minded to SUPPORT this application. I do so with consideration of previous officer concerns that the extension is overbearing or 'out of character' of the area. I consider that on this application on the information I have thus far they are outweighed by Strategy 4 of the Local Plan and Policy H1 of the Exmouth Neighbourhood Plan.

However, I reserve the right to change my view subject to further comments from neighbours, other consultees and the professional view of Planning Officers.

Parish/Town Council

Meeting 07.12.20

No objection

Technical Consultations

None received

Other Representations

One third party comment received in support advising that it would be a shame if the applicants, who require more space for their family, had to move and they would be missed in the community.

POLICIES

Exmouth Neighbourhood Plan (Made)

Policy H1
Policy EB2

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 4 (Balanced Communities)

D1 (Design and Local Distinctiveness)

Relevant Planning History

A previous application (19/0646/FUL) for almost identical development) was refused by the Local Planning Authority for the following reason:

The proposal by reason of the scale of the side dormer window would result in a building with a top heavy appearance which would not relate to or reflect the general appearance of existing dwellings close by, over developing the building and site, which would be harmful to the character and appearance of the street contrary to Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031).

The application was subsequently dismissed on appeal with the Inspector in summary stating 'the enlargement of the roof would result in significant harm to the character and appearance of the area'.

Following this Appeal decision the applicant was provided with advice from officers on how to overcome the concerns raised. The advice was to retain the hipped roof to the front of the property to reduce the visual impact. This would result in a less bulky visual impact to the streetscene as the gable end would be removed with a slightly smaller dormer proposed, although it is acknowledged that this would result in less usable space within the roof.

Site Location and Description

The property is a bungalow similar to others nearby in a residential area of the town. There are no particular constraints covering the site. The building is constructed of brick and render with a clay tile roof.

Proposed Development

The application seeks to add a front and rear hip to gable extension with side dormer to form new first floor living space which is not dissimilar to the previously considered application, the difference being the front hip to gable extension has now been set back slightly from the existing front wall. The previous scheme extended to the front wall. The dormer is of the same size as previously considered and the extensions would result in the provision of 3 bedrooms (1 en-suite) and bathroom in the roof and 1 bedroom, snug, kitchen, dining room and living room at ground floor.

ANALYSIS

The main issues for consideration are the impact upon the amenity of neighbours, the suitability of the design and whether there are any other matters that weigh in favour of the proposal.

Amenity

As considered with the previous application, there are no significant amenity concerns arising. When dealing with the appeal the Inspector did not identify any harm to neighbours either of an overbearing or loss of privacy nature in the appeal decision.

Design

In the previous appeal the Inspector discussed other properties locally that had benefited from the addition of dormer windows, comparing their smaller scale to that proposed at No 59, and their (other sites) position 'well contained within their roof slopes'..... or 'set back from the road, so are not prominent'.

Whilst this scheme differs slightly in the set back of the front hip to gable, it is not considered that this difference between this design and that previously refused and dismissed would address the harm identified in the Inspector's decision. The dormer window still travels the length of the roof slope so that it could not be considered to be well contained, and it would remain conspicuous when viewed from the street.

In relation to the design and visual impact, the Inspector stated the following in dismissing the appeal:

'While the proposed dormer would be set in somewhat from the ridge, proposed gable ends and eaves, it would occupy nearly all of the enlarged side roof slope. Although the materials used would be appropriate in this context, the dormer would be unduly dominant and overscaled in relation to the host property. It would be highly visible from the road due to its size, position and the rising land levels and would harm the contribution of the host property to the street scene.'

'The proposed enlarged roof and dormer would result in significant harm to the character and appearance of the area. They would conflict with policy D1 of the East Devon Local Plan 2013-2031 (2016) which, amongst other things, requires development to be of high quality design, respect the key characteristics of the area and ensure that the scale of proposals relates well to their context.'

'While I have found that the proposed changes to doors and windows would be of neutral effect, the enlargement of the roof would result in significant harm to the character and appearance of the area. The door and window changes are part and parcel of the proposal to provide roof accommodation and as such I cannot separate them. For the reasons given above, the appeal should be dismissed.'

The applicant has confirmed that the only change is to the set back of the front hip to gable referencing development at No 51 Mount Pleasant. However there is no such address within the street. An application was considered at No 50 Mount Pleasant - 20/0745/FUL - which was not dissimilar in appearance and format. However following discussions with officers and the applicant's agent this application was withdrawn as a similar concern was raised about extending the existing hip to a gable and no decision was made.

The applicant has provided a planning statement which includes examples of development carried out nearby.

Referring to each one in turn in summary, that for No 49 included a hip to gable extension as opposed to a dormer in this case and the harm identified in the reason for refusal and Inspector's decision for No 59 on the previous application was for the scale of dormer window not the hip to gable specifically although it is acknowledged to play its part as it allows the extent and scale of the dormer proposed; examples looking up Mount Pleasant referred to are much smaller dormer windows well contained within their roof slopes; that at Roundhouse Lane is set well off the public highway as is the example at the end of Hill Drive. That at No 20 Hill appears to have been permitted development but again is of smaller scale.

The example provided of No 9 Littlemead Lane was approved at Committee overturning the officer's recommendation for refusal. That said whilst acknowledging the scale of the front dormer it is more contained within the surrounding roof slope in comparison to the proposal at No 59 which extends down to the eaves level.

In addition, in relation to other roof extensions in the area, the Inspector considered this as follows:

'My attention has been drawn to a number of other properties in the area which have dormers or a gable end and balcony. I do not have details of the particular circumstances which led to those examples being built. Of those that have been constructed, 2 of the properties are in Mount Pleasant Avenue; these have front dormers which are substantially smaller than the appeal proposal and are well contained within their roof slopes. Another 4 of the properties are in nearby streets; these have dormers which are either significantly smaller than the proposal before me or, in the case of 25 Hill Drive, are sizeable but located at the end of a cul-de-sac where public views of it are limited. The gable and balcony are located in a mixed street scene and set back from the road, so are not prominent. Consequently, none are comparable in scale and prominence to the appeal proposal, which I have considered on its own merits. Therefore, while there are various other dormers in the local area, they have not altered the character of the area to such an extent that the appeal proposal would appear any less incongruous.'

Therefore it is not considered these examples are directly comparable and this application should be considered on its own merits.

When considered on its merits, given the very small change from the previous scheme and Inspectors comments, the design of the changes are considered to be unacceptable with significant harm to the character and appearance of the area contrary to Policy D1 of the Local Plan.

Other considerations

In regard to the comments of the Ward Member referring to Neighbourhood Plan (NP) Policy H1 and Local Plan Strategy 4 - provision of balanced housing stock and communities respectfully - whilst it is acknowledged that the additional space would provide further accommodation for the applicants, and no significant harm to the

amenity of neighbours has been identified, it is not considered that this small benefit would outweigh the harm identified in terms of design identified by the Inspector.

Policy H1 is within the section on Housing within the NP and there is a separate policy EB2 covering development within the built environment elsewhere which seems more appropriate; similarly Strategy 4 is within the overarching Spatial Strategy section of the Local Plan and extensions to homes are covered specifically within Policy D1 of the Local Plan. Therefore it is considered it is not clear that either NP Policy H1 or Strategy 4 were formed specifically to apply to house extensions when there are other more specific policies available elsewhere in the respective plans.

Whilst this matter of support was not raised previously, the Ward Member not being in post at the time of the previous application, the Inspector also took into account the provision of the further accommodation to benefit the applicants. Both these Local and Neighbourhood Plan policies were in place at the time of the previous appeal and whilst not referring to them specifically in their decision notice the Inspector considered assessed the matter as follows:

‘I recognise that the proposal would create additional space to meet the family’s needs without compromising the outdoor space. I have carefully considered the appellant’s circumstances however this would be a private benefit and does not justify the significant harm identified.’

Whilst the case put forward by the Ward Member with regard to the benefit of the wider area from allowing a family to remain and provide a more balanced and mixed community, this benefit is minimal given that it only relates to a single dwelling and is not considered to outweigh the significant harm identified to the streetscene.

Therefore taking into account the relatively modest change from the previous scheme and acknowledging the harm identified in the Inspector’s decision, the application is again recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposal by reason of the scale of the side dormer window would result in a building with a top heavy appearance which would not relate to or reflect the general appearance of existing dwellings close by, over developing the building and site, which would be harmful to the character and appearance of the street contrary to Policy D1 (Design and Local Distinctiveness) 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 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.

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.

Plans relating to this application:

190014.PHILPS. 01SV	Location Plan	20.11.20
190014.PHILP.0 4PP	Proposed Combined Plans	20.11.20

List of Background Papers

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

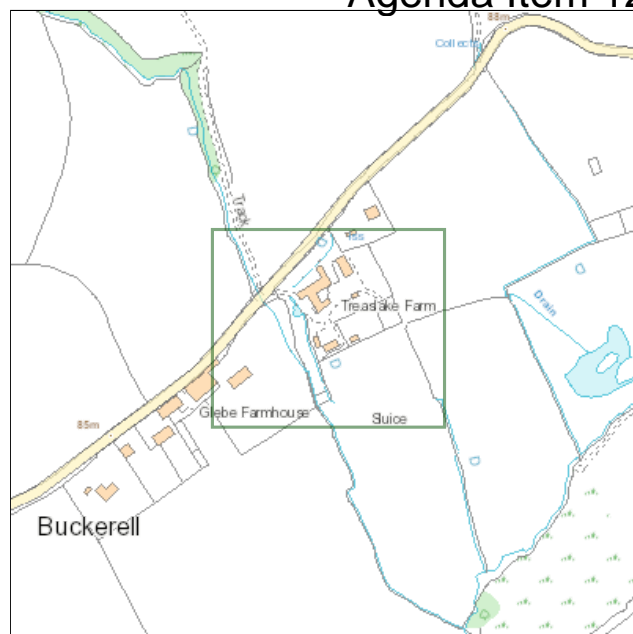
Ward Feniton

Reference 20/1807/VAR

Applicant Mr and Mrs Goodall

Location Treaslake Farm Buckerell Honiton EX14 3EP

Proposal Variation of condition 3 of planning permission 99/P0774 (Adapt one holiday let into two lets, convert garage to office & new garage/store & holiday let) to allow Owl Cottage to be used as an unrestricted residential dwelling and to amend the holiday restriction on Squirrel Cottage and Mallard Cottage



RECOMMENDATION: Approval with conditions

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		Committee Date: 10th February 2021
Feniton (Buckerell)	20/1807/VAR	Target Date: 16.10.2020
Applicant:	Mr and Mrs Goodall	
Location:	Treasure Lake Farm Buckerell	
Proposal:	Variation of condition 3 of planning permission 99/P0774 (Adapt one holiday let into two lets, convert garage to office & new garage/store & holiday let) to allow Owl Cottage to be used as an unrestricted residential dwelling and to amend the holiday restriction on Squirrel Cottage and Mallard Cottage	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members because the recommendation is contrary to the view of the Ward Member.

The application seeks to vary a condition which currently means that three cottages at Treasure Lake Farm may only be occupied as holiday accommodation. There are four further cottages which are covered by other permissions and, although all of them are occupied as holiday lets, three of them are not restricted by condition.

Permission is sought to remove the holiday condition from Owl Cottage but unlike the other unrestricted cottages, it is the intention that this one would be occupied as a permanent dwelling.

The location of the site in the countryside, remote from services and facilities, means that occupants of the dwelling would rely on a car for most, if not all, journeys. Consequently the proposal conflicts with local and national policies regarding the location of residential development and there is no planning policy support for the proposal.

In light of the lack of policy support, refusal of permission could be justified on the grounds of the creation of an open market dwelling in an unsustainable location.

However, financial and occupancy information indicates that Owl Cottage is the least attractive and viable unit at the site and will continue to be a detriment to the

viability of the business as a whole. Releasing the condition would improve the viability of the remaining business thereby increasing the chance that the wider site would continue to contribute to the local economy and to demand for tourist accommodation.

On balance, and given the information submitted and number of holiday units at the site, it is considered in this instance, the benefits to the wider business would offset concerns about the location and therefore approval is recommended.

CONSULTATIONS

Local Consultations

Feniton - Cllr Susie Bond

My comments relate to 20/1808/FUL and 20/1807/VAR which need to be considered together.

My preliminary view on these applications is that they should be REFUSED.

East Devon has a considerable number of holiday lets which under any other guise would be considered to be development in the open countryside contrary to Strategy 7 of the current Local Plan. The Council must be consistent in its approach to applications seeking to remove the holiday let restriction.

I have looked at planning applications relating to Treaslake and am unable to find one relating to the subdivision of the main property to create a new holiday let.

However, these are my preliminary views and I look forward to the debate should this application come to committee.

Further comments:

No further comments from me, except that the issue of holiday lets and what happens to them once a business is failing (or starting to fail) or when the owners retire, needs to be urgently addressed in the Local Plan review.

Parish/Town Council

Buckerell Parish Council has no objection to this application.

Other Representations

None received.

Technical Consultations

Conservation

CONSULTATION REPLY TO CENTRAL PLANNING TEAM
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Treaslake Farm, Buckerell

GRADE: II APPLICATION NO: 20/1807/VAR

PROPOSAL: Variation of condition 3 of planning permission 99/P0774 (Adapt one holiday let into two lets, convert garage to office & new garage/store & holiday let) to allow Owl Cottage to be used as an unrestricted residential dwelling and to amend the holiday restriction on Squirrel Cottage and Mallard Cottage

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

See listing description and information on file

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

Treaslake Farm operates as a successful holiday letting business with 7no. holiday lets alongside the principal dwelling which is currently occupied as a permanent residential use. This application seeks to vary the holiday let condition under 99/P0774 for Owl Cottage, Squirrel Cottage and Mallard Cottage so that Owl Cottage can be used for unrestricted residential use. The other 2no. cottages remain as holiday lets.

In terms of heritage issues the variation of condition has little or no impact in itself. However, the alteration and extension of Owl Cottage is the subject of a separate application and specific comments relating to this are set out under 20/1808/FUL.

PLANNING HISTORY

Reference	Description	Decision	Date
99/P0774	Adapt One Holiday Let Into Two Lets, convert Garage To Office & New Garage/store & Holiday Let	Approval with conditions	03.06.1999
20/1808/FUL	New driveway, construction of single and two storey extensions to dwelling and enlargement of parking area and garden	Pending Decision	

POLICIES

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

Strategy 33 (Promotion of Tourism in East Devon)

D1 (Design and Local Distinctiveness)

EN9 (Development Affecting a Designated Heritage Asset)

EN21 (River and Coastal Flooding)

TC2 (Accessibility of New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

Treaslake Farm is located on the eastern fringe of Buckerell with open countryside to its north and south and neighbouring residential properties on both sides. The site has been developed over the years to include a number of holiday lets through conversion or new build. The host property is a grade II listed farmhouse with stone walls and a thatched roof and is where the applicants currently live. This application principally relates to one of the detached new-build properties, Owl Cottage, which is situated to the south of the main group of buildings.

In addition to Owl Cottage there are a further six cottages, all of which are currently let as holiday accommodation. However, only four out of the total of seven holiday lets are subject a planning condition restricting their use. The remainder could be occupied as independent dwellings, although the status of Badger Cottage is uncertain because neither planning permission nor listed building consent have been granted and no evidence has been provided that the use is lawful.

Owl Cottage is a detached two storey building which comprises four garages on the ground floor and a two-bed holiday let on the first floor, accessed via an external staircase. The walls are rendered and the roof is slate covered. The planning permission restricting the occupation of this cottage to holiday use also restricts Squirrel Cottage and Mallard Cottage.

There is a stream running through the grounds which gives rise to a risk of flooding at the western edge of the site.

Proposal

Planning permission is sought for Owl Cottage to be occupied as an unrestricted dwelling by way of removal of the holiday use condition. It is intended by the applicant that the other two holiday lets that are subject to the same planning permission would continue to be restricted.

Currently occupation of these three holiday lets is limited by the following condition on planning permission 99/P0774:

The accommodation hereby permitted shall not be occupied by any one person, family or group for more than four successive weeks.
(Reason - To ensure that the accommodation remains available for holiday letting purposes and is not used permanently for residential purposes).

It should be noted that although the original description of the proposal would not change if this application is approved, namely "Adapt One Holiday Let Into Two Lets, convert Garage To Office & New Garage/store & Holiday Let", the reference to use as a 'Holiday let' in the description would not be binding in the absence of a condition reinforcing it.

ANALYSIS

In the absence of a Neighbourhood Plan and in view of the lack of a Local Plan policy resisting the loss of holiday accommodation outside of the main resorts, the main issue in the determination of the application is whether the location of the building is consistent with the strategies and policies in the development plan regarding the location of residential development.

Location

Strategy 7 of the Local Plan states that development in the countryside will only be permitted where it is in accordance with another policy of the Local Plan that explicitly permits such development.

There are policies in the Local Plan that potentially permit residential development in the countryside to meet specific needs or in specific circumstances but the proposal does not satisfy any of the requirements relating to affordable housing (Strategy 35), community led development (Strategy 27), housing for a rural worker (Policy H4) or the conversion of country houses to flats (Policy H3).

Policy D8 of the Local Plan supports the conversion of redundant buildings outside of settlements to dwellings provided that certain criteria are satisfied, including that the building is no longer required for agriculture or diversification purposes; that the proposal will enhance its setting; and that accessible services and facilities for residents are located close by.

In this case, the building was originally constructed as a holiday let (and garages) and has never been used or required for agricultural or agricultural diversification purposes. The building and its setting would be unaltered by the proposal, albeit a more permanent residential use might give rise to more impact on its immediate setting through domestic paraphernalia associated with such use. Although some redecoration and repair to the exterior of the building is required, this is routine maintenance which would be necessary regardless of the outcome of this application.

With regard to the facilities and services for future occupants, the site is just over 1 mile from Weston and 2-3 miles from Honiton, Awliscombe and Feniton. Between them these settlements provide a full range of amenities but to reach them most journeys would be undertaken by car owing to the distance and the lack of safe walking routes or a regular bus service. Consequently the site is not considered to be located close to a range of accessible services and facilities to meet the everyday needs of residents, as required by Policy D8.

Owing to the lack of any enhancement to the setting of the building and because the occupants would be car dependent, the use of the building as an unrestricted dwelling

conflicts with Policy D8, as well as Policy TC2 which requires development to be located where it would minimise the need to travel by car. This conclusion is consistent with paragraph 103 of the NPPF which says that opportunities to maximise sustainable transport solutions vary between urban and rural areas.

Notwithstanding this, it is acknowledged that there are already vehicle movements associated with the holiday use. However, the impacts of vehicle movements by tourists are to some degree offset by the substantial benefits to the local economy they bring. The same benefits do not arise from permanent residents and approving dwellings in car-dependent locations denies occupants the opportunity to live their daily lives in a sustainable and healthy manner where they can benefit from active travel.

In view of these considerations the application is considered to be contrary to the policies of the development plan and does not find support in the NPPF.

Other material considerations

The applicant's arguments in support of the application are mainly focussed on two areas. The first is the viability of the business and the second is the wording of the extant condition.

Dealing first with viability, the applicant has provided the following information:

- Owl Cottage is redundant and in no way contributes to the tourism use of Treaslake Farm and, instead, harms the overall viability of the business.
- It consistently attracts lower bookings compared with the other holiday cottages. [See occupancy data below.]
- It is poorly located near the car park/ site traffic
- It has challenging access due to steep external stairs up to the front door. [These are described as "wide and safe" on the applicant's website.]
- It is in need of substantial building investment. [The applicants estimate this would cost £90,650 for a comprehensive package of internal and external works.]
- Its removal would support the on-going viability of the tourism business.
- The loss of Owl Cottage as a holiday let would have a negligible impact on the supply of tourist accommodation in East Devon.
- Sufficient privacy will continue to be provided for residents of the dwelling and visitors to the holiday accommodation.
- No external alterations are being proposed to the building or its curtilage. [There is a concurrent application for alterations and extensions to the building, reference 20/1808/FUL.]

It is understood that the first units of holiday accommodation were provided by former owners of the site in the 1970s and units were added in the 1980s and 1990s. The business went bankrupt in around 2012 and it was bought from the receivers by the current applicants in 2014. Since then they have invested heavily in refurbishing the units, rebranding and promoting the accommodation. This has resulted in year on year growth but the applicants consider that the market saturation of holiday units has made this very challenging as competition is multiplying. In their view, in today's competitive marketplace Treaslake Farm cannot sustain seven cottages on an economic basis. It is their view that with a reduction from seven holiday cottages to six, the business would still continue double digit growth without reaching full occupancy because there is minimal demand from guests for 2 bed/4 guest accommodation.

In support of their case the following occupancy data has been provided:

	2019	2018	2017	2016	2015
Occupancy of Owl Cottage	23%	25%	26%	16%	6%
Occupancy of the other 6 cottages	38%	35%	35%	18%	8%
DIFFERENCE	-16%	-10%	-9%	-2%	-2%

Financial information has also been provided which shows that the business has been loss making for the last five years, although losses are reducing. In part the improving situation is owing to growth in bookings and reduced ongoing maintenance costs following the initial investment. An attempt has also been made to assess the profitability of Owl Cottage as a standalone unit. If this assessment is accurate then an increasing proportion of the losses made in the overall business can be attributed to Owl Cottage - as much as 95% in 2019.

Having regard to all of this information it is not clear whether the continued operation of Owl Cottage as a holiday let would prevent the business from being profitable. However, the applicants have made a reasonable case for rationalising the business and focussing on the most profitable elements. Commercially this is a sensible decision but from a planning perspective it also increases the likelihood that the other holiday units will continue to be available, thereby meeting demand for holiday accommodation in the area and contributing to the tourism economy. Overall this weighs in favour of the proposal.

Moving onto the second aspect of the applicant's case, the wording of the extant condition, they argue that it does not meet all of the six tests set out in the NPPF and therefore it should be removed. Its main weakness, it is argued, is its enforceability. As a reminder, the condition says:

"The accommodation hereby approved shall not be occupied by any one person, family or group for more than four successive weeks."

The ordinary meaning of 'occupied' is that the building is being used by someone. Arguably, if the building is being used as a permanent dwelling then it is occupied

regardless of whether or not the occupant is inside the building. Consequently a person occupying the building but staying away every four weeks would still be in breach of the condition. Moreover this would be simple to detect by making repeated visits. For this reason the condition is considered to be enforceable. Nevertheless, a stay of up to 60 days is now considered reasonable to allow for extended summer holidays, for example, and this would be incorporated in any revised condition.

Other matters

Owl Cottage, by virtue of its separation from the other accommodation is capable of being occupied independently while maintaining the privacy of all occupants. Although there is a shared access, this is a common arrangement where farm buildings have been converted to dwellings and does not give rise to privacy concerns.

The building is not at risk of flooding but the access crosses the flood zone. However, as this is an existing arrangement and the building is already occupied, it is not a reason to refuse permission. Moreover, a permanent resident is likely to be more aware of the risk and better able to respond to it.

The proposal would have a neutral impact on the setting of the listed farmhouse.

The planning condition in question also controls the occupation of Squirrel and Mallard Cottages, which are attached to the main farmhouse. The applicant is not seeking to remove the condition from these cottages and has not provided any information that would justify that outcome. Furthermore, these cottages are less suited to independent occupation owing to their close proximity to the farmhouse, their limited privacy and limited amenity space. Consequently it is reasonable to continue to restrict the occupation of these cottages and to do so using the modern form of condition, ensuring that the owners or occupiers of Treaslake Farm manage the accommodation in the interests of their own privacy and amenity.

CONCLUSION

The authority regularly considers applications of this type but the circumstances are different in each case. A number of applications have been refused in the local area because of a lack of any material considerations that offset the location in the countryside. Like those applications, this site is not in a location where the occupants would benefit from opportunities for active travel when meeting their everyday needs. Even taking account of the fact that "opportunities to maximise sustainable transport solutions will vary between urban and rural areas" (para. 103 of the NPPF), this site has little to commend it in terms of accessibility. Unless there are material considerations that indicate otherwise, this conflict with the Local Plan means that planning permission should be refused.

Much like other applications, this application has been made on the basis that there are economic reasons for supporting the proposal which offset the conflict with the Local Plan. In this case the applicant has engaged positively with the Local Planning Authority to answer all queries and has provided comprehensive responses. It may be possible, in light of this information, to argue that the business is unlikely to fail if the application is refused but the applicant has made a convincing argument that it will be

better able to prosper if it is approved. This is a finely balanced judgement but the support in the Local Plan for tourism-related economic development tips the balance in favour of approval. No planning permission provides a guarantee of success but the improved chance created by approving this application offsets concerns about the location.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The land to which this planning permission relates is outlined in red on the site location plan (drawing number 1925VAR-slp) received on 21 August 2020.
(Reason - For the avoidance of doubt.)
2. The dwellings known as Squirrel Cottage and Mallard Cottage (identified on drawing number 1925-05) shall be used as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. Neither dwelling shall be occupied by the same person or persons for more than 60 consecutive days. These dwellings shall be managed by the owners or occupants of Treaslake Farm who shall maintain an up-to-date register of the names of all owners/occupiers of the these dwellings, and of their main home address, and shall make this information available at all reasonable times to the Local Planning Authority.
(Reason - To accord with development plan policies under which permanent residential accommodation would not normally be permitted on the site and to ensure that the owners or occupants of Treaslake Farm have control over the occupation of the holiday accommodation in the interests of privacy and amenity in accordance with Strategy 7 - Development in the Countryside and Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031 and the National Planning Policy Framework.)

Plans relating to this application:

1925-05	Existing Site Plan	21.08.20
1925VAR-SLP	Location Plan	21.08.20

List of Background Papers

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

Ward Sidmouth Town

Reference 20/0652/FUL

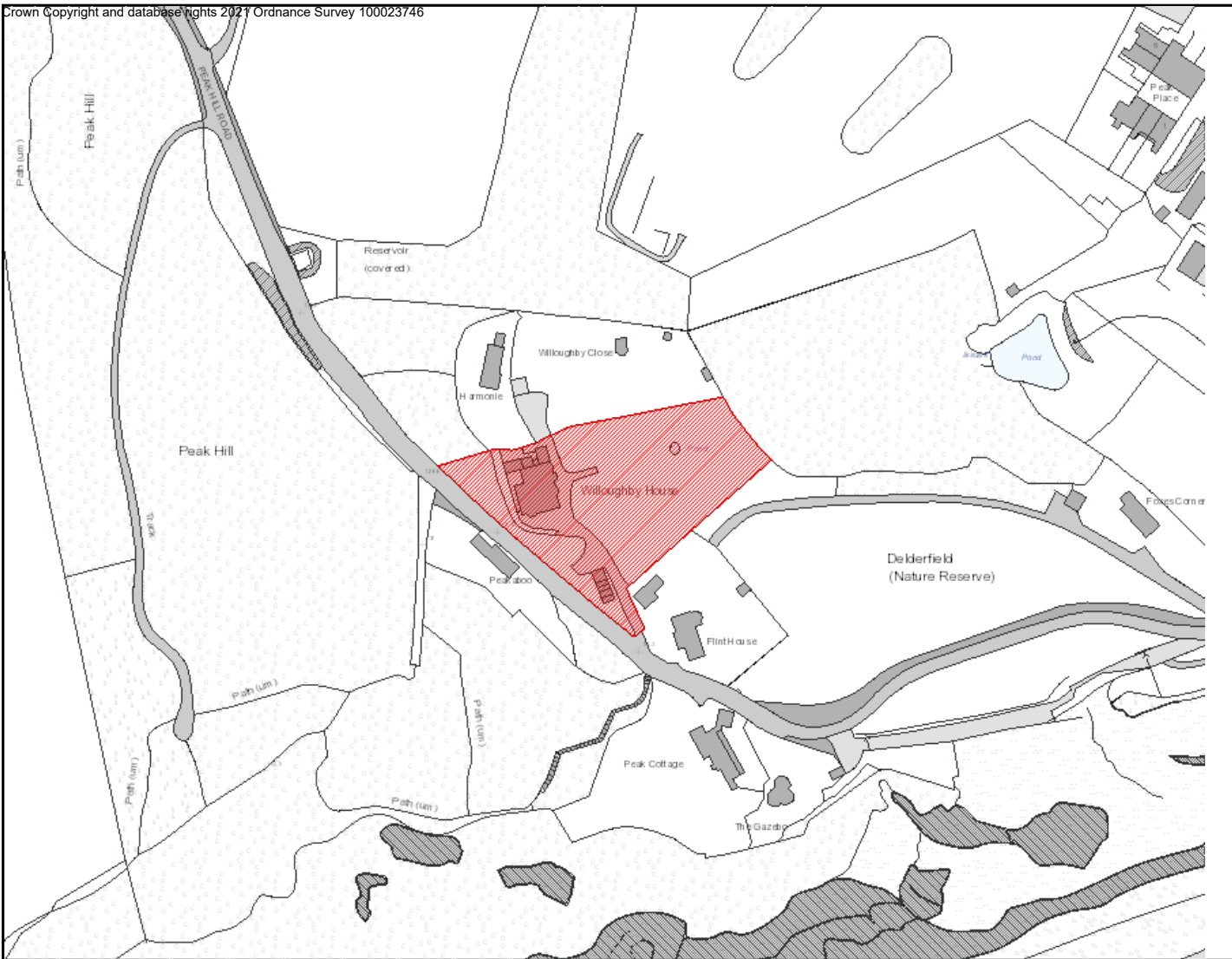
Applicant Lily and Violeta Lunan

Location 6 Willoughby House Peak Hill Road Sidmouth EX10 0NW

Proposal Proposed Terrace, Access bridge and balustrade. Alteration and new Door and new rooflights to north elevation.



RECOMMENDATION: Approval with conditions



UPDATE REPORT

		Committee Date: 10 th February 2021
Sidmouth Town (Sidmouth)	20/0652/FUL	Target Date: 27.05.2020
Applicant:	Lily and Violeta Lunan	
Location:	6 Willoughby House Peak Hill Road	
Proposal:	Proposed Terrace, Access bridge and balustrade. Alteration and new Door and new rooflights to north elevation.	

RECOMMENDATION: Approval with conditions

UPDATE REPORT

This application was considered by the Planning Committee at its meeting of 9th September last year (Original Report attached) when it was resolved to defer determination for officers to negotiate the following:

1. Amendments to the design and appearance of the proposed balustrades/juliet balconies to the second floor level windows in the principal elevation of the building.
2. Modifications to the design and appearance of the balustrade along the front of the proposed roof terrace and the privacy screening to its other two sides together with an increase in the height of the latter.

Members were of the view that a more traditional design of balustrade was required in both cases and, in particular, that the wooden 'hit and miss' screening to the roof terrace should be substituted for a more sympathetic approach so as to appear more in keeping with the character and appearance of the building and the surrounding AONB.

It was also considered that an increase to the height of the privacy screening was necessary in order to ensure adequate levels of privacy for the neighbouring residents, more particularly those at Harmonie to the north of the site.

Revised details have therefore been submitted that show a more decorative design to the balustrade along the front of the roof terrace as well as the substitution of the timber screening for a 1.9 metre high wall incorporating a painted render finish to match that of the extension to the building beneath it.

However, it has emerged that the proposed clear glazed balustrades/juliet balconies to the second floor level windows in the principal elevation of the building were installed at some point either around the time of the Committee meeting or just prior to it. The applicants' agent has provided photographs of these in place and requested that this element of the development be left unchanged. In support of their retention, it is felt that these are unobtrusive and have a minimal impact upon the character and appearance of the building and area.

The submitted revised details have again been the subject of consultation with the town council, ward members and interested third parties in line with the Committee's instructions.

Objections to the proposals as amended are maintained by the town council, commenting Ward Member and the interested third parties. These are again set out below.

It will be noted that a number of these relate to the proposed bridge element of the proposals to which it is understood Members raised no objection. Equally, the resolution to defer to secure an increase in the height of the privacy screening to the roof terrace is assumed to have been made whilst factoring in to the overall balance of material considerations the impact upon the character and appearance of the building and site that would be likely to result from such a modification.

As such, notwithstanding the objections still held, it is considered that the submitted modifications largely meet the requirements expressly set out by the Committee following its original deliberations and, as such, are acceptable.

Equally, it is also accepted that the balustrades/juliet balconies on the principal elevation are sufficiently modest in terms of their visual impact and indeed result in no more than a very limited effect upon the building's character and appearance. It is thought therefore that objection to their retention in situ would be difficult to justify on visual grounds.

Approval is therefore recommended subject to a condition to ensure that the privacy screening for the proposed roof terrace is provided prior to use, and thereafter maintained in perpetuity, in line with the amended details.

CONSULTATIONS (Latest amended plans)

Local Consultations

Parish/Town Council

UNABLE TO SUPPORT - Members are still unable to support for the following reasons.

The development would have a harmful effect on the visual impact of the local area being part of the AONB and near the coastal path.

The development would conflict with Strategy 46 of the local plan.

The development would conflict with neighbourhood plan Policy 6 Infill Development, Extensions and Trees: Development should be designed so as not to adversely impact on the amenities of its neighbours.

East Devon Local Plan strategy 23.2 Flat conversions can often have undesirable effects such as external stairways etc. that can damage the character and amenity of the area.

Neighbourhood Plan Policy 7 Local Distinctiveness. Development proposals will be expected to have regard to the character of the immediate area reflecting the height, scale, massing, fenestration, materials, landscaping etc.

Sidmouth Town - Cllr Cathy Gardner

I have the following comments on the above application:

I note the concerns of the neighbour to Willoughby House about conflict with their electricity and phone connections due to the proposed work. It would be helpful, should permission be granted, for appropriate conditions to be applied.

Comments were made on the original application about the materials being proposed. The new application still uses a wide range of materials which will not improve the appearance or, nor be sympathetic to, the Victorian villa.

I still object to the application because of the continued risk of overlooking and ask that attention is paid to the finished height of the proposed privacy screen.

Further comments:

Whilst the applicants decision to proceed with the Juliet balconies without planning consent is to be condemned, I cannot see a reason to object to the application now as long as if it is approved with the increased screening condition. Privacy was the main concern for the neighbour.

Representations

Four representations of objection to the amended plans have been received.

Summary of Grounds of Objection

1. No attempt by the applicants to engage with neighbours on the amended plans which are materially different from the original proposals.
2. The visual impact of a solid 1900mm high wall on two sides will severely obstruct views and will also visually damage the appearance of the property as seen from the side and rear gardens and decking areas.
3. The sheer height and length of the wooden railings are visually dominating and unattractive and again will visually damage the appearance as seen from the side and rear gardens and decking areas.
4. The planned bridge off the flat roof, which goes over the back pathway and is in daily use, will severely restrict use of this pathway as the maximum height from the path to the flat roof is just 1830mm.
5. The intended access/exit to and from Flat 6 will be over the bridge, resulting in a loss of privacy to the house and gardens caused by foot traffic.
6. The terrace, walkway and bridge represent an unwelcome invasion of privacy.

7. With its dominating position the terrace would impact in an unneighbourly way upon amenity and living conditions with sight lines directly into the rooms and garden of the neighbouring property.
8. The proposed height of any screen should be increased from 1.75m to 2m.
9. The officer report fails to address the extent of the visual impact and the overlooking issue, the relocation of power and telephone lines, fire risks associated with exterior wood structures or the precarious bridge landing on the dangerous unfenced embankment above the high vertical retaining wall at the rear of the house.
10. Proposal is contrary to Local Plan Strategy 46.
11. Loss of communal amenity space to residents.
12. Privacy screen would give a top heavy, incongruous and lop-sided appearance to the building out of keeping with the current symmetry to the facade and east elevation; the heavier balustrade construction would also relate poorly to the building.
13. Amendments seek to address the concerns of one neighbour whilst adding significant further detriment to the building and the amenities of residents.
14. Allowing further cumulative harm to the building on the basis that it has already been compromised is not an acceptable reason for granting permission.

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 roof terrace hereby permitted shall not be brought into use until the 1.9 metre privacy screen wall shown on drawing nos. 278-4G and 278-5G has been constructed and finished in full. It shall thereafter be retained in perpetuity.
(Reason - In the interests of safeguarding the privacy and amenities of the occupiers of the neighbouring residential property Harmonie in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

278-3E	Proposed Plans	Combined	02.12.20
278-4G	Proposed Elevation		02.12.20
278-5G	Proposed Elevation		02.12.20
278-LOC	Location Plan		23.03.20

List of Background Papers

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

ORIGINAL REPORT

		Committee Date: 9 th September 2020
Sidmouth Town (Sidmouth)	20/0652/FUL	Target Date: 27.05.2020
Applicant:	Lily and Violeta Lunan	
Location:	6 Willoughby House Peak Hill Road	
Proposal:	Proposed Terrace, Access bridge and balustrade. Alteration and new Door and new roof lights to north elevation.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is brought before the Committee as the officer recommendation differs to the view of a ward member.

Willoughby House is a large and visually prominent building, sub-divided into six apartments, located on the higher slopes of Peak Hill within the countryside to the west of Sidmouth within the designated Area of Outstanding Natural Beauty (AONB) and Coastal Preservation Area (CPA). It features an attractive original three storey core with a particularly distinctive flint-faced principal east-facing elevation incorporating a pair of full height gables and two storey bays, featuring stone mullioned and transomed windows, with later less sympathetic single and two storey side extensions.

The application scheme proposes alterations to the building to create a privacy-screened roof terrace on part of the roof of the two storey northern extension for the occupants of one of the apartments at second floor level, along with a balustraded walkway and bridge to access a steeply sloping garden to the rear. Ancillary alterations, in the form of the installation of a pair of access doors to the terrace and walkway in the north elevation of the original building, are also proposed, together with further alterations involving the provision of a pair of Juliet balconies along second floor level windows in the principal elevation above the bay elements and the installation of a pair of roof lights in the north elevation to provide extra light to the living room and kitchen.

Whilst the concerns raised by the town council, ward member and interested third party are duly acknowledged, it is not considered that they amount to sustainable

grounds upon which to resist the proposals, which have since been amended through officer negotiation to increase the height of the proposed privacy screening to the roof terrace from 1.5 metres, as originally proposed, to 1.75 metres.

Although prominent in medium and longer distance views, the building is not readily visible within the public domain from critical close range view. As such, and given the extent to which its character and appearance have already been compromised by the extensions that have been added, it is not considered that this would be further detrimentally affected by the proposed development or that it would detract from the scenic or landscape qualities of the wider AONB or CPA.

Furthermore, it is thought that the negotiated revisions to the height of the roof terrace screening would protect the privacy of the neighbouring occupier(s) at Harmonie to a sufficient level that objection on the grounds of an adverse privacy/amenity impact could be reasonably justified. This is also considered to apply in relation to the other elements of the scheme, including the walkway and bridge, especially given the existing level of overlooking that is available from the garden and the narrow width of these parts of the scheme that could not reasonably facilitate any use other than for access purposes.

Approval is therefore recommended subject to a condition to ensure that the privacy screening for the proposed roof terrace is provided prior to use and thereafter maintained in perpetuity.

CONSULTATIONS

Local Consultations

Parish/Town Council (Original plans)

UNABLE TO SUPPORT

- o The development would have a harmful effect on the visual impact of the local area being part of the ANOB and near the coastal path.
- o The development would conflict with Strategy 46 of the local plan.
- o The development would conflict with neighbourhood plan Policy 6 Infill Development, Extensions and Trees: Development should be designed so as not to adversely impact on the amenities of its neighbours.

Parish/Town Council (Amended plans)

UNABLE TO SUPPORT

- o The development would have a harmful effect on the visual impact of the local area being part of the AONB and near the coastal path.
- o The development would conflict with Strategy 46 of the local plan.
- o The development would conflict with neighbourhood plan Policy 6 Infill Development, Extensions and Trees: Development should be designed so as not to adversely impact on the amenities of its neighbours.
- o East Devon Local Plan strategy 23.2 Flat conversions can often have undesirable effects such as external stairways etc. that can damage the character and amenity of the area.

o Neighbourhood Plan Policy 7 Local Distinctiveness. Development proposals will be expected to have regard to the character of the immediate area ... reflecting the height, scale, massing, fenestration, materials, landscaping etc.

Sidmouth Town - Cllr Cathy Gardner (Original plans; no comments received re. amended plans)

I wish to object to planning application 20/0652/FUL, Extension at flat 6 Willoughby House on the following grounds:

Overlooking with loss of privacy and amenity for neighbours.
Impact of proposals on the overall design and appearance of the building.

The additional of any windows into a previously blank wall should be resisted given the impact on sight lines that will result. The original extension did give regard to the potential impact on neighbours from overlooking. Any terrace at that elevation is also likely to have a detrimental impact. Careful consideration should be given to the impact on Harmonie, which may not be completely evident from the plans, due to the lie of the land and orientation of the properties.

Technical Consultations

EDDC Trees

I have no objection on arboricultural grounds.

Other Representations

Representations of objection have been received in relation to both the original and amended plans from the occupier of Harmonie. A 'neutral' representation has also been received from the Chairman of the management company of Willoughby House.

Summary of Grounds of Objection

1. Overlooking from proposed terrace and bridge causing loss of privacy and amenity to house and garden; to provide sufficient privacy, screens for the terrace and bridge would have to be solid and a minimum of 2 metres high.
2. Bridge and terrace will be visible from Peak Hill Road, raising security concerns and the risk of inviting criminal activity.
3. Extension is outside of permitted development boundary and is inconsistent with the character of the original Victorian villa.
4. Contrary to design principles set out in paragraphs 124, 127 and 128 of the NPPF, the preamble to Policy H3 at paragraph 23.3 of the Local Plan in relation to undesirable external staircases that can damage the area's character and amenity and Neighbourhood Plan Policies 6 (Infill Development, Extensions and Trees) and 7 (Local Distinction).

Summary of Other Comments

1. Two elements to approval process; planning, and grant of permission as freeholders in accordance with the terms of leases.
2. Permission would require leases to be redrawn as flat roof area over which development would be constructed would need to form part of the demised premises of flat 6 and the owners to take full responsibility for future repairs and maintenance.

3. Would wish to have the comfort of a structural survey to confirm that load bearing capacity of existing structure can viably support the proposed development and sound and vibration transmission can be appropriately mitigated.
4. Wish for a new covenant to be drawn up to govern the number of persons permitted onto the roof terrace at any time and to prevent barbeques, as per the existing lease arrangements.
5. Aesthetically, the proposed structure would benefit the property if the balustrade could be extended the entire length of the front elevation of the flat-roofed extension, possibly without extending the terrace so as to show the neighbours some consideration.
6. No objection provided that details of these stipulations can be provided for agreement and/or form conditions of planning permission.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 44 (Undeveloped Coast and Coastal Preservation Area)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

Made Sid Valley Neighbourhood Plan 2018-2032 Policies

1 (Sid Valley Development Principles)

6 (Infill Development, Extensions and Trees)

7 (Local Distinctiveness)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Relevant Planning History

There is no previous history relating to Willoughby House that is material to consideration of the current application proposals.

Site Location and Description

Willoughby House is a detached property, sub-divided into six apartments, that occupies an elevated hillside position on Peak Hill within the countryside to the west of the built-up area of Sidmouth. It is within the designated East Devon Area of Outstanding Beauty (AONB) and Coastal Preservation Area (CPA).

Along with a neighbouring residential property to the north, Harmonie, it is served by a shared private driveway off Peak Hill Road.

The building comprises an attractive original three storey core with rather unsympathetic later single and two storey additions to its south and north respectively. The original section features a pair of gable projections with two storey bays to either side of a centrally-positioned entrance porch to the east-facing principal elevation. This aspect of the building is of particularly well-proportioned and symmetrical appearance and incorporates elements of character and distinctiveness in the form of stone mullions and transoms and arched top lights to the ground and first floor level windows, including those on the bays, an arched entrance doorway in the porch with arch-headed window lights to either side under a gable feature with barge boards (which enhance what is otherwise a simple lean-to element) and projecting roof verges with barge boards with exposed purlins underneath the main slate roof.

The openings within the gables at second floor level are different to those below and appear to possibly be the result of more recent alterations. They are full height and contain glazed doors that provide access to the bay roofs.

However, this elevation belies the comparative ordinariness of the remainder of this part of the building, both architecturally and visually, together with the fact that the other three elevations are finished in face brick.

The additions to either side of the building represent a stark contrast, too, with elements such as flat roofs, painted roughcast render wall finishes, larger oblong windows with less sub-division and a lack of detailing of any visual or architectural interest.

Owing to its elevated position, the building is prominent in views from Peak Hill Road when ascending the hill from the town as well as from more distant views from other parts of the town such as the Esplanade and Salcombe Hill. From these the obviously taller three storey core and its flint wall finish tend to stand out visually from the mediocre extensions to either side.

The site is cut into the hillside, as evidenced by the fact that the building backs onto a steep landscaped bank that is almost two storeys in height, at the top of which is the site boundary with Peak Hill Road where it climbs/descends the steepest part of the hill through woodland.

The application proposal in this case relates to no. 6, the northern of the two apartments at second floor level, and the roof of the later two storey extension. This is itself formed in three distinct parts. The front section is squarer in section, and projects further from the side of the original part of the building, than the central and rear sections. Although both project off the side of the building by the same distance, the rear section incorporates a slightly higher roof and extends beyond the rear wall of the main building. Flights of steps provide access alongside this part of the building to the steep landscaped garden to the rear.

Proposed Development

The scheme involves four principal elements as follows:

1. The creation of a roof terrace on the front section of the flat roof of the northern two storey extension together with the construction of a glazed front balustrade and privacy screening around the other two sides and ancillary alterations to form a new door to provide access to the terrace from the living room within the apartment.
2. The construction of a timber balustraded walkway and bridge along and beyond the rear section of the same extension, again with ancillary alterations to enlarge an existing full height bedroom window to create a doorway, to provide a connecting walkway, at second floor level, between the flat and the rear garden. This is proposed to create more convenient access between the apartment and the garden.
3. The introduction of glazed juliet balconies across both of the second floor level windows/doors in the principal elevation. These are proposed to provide greater safety when the doors are open.
4. The installation of 2no roof lights in the north elevation of the roof over the northern gable to serve the kitchen and living room areas.

The details, which have been the subject of negotiation, show 1.75 metre high 'hit and miss' timber boarding to form the proposed privacy screen for the terrace along its northern and western sides. The glazed front balustrade would however be of a lower height of around 1.2 metres to enable retention of the widespread views of the town, coastline and valley that the site enjoys.

The timber balustrading to the walkway and bridge would be of a similar height, although not of 'hit and miss' design, as would the glazed Juliet balconies.

It is intended that the timber be left untreated throughout so as to 'silver' over time.

Considerations/Assessment

The principal issues that are material to consideration of the proposal, particularly in the light of the comments made by the town council, ward member and interested third party, relate to the impact of the proposed development upon the character and appearance of the building and the surrounding area and the impact upon the living conditions of the occupiers of the neighbouring property, Harmonie, mainly with regard to privacy.

Visual Impact

There is an acceptance that the introduction of timber screening and balustrading at an elevated level of the building has the potential to be visually damaging to its character and appearance, as well as that of the wider AONB and CPA, not least on account of the already elevated position of the site within the landscaped setting of the town.

However, it is considered that the level of impact in this case would be mitigated by a number of key factors.

First, in spite of the visual prominence of the building from certain vantage points, closer views that are available of the front elevation of the building from the public domain are limited to medium distance from Peak Hill Road and glimpses from Cotmaton Road. Whilst the very southern end of the course at Sidmouth Golf Club lies in closer proximity to the site than these, it cannot be considered to constitute a point of public vantage. As such, it is thought that the impact of the proposed development, in the form of all of the various elements, would be diminished.

Moreover, this is all the more so when considered alongside the fact that the treatment of the 'front' of the proposed roof terrace balustrading would comprise glazing of a lower height than the proposed timber screens to the side and rear which would only largely present a leading edge and be set back from the front of the terrace respectively.

Furthermore, the site is set down sufficiently below the level of the steepest section of Peak Hill Road and screened from it by a combination of a roadside bank and mature trees as to prevent the likelihood of the proposed terrace screening, walkway and bridge being readily visible to pedestrians. Indeed, any such limited glimpsed views that are available would clearly look down on to the development and would be seen in the context of the flat roofs of the northern extension to the building, which it is thought already appear visually incongruous alongside the original core of the building. In such circumstances therefore, it is felt that the development would not result in any additional harm to the character or appearance of either the building or the area.

The building is not listed as being of special architectural or historic interest or located within any designated conservation area. Indeed, the existing building has already been compromised to some extent by the addition of the side extensions which exhibit a largely unsympathetic form, character and appearance in relation to the original building and it is not thought that this would be further detrimentally impacted by the scheme.

Equally, while it is acknowledged that AONBs carry the highest level of protection in relation to scenic and landscape beauty, as conferred by the National Planning Policy Framework (NPPF) and reinforced by the provisions of Strategy 46 of the Local Plan, it is not considered that this would be unduly adversely affected as a result of the proposed development on account of the balance of the above material issues.

Impact upon Privacy

Turning to the impact upon the privacy of the occupier(s) of Harmonie, the scheme as originally submitted proposed timber privacy screening of a height of 1.5 metres along the northern and western sides of the roof terrace. However, this was considered by officers to be insufficient to prevent the potential for an overlooking impact upon terrace and garden within this property to be avoided. As such, the height of the screening was increased to 1.75 metres.

This height is now considered to be sufficient to prevent any such impact, more especially in view of the considerably elevated position of the proposed terrace in relation to the terrace and garden of Harmonie from which any views towards the

terrace would clearly be upwards, thereby accentuating the effectiveness of the proposed screening.

A height of 1.75 metres for the screening is also thought to be consistent when considered against the 'standard' of visibility at 1.7 metres height, without the need for obscuration or fixing, set out in the relevant provisions of the Town and Country Planning (General Permitted Development) Order in relation to the limitations and conditions placed upon the installation of side-facing windows above ground floor level. This is deemed sufficient to avoid any material impact upon neighbour privacy and amenity. As such therefore, screening of a height above this - as is proposed in this case - is felt to be equally acceptable.

While it is accepted that the lower height proposed for the front glazed balustrade could facilitate a degree of overlooking that could potentially result in some impact upon the privacy of the neighbouring occupiers, there are a couple of factors that it is thought should be weighed against this. First, the view that this balustrade would allow is essentially that of the town and coastline to the east and the Sid Valley and the 'tributary' valleys off of it to the north east. Secondly, in order to actively overlook the terrace and more neighbour sensitive part of the garden of Harmonie nearer to the property itself, it would be necessary to effectively look back, beyond ninety degrees, from the proposed terrace, which is less practical in reality.

The lower height of the proposed balustrading to the walkway and bridge is such that some overlooking of Harmonie would be unavoidable at such times as they are in use. However, as a matter of degree, it is not considered that the level of this impact would be materially harmful. Any person working in or otherwise enjoying the garden at present would have the benefit of an uninterrupted view of Harmonie and its garden. Whilst the proposed walkway and bridge could facilitate this to a greater extent, the likely reality is that the level of any such additional impact would not be so significant as to justify opposing the development on such grounds. The walkway and bridge would only be of a width that would allow for walking to and from the apartment and the garden and would not be designed for being used in the same way as the proposed roof terrace. Certainly, if they were, it is felt that there would be wholly justifiable overlooking/privacy concerns. However, since this is not intended or practical, it is not considered that these could reasonably be upheld.

Overall therefore, taking these factors into consideration, it is not thought that an objection on the grounds of an unacceptable overlooking/privacy impact upon the occupier(s) of Harmonie from the proposed development could be readily substantiated in the event of a refusal of permission on such grounds. In this regard, the same is also thought to apply in relation to the other elements of the scheme relating to the proposed Juliet balconies and roof lights.

Other Matters

Many of the stipulations made by the management company relate to matters that are largely beyond the remit of this application, such as the structural load bearing integrity of the existing flat-roofed extensions to accommodate the proposed screen, walkway and bridge and mitigation of vibration transmission, and cannot therefore be taken into

consideration in assessing the merits of the proposed development on Planning grounds.

In terms of the use(s) of the proposed roof terrace, there is no objection from a Planning perspective provided that it/they are for purposes related to the use and enjoyment of the apartment as such.

CONCLUSION

The application proposes change to the flat that will slightly alter the appearance of the building and have potential to overlook a neighbouring dwelling.

Whilst the creation of the balconies, privacy screens and introduction of larger door and rooflights will change the appearance of the building, this is not to an extent that will be harmful given that the building has already been extended in an unsympathetic way through the flat roofed side extensions.

The changes will be visible from mainly medium and longer views but are not in themselves harmful to the building or significant enough to cause harm to the wider area, AONB or Countryside Protection Area.

With regard to protecting privacy, the introduction of the privacy screen to the balcony area at 1.75m in height is sufficient to protect the amenity of the adjoining property, particularly in light of the existing mutual overlooking from the existing garden.

In light of the above the proposal is considered to be acceptable.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The roof terrace hereby permitted shall not be brought into use until the privacy screen (annotated '1750mm high hit and miss timber screen') shown on drawing nos. 278-4F and 278-5F has been constructed in full. It shall thereafter be retained in perpetuity.
(Reason - In the interests of safeguarding the privacy and amenities of the occupiers of the neighbouring residential property Harmonie in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

278-4F (amended)	Proposed Elevation	19.05.20
278-5F (amended)	Proposed Elevation	19.05.20
278-LOC	Location Plan	23.03.20
278-3D	Proposed Plans	Combined 23.03.20

List of Background Papers

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

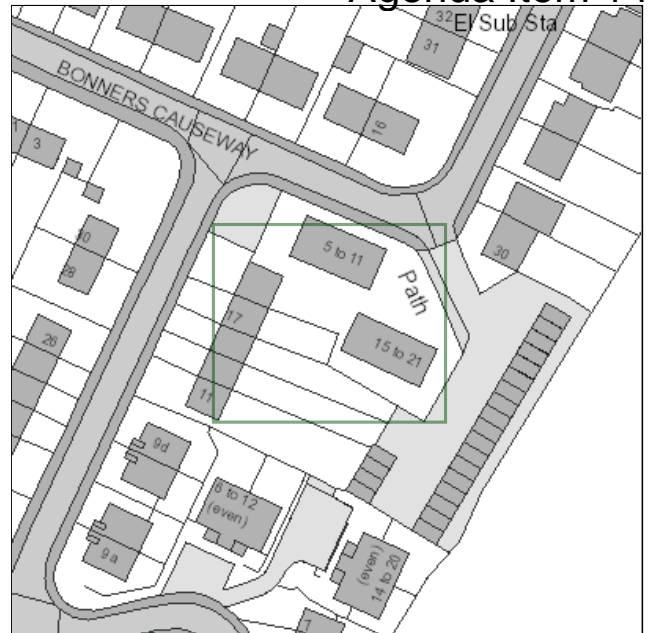
Ward Axminster

Reference 20/2171/FUL

Applicant Mr Allen

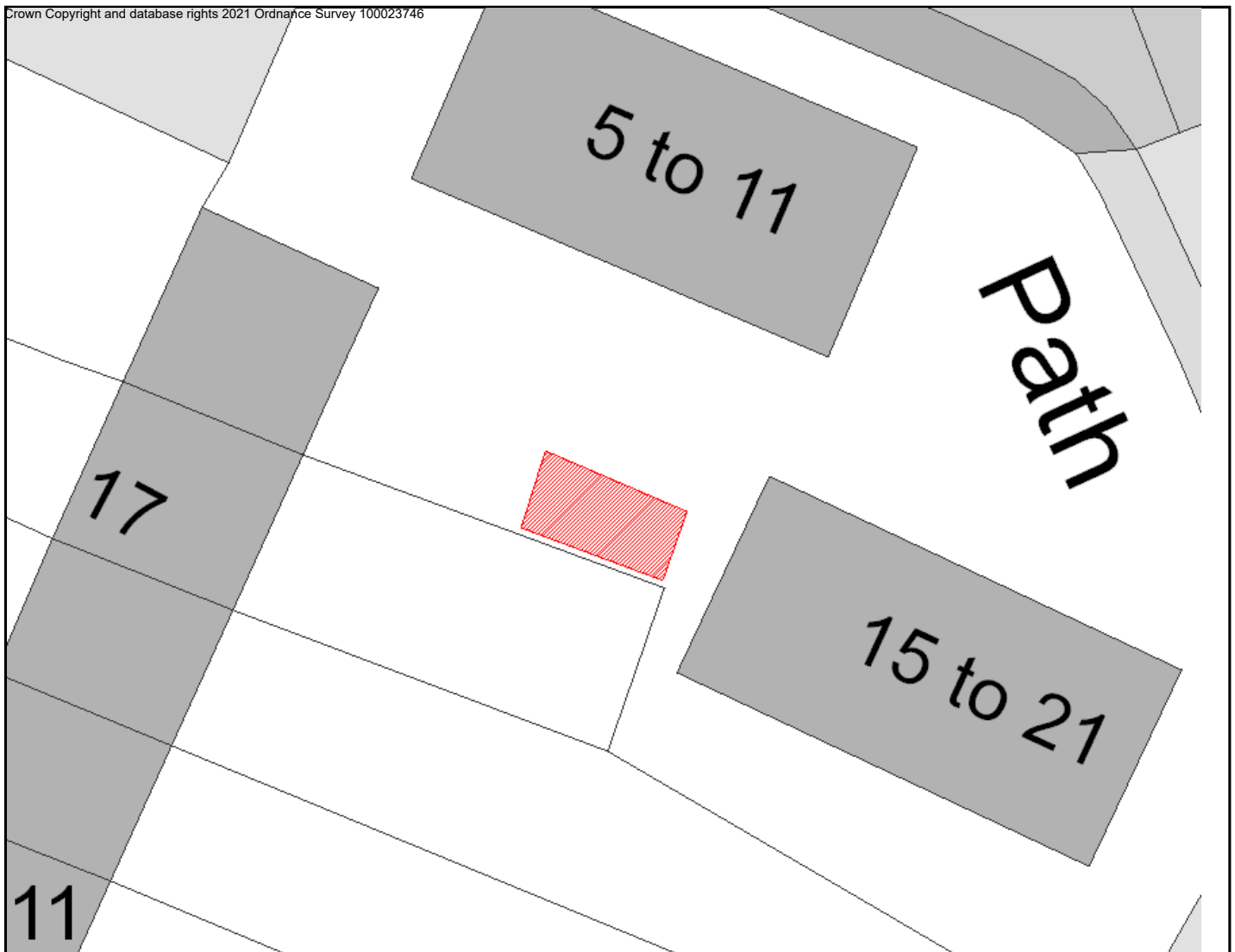
Location Bonners Causeway Axminster EX13 5EN

Proposal Formation of bin store



RECOMMENDATION: Approval

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		Committee Date: 10th February 2021
Axminster (Axminster)	20/2171/FUL	Target Date: 11.12.2020
Applicant:	Mr Allen (East Devon District Council)	
Location:	Bonnars Causeway Axminster	
Proposal:	Formation of bin store	

RECOMMENDATION: APPROVE

EXECUTIVE SUMMARY

The application is before Members as EDDC is the applicant and an objection to the proposal has been received.

The proposal seeks to provide a bin store to serve the 2 no. apartment blocks on the site. It is an alternative to that approved under application 19/1282/FUL. The revised location is to the rear of the northernmost block and would therefore be largely screened from public view.

The application has been amended to seek to address the concerns of a neighbouring resident and the Council's Environmental Health Officer. The amended location has overcome the concerns of the Environmental Health Officer and is now considered to be acceptable and to provide appropriate separation from the boundary with the neighbouring property.

In all other respects, including design, the proposal is considered to be acceptable and is recommended for approval.

CONSULTATIONS

Local Consultations

Axminster - Cllr Andrew Moulding

I recommend that this application is approved

Axminster - Cllr Ian Hall

I recommend approval

Axminster - Cllr Sarah Jackson

I support approval, noting that the applicant is the local authority on which I serve as a ward member.

Parish/Town Council

AXMINSTER TOWN COUNCIL SUPPORTS THIS APPLICATION

Technical Consultations

Environmental Health

The newly submitted plan detailing the distance from the rear boundary to bin store of 1300mm has addressed EH concerns over odour and pest issues. Taking this new plan into consideration I have no objections to the proposal.

Other Representations

1 representation received raising objection to the proposal on the following grounds:

- Concern raised regarding location of the store in relation to neighbouring garden and potential for smell and vermin issues.

PLANNING HISTORY

Reference	Description	Decision	Date
19/1282/FUL	Construction of bin store	Approved	09.08.2019

POLICIES

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

Strategy 20 (Development at Axminster)

D1 (Design and Local Distinctiveness)

EN14 (Control of Pollution)

Government Planning Documents

National Planning Practice Guidance

NPPF (National Planning Policy Framework 2019)

Site Location and Description

The application site relates to land at Bonners Causeway which forms part of large residential estate to the northeast of the town centre. There are 2 no. two storey, EDDC owned apartment blocks on the site, each containing 4 no. apartments. The blocks are arranged in a staggered form with the southwestern block set back in the site. To the southwest of the apartment blocks is an area of garaging set at a higher level, this is accessed via an existing access from Bonner's Causeway. The proposal site is to the

northwest side of the more southerly block and to the rear south of the other, it borders the private garden area of No. 17 Bonner's Drive.

Proposed development

Permission is sought for the construction of a bin store. The store would be constructed and clad in timber and would provide communal general waste storage and shelving for individual recycling boxes. The store is proposed to be located on a concrete pad to be constructed to the northwest side of the block containing nos. 15-21. A new concrete path would lead from the store to an existing path that links the block with the public highway to the north.

ANALYSIS

It is considered that the main issues in the determination of the application are:

- Impact on the character and appearance of the area
- Impact on residential amenity

Impact on the character and amenity of the area

The proposed store would be located to the rear of the more northerly of the two accommodation blocks and would, as a result, be largely screened from public view. In this regard it would have a reduced impact over the store previously approved on the site frontage under application 19/1282/FUL. The proposal would also be seen in close relation to the existing buildings on site and in close proximity to existing sheds on adjoining land to the south. There is no objection to the design of the proposed store and it is considered to be compliant in this respect with the requirements of policy D1 of the Local Plan.

Impact upon residential amenity

In terms of protecting residential amenity, Policy D1 requires that development does not adversely affect the amenity of occupiers of adjoining properties. The nature of the store use is such that it has the potential to give rise to odour impacts and potentially noise associated with its use. Policy EN14 seeks to control pollution including from odour and noise impacts.

The Environmental Health Officer raised objection to the original siting of the store, which was immediately on the boundary with the garden of neighbouring property (17 Bonners Drive). The occupier of this property has also objected to the proposal on this basis and the potential for the bin store to attract vermin.

As a result of the comments received, the location and orientation of the bin store has been amended with the store now moved 1.3 metres off the boundary with the neighbouring property. The Environmental Health Officer has advised that this separation distance is sufficient to overcome their previous concerns. It should also be noted that refuse and waste recycling would arise from the residential flats regardless of the application which merely seeks to provide a central storage area for

residents. It is also relevant that the bin store will house bins and containers to ensure that any waste is not left out in the open to minimise any impacts.

The location will not impact upon an adjoining tree, although this tree is of limited value.

On the basis of the amended plans the proposal is considered to be acceptable and is recommended for approval.

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 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:

BINSTORE 17-1	Proposed Elevation	07.10.20
BINSTORE 17-2 rev B	Proposed Site Plan	24.12.20
	Location Plan	14.01.21

List of Background Papers

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