

**Agenda for consultative meeting of the  
Planning Committee  
Wednesday, 15th December, 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,  
R Lawrence, 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 zoom

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

(or group number 01395 517546)

Issued: Thursday, 2 December 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/UCmNHQruge3LV4hcgRnbwBw>

**[Speaking on planning applications](#)**

In order to speak on an application being considered by the Planning 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 \*\*\* up until 12 noon on Thursday \*\*\* by leaving a message on 01395 517525 or emailing [planningpublicspeaking@eastdevon.gov.uk](mailto: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](mailto: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.

Between 8<sup>th</sup> December 2021 to 11<sup>th</sup> May 2022, the Council has delegated much of the decision making to officers. Any officer decisions arising from recommendations from this consultative meeting will be published on the webpage for this meeting in due course. All meetings held can be found via the [Browse Meetings](#) webpage.

#### 1 **Speakers' list and revised running order of applications** (Pages 4 - 5)

The speakers' list has been removed.

#### 2 **Minutes of the previous meeting** (Pages 6 - 9)

Minutes of the consultative meeting of the Planning Committee meeting held on 24 November 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 10 - 20)

Update from the Development Manager

**Applications for Determination (If required there will be a break at approximately 1pm)**

- 8 **21/1723/MRES (Major) SIDMOUTH RURAL** (Pages 21 - 46)  
Land East of Two Bridges, Two Bridges Road, Sidford.
- 9 **21/1516/MRES (Major) WOODBURY & LYMPSTONE** (Pages 47 - 66)  
Goodmores Farm, Hulham Road, Exmouth, EX8 5BA.
- 10 **21/0649/FUL (Minor) SEATON** (Pages 67 - 91)  
Axe Valley Mini Travel/Sureware, 26 Harbour Road, Seaton, EX12 2NA.
- 11 **21/0019/FUL (Minor) TALE VALE** (Pages 92 - 113)  
Colestocks Farm Cottage, Colestocks, Honiton, EX14 3JR.
- 12 **21/0768/FUL (Minor) AXMINSTER** (Pages 114 - 124)  
Old Public Toilets, Castle Street, Axminster.
- 13 **21/1585/FUL (Minor) AXMINSTER** (Pages 125 - 137)  
Fawnsmoor Farm, Lyme Road, Axminster, EX13 5SW.
- 14 **21/2240/RES (Minor) SIDMOUTH SIDFORD** (Pages 138 - 148)  
Land adjoining 77 Alexandria Road, Sidmouth.
- 15 **21/2522/FUL (Minor) DUNKESWELL & OTTERHEAD** (Pages 149 - 161)  
Quantock, Stockland, Honiton, EX14 9DX.

**Please note:**

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

[Decision making and equalities](#)

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

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**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Planning Committee held online via zoom on 24 November 2021****Attendance list at end of document**

The meeting started at 10.00 am and ended at 12.30 pm

In the absence of the Vice Chair, Councillor Sarah Chamberlain the Committee agreed to Councillor Olly Davey being Vice Chair.

**66 Minutes of the previous meeting**

Members were happy to accept the minutes of the consultative Planning Committee held on 27 October 2021.

**67 Declarations of interest**

Minute 71. 20/2427/FUL (Minor) BEER & BRANSCOMBE.  
Councillor Geoff Pook, Personal, Known to the architects and work with them on other community and personal schemes.

Minute 73. 21/1560/FUL (Minor) WOODBURY & LYMPSTONE.  
Councillor Philip Skinner, Personal, Known to the applicants.

Minute 73. 21/1560/FUL (Minor) WOODBURY & LYMPSTONE.  
Councillor Richard Lawrence, Personal, Known to the applicants.

**68 Planning appeal statistics**

Members noted the planning appeal statistics report that set out five appeal decision notices, of which three had been dismissed and two allowed.

The Development Manager drew Members' attention to the two appeal decisions allowed. The first one related to Green Acres which had previously been reported to Members at the last meeting and the second related to application 20/2461/FUL – The Dairy Barn, Combehayes Farm, Honiton. The Inspector had disagreed with Members' concerns about the need for the building and also determined the use of the existing building as Airbnb would not have any significant effect on the landscape and scenic beauty of the AONB.

**69 21/2219/VAR (Major) SEATON****Applicant:**

Tesco Stores Ltd.

**Location:**

Tesco Stores Ltd., Swan Road, Seaton, EX12 2US.

**Proposal:**

Variation of Condition 17 (operating hours) of planning permission 09/0019/MFUL (erection of retail store (5,996 sq m gross) with petrol filling station, other retail units (633

sq m gross) with assorted car parking, pedestrian and vehicular access and landscaping to allow store servicing, deliveries and associated activities from 5am (instead of 7am) Monday to Saturday.

**RECOMMENDATION:**

Of approval as per officer recommendation.

70 **21/1966/FUL (Minor) SIDMOUTH SIDFORD**

**Applicant:**

Dr E Morris.

**Location:**

Upalong, Elm Way, Sidford, Sidmouth, EX10 9SY.

**Proposal:**

Demolish existing dwelling and erection of new dwelling.

**RECOMMENDATION:**

Of approval as per officer recommendation.

71 **20/2427/FUL (Minor) BEER & BRANSCOMBE**

**Applicant:**

Mr Ian Styles.

**Location:**

Seddul Bahr, Barline, Beer, Seaton, EX12 3LS.

**Proposal:**

New three bedroom dwelling.

**RECOMMENDATION:**

Of approval contrary to officer recommendation. Conditions delegated to officers in consultation with the Chair of Planning Committee and the Ward Member.

Members considered that the proposal was of an appropriate design and that the development was not out of character with the area and therefore accords with Policies D1 of the Local Plan and HBE2 of the Beer Neighbourhood Plan.

72 **21/1690/FUL (Minor) AXMINSTER**

**Applicant:**

Sadie Hardiman.

**Location:**

Steepyfields, Cooks Lane, Axminster, EX13 5SQ.

**Proposal:**

Construction of detached building (retrospective) and use of main dwelling with original dwelling to be used as an annexe.

**RECOMMENDATION:**

Of approval as per officer recommendation.

73 **21/2036/FUL (Minor) DUNKESWELL & OTTERHEAD**

**Applicant:**

Mr James Healy.

**Location:**

Titford Hold, Awliscombe, Honiton, Honiton, EX14 3PS.

**Proposal:**

The retention and modification of vehicular access comprising removal of gravelled track, bollard lights and gate and replacement by wooden gate, stone track together with landscaping proposals including new Devon bank and wildflower meadow.

**RECOMMENDATION:**

Of approval contrary to officer recommendation. Conditions delegated to officers in consultation with the Chair of Planning Committee and Ward Members.

Members considered that the proposal was of an appropriate design that was not harmful to the landscape character and quality of the AONB therefore according with Strategy 46 of the Local Plan.

74 **21/1560/FUL (Minor) WOODBURY & LYMPSTONE**

**Applicant:**

Mr and Mrs Richard House

**Proposal:**

Atlantis, Sowden Lane, Exmouth, EX8 5AD.

**Proposal:**

Rebuild of barn to approved conversion under application 18/0478/FUL (part retrospective).

**RECOMMENDATION:**

Of approval as per officer recommendation.

75 **21/2654/FUL (Minor) SIDMOUTH SIDFORD**

**Applicant:**

Nick and Jackie Pratt.

**Location:**

6 Stevens Lane, Sidmouth, EX10 9UL.

**Proposal:**

Construction of single storey rear extension.

**RECOMMENDATION:**

Of approval as per officer recommendation.

76 **21/2401/FUL (Minor) SIDMOUTH SIDFORD**

**Applicant:**

Mr and Mrs A Jarrett.

**Location:**

4 Ridgeway Mead, Sidmouth, EX10 9DT.

**Proposal:**

Replacement two storey detached garage.

**RECOMMENDATION:**

Of approval as per officer recommendation.

**Attendance List**

**Councillors present:**

E Wragg (Chair)

O Davey

B De Saram

S Gazzard

D Key

R Lawrence

G Pook

G Pratt

P Skinner

T Woodward

**Councillors also present (for some or all the meeting)**

G Jung

A Moulding

**Officers in attendance:**

Chris Rose, Development Manager

Shirley Shaw, Planning Barrister

Wendy Harris, Democratic Services Officer

Susan Howl, Democratic Services Manager

Nicola Cooper, Solicitor

**Councillor apologies:**

S Chamberlain

K Bloxham

C Brown

M Howe

J Whibley

C Wright

Chairman .....

Date: .....

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

Agenda Item 7

**Ref:** 20/2887/FUL                      **Date Received** 22.11.2021  
**Appellant:** Chris Hammett  
**Appeal Site:** Land Adjacent Harepath Hill Seaton EX12 2TF  
**Proposal:** Proposed agricultural storage building and associated works,  
including new access (resubmission of planning application  
19/1141/FUL)  
**Planning** APP/U1105/W/21/3287477  
**Inspectorate Ref:**

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**Ref:** 20/2701/FUL                      **Date Received** 29.11.2021  
**Appellant:** Mr Martin Jackson  
**Appeal Site:** 18 Hartley Road Exmouth EX8 2BQ  
**Proposal:** Construction of dwelling.  
**Planning** APP/U1105/W/21/3287929  
**Inspectorate Ref:**

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

**Ref:** 20/1497/FUL                      **Appeal Ref:** 21/00036/REF  
**Appellant:** Mrs Sasha Turner  
**Appeal Site:** 18 Victoria Road Exmouth EX8 1DL  
**Proposal:** Demolition of garage and erection of one bedroom dwelling  
**Decision:** **Appeal Dismissed**    **Date:** 02.11.2021  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, amenity and flooding reasons upheld  
(EDLP Policies D1 & EN21 and NP Policies EN1 & EB2)  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/21/3277883  
**Inspectorate Ref:**

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**Ref:** 21/2038/CPL                      **Appeal Ref:** 21/00052/REF  
**Appellant:** Mr Paul May  
**Appeal Site:** 1 Woolbrook Rise Sidmouth EX10 9UB  
**Proposal:** Single storey rear and side extension  
**Decision:** **Appeal Dismissed**    **Date:** 05.11.2021  
**Procedure:** Written representations  
**Remarks:** The Inspector agreed with the Council that the proposal was  
not classed as permitted development.  
**BVPI 204:** **No**  
**Planning** APP/U1105/X/21/3281313  
**Inspectorate Ref:**

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**Ref:** 21/0674/FUL                      **Appeal Ref:** 21/00049/HH  
**Appellant:** Richard & Maria Hazell  
**Appeal Site:** Tale Head Cottage Payhembury Honiton EX14 3HL  
**Proposal:** Construction of gazebo (retrospective)  
**Decision:** **Appeal Dismissed**    **Date:** 09.11.2021  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, listed building conservation reasons  
upheld (EDLP Policies EN8 & EN9)  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/D/21/3280259  
**Inspectorate Ref:**

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**Ref:** 20/1582/FUL **Appeal Ref:** 21/00039/REF  
**Appellant:** Wyatt  
**Appeal Site:** Barns At Higher Hawkerland Farm Sidmouth Road  
Aylesbeare Exeter EX5 2JW  
**Proposal:** Change of use and subdivision of Barns 1 and 2 and part of  
Barn 3 from agricultural use to form 10no. storage and  
distribution units (Use Class B8  
**Decision:** **Appeal Allowed** **Date:** 16.11.2021  
**(with conditions)**  
**Procedure:** Written representations  
**Remarks:** Officer recommendation to refuse, Committee refusal,  
amenity and pollution reasons overruled (EDLP Policies D1,  
D8, E4, E5 & EN14 and Strategy7). Application for a full  
award of costs against the Council refused.  
The Inspector acknowledged that the traffic movements are to  
some extent dependent on the type of tenant. However, he  
considered that the size and rural location of the units, the  
experience of the site operating with the tenants that have  
located to the site, together with restrictions on hours of  
access, would provide sufficient control to ensure that the  
activities operated in a way that would not unduly affect the  
living conditions of local residents, particularly in relation to  
any noise disturbance.  
The Inspector concluded that the volume and character of the  
traffic generated by the development would not cause undue  
harm to the living conditions of the occupants of local  
accommodation. Accordingly, the scheme complies with  
Strategy 7, Policies D1, D8, EN14, E4 and E5 of the East  
Devon Local Plan 2013-2031 which allows, amongst other  
things, small scale economic development in rural areas  
provided that it has no detrimental impact upon the amenities  
of neighbouring properties.  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/21/3278488  
**Inspectorate Ref:**

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**Ref:** 15/F0020 **Appeal Ref:** 20/00016/ENFAPP  
**Appellant:** Ms Charmaine Lee  
**Appeal Site:** Hawkwell Park Wareham Road 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.  
**Decision:** **Appeal Dismissed** **Date:** 17.11.2021  
**Procedure:** Inquiry  
**Remarks:** Enforcement Notice varied and upheld.  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/C/20/3248557  
**Inspectorate Ref:**

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**Ref:** 21/1125/OUT **Appeal Ref:** 21/00047/REF  
**Appellant:** Mr Chris Rudge  
**Appeal Site:** The Old School Clyst Honiton Exeter EX5 2LZ  
**Proposal:** Proposed dwelling (Outline application with all matters reserved)  
**Decision:** **Appeal Allowed** **Date:** 18.11.2021  
**(with conditions)**  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, countryside protection and accessibility reasons overruled (EDLP Strategies 7 & 27).

The Inspector acknowledged that Clyst Honiton is not a named settlement identified in Strategy 27 of the Local Plan. The site lies in the countryside for planning purposes and the provision of a new dwelling in such a location would not comply with the criteria set out in Strategy 7 of the Local Plan. Consequently, the principle of a dwelling on this site is not policy compliant and the scheme would not comply with the development plan when taken as a whole.

He considered that that the general approach of the development plan to direct development to the larger settlements and then smaller towns and larger villages is Framework compliant, because it directs new residents to the most sustainable locations. However the policy approach does not appear to enable for development in smaller villages or other locations where development could help sustain rural communities in accordance with the Framework policy approach. As a consequence, he considered that there is some material degree of inconsistency between the Framework and Strategies 7 and 27 of the Local Plan.

Clyst Honiton is only a reasonably short distance from the urban edge of Exeter and the fairly nearby and growing settlement of Cranbrook. These settlements provide a wide range of services and facilities. There appear to be safe walking and cycling routes to these settlements and bus stops on the main road which provided a frequent bus service. There are various employment sites in the locality, including the Exeter Airport Business Park and the Exeter Science Park, some of which appear to be expanding. The settlement itself has two public houses, a church and play area.

The Inspector concluded that bringing all these matters together, the scheme would conflict with Strategies 7 and 27 of the Local Plan. However, he found that in the circumstances of the appeal proposal that these policies should be considered out-of-date. With the location of the scheme within the settlement of Clyst Honiton and all the attributes of the location, those policies had limited weight.

**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/21/3279651  
**Inspectorate Ref:**

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**Ref:** 21/0795/FUL **Appeal Ref:** 21/00061/HH  
**Appellant:** Mr & Mrs Timmins  
**Appeal Site:** 8 Hillside Colyton EX24 6NW  
**Proposal:** Construction of two storey rear extension and single storey side extension. Insertion of first floor side window.  
**Decision:** **Appeal Dismissed** **Date:** 24.11.2021  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, amenity reasons upheld (EDLP Policy D1).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/D/21/3283710  
**Inspectorate Ref:**

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## 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

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**App.No:** 20/2710/FUL  
**Appeal Ref:** APP/U1105/W/21/3275285  
**Appellant:** Mr Coletti  
**Address:** 2 Brooklyn Stowford Sidmouth EX10 0NA  
**Proposal;** Change of use of land and construction of hardstanding to allow the siting of 2no. shepherd huts for holiday accommodation  
**Start Date:** 6 July 2021  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 13 July 2021  
**Statement Due Date:** 10 August 2021

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**App.No:** 20/1618/FUL  
**Appeal Ref:** APP/U1105/W/21/3276272  
**Appellant:** Mr Henry Slade  
**Address:** Land To West Of B3180 Between The Existing Houses Tetry And Panorama West Hill  
**Proposal;** Proposed new two storey dwelling  
**Start Date:** 6 July 2021  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 13 July 2021  
**Statement Due Date:** 10 August 2021

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**App.No:** 19/2710/MFUL  
**Appeal Ref:** APP/U1105/W/21/3276990  
**Appellant:** S Paull (Yourlife Management Services Ltd)  
**Address:** Site Of Redgate & Land At Tesco Salterton Road Exmouth  
**Proposal;** Erection of extra care/assisted living accommodation (Class C2) with communal facilities and car parking; erection of Class B1(b) or B1(c) accommodation (322 sqm employment floorspace) with associated car parking; development to be accessed from Salterton Road.

**Start Date:** 3 August 2021  
**Procedure:** Hearing

**Questionnaire Due Date:** 10 August 2021  
**Statement Due Date:** 7 September 2021  
**Hearing Date:** 6 January 2022

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**App.No:** 20/1115/COU  
**Appeal Ref:** APP/U1105/W/21/3277838  
**Appellant:** Mr Mark Perry  
**Address:** Building North Of Harbour Close Combyne  
**Proposal;** Proposed change of use of 1 no existing structure from agricultural to B1 and B2 use

**Start Date:** 17 August 2021  
**Procedure:** Written Reps.

**Questionnaire Due Date:** 31 August 2021  
**Statement Due Date:** 28 September 2021

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**App.No:** 21/F0029  
**Appeal Ref:** APP/U1105/C/21/3278461  
**Appellant:** Mr Mark Perry  
**Address:** Building North Of Harbour Close Combyne  
**Proposal;** Appeal against an enforcement notice served in respect of the unauthorised change of use of a building from agricultural to B1 and B2 use

**Start Date:** 17 August 2021  
**Procedure:** Written Reps.

**Questionnaire Due Date:** 31 August 2021  
**Statement Due Date:** 28 September 2021

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**App.No:** 21/0162/FUL  
**Appeal Ref:** APP/U1105/W/21/3279130  
**Appellant:** WIMS (UK) Ltd.  
**Address:** Land South Of Pump Field Close Dunkeswell  
**Proposal;** Construction of 1no affordable dwelling and associated works  
**Start Date:** 8 September 2021 **Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 15 September 2021  
**Statement Due Date:** 13 October 2021

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**App.No:** 21/0182/FUL  
**Appeal Ref:** APP/U1105/W/21/3279851  
**Appellant:** Mr and Ms J M and D Jones and Mayerova  
**Address:** 13 Park Way Exmouth EX8 3QG  
**Proposal;** Proposed detached dwelling  
**Start Date:** 17 September 2021 **Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 24 September 2021  
**Statement Due Date:** 22 October 2021

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**App.No:** 20/2789/FUL  
**Appeal Ref:** APP/U1105/W/21/3278600  
**Appellant:** John Lomax  
**Address:** Water Tower At Mount Pleasant Exmouth Road Aylesbeare  
**Proposal;** New storage building and demolition of existing water tower  
**Start Date:** 22 September 2021 **Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 29 September 2021  
**Statement Due Date:** 27 October 2021

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**App.No:** 21/0674/FUL  
**Appeal Ref:** APP/U1105/D/21/3280259  
**Appellant:** Richard & Maria Hazell  
**Address:** Tale Head Cottage Payhembury Honiton EX14 3HL  
**Proposal;** Construction of gazebo (retrospective)  
**Start Date:** 28 September 2021 **Procedure:**  
**Householder**  
**Questionnaire Due Date:** 3 October 2021

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**App.No:** 20/1939/LBC  
**Appeal Ref:** APP/U1105/Y/21/3279137  
**Appellant:** Mr Benjamin Tomlinson  
**Address:** Hillside Farm Harcombe Lyme Regis DT7 3RN  
**Proposal;** Proposed demolition of rear extension and construction of single and two storey rear/side extensions, raised terrace with steps and associated landscaping; alterations to the existing house including windows replacement and creation of new opening to kitchen, removal of current porch doors and replacement with windows; replacement of 9 no windows.  
**Start Date:** 29 September 2021  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 6 October 2021  
**Statement Due Date:** 3 November 2021

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**App.No:** 20/1801/FUL  
**Appeal Ref:** APP/U1105/W/21/3281230  
**Appellant:** Mrs A Golding  
**Address:** Edenvale Turf Courtlands Dulford Cullompton EX15 2EQ  
**Proposal;** Proposed replacement dwelling.  
**Start Date:** 7 October 2021  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 14 October 2021  
**Statement Due Date:** 11 November 2021

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**Ref.No:** 18/F0086  
**Appeal Ref:** APP/U1105/C/21/3283353  
**Appellant:** Darren Squires  
**Address:** Long Range Park, Whimple  
**Proposal;** Appeal against enforcement notice served in respect of caravan park homes being used as permanent residences (Nos 2,3,4,5,6,10 &12)  
**Start Date:** 18 October 2021  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 1 November 2021  
**Statement Due Date:** 29 November 2021

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**App.No:** 21/0795/FUL  
**Appeal Ref:** APP/U1105/D/21/3283710  
**Appellant:** Mr & Mrs Timmins  
**Address:** 8 Hillside Colyton EX24 6NW  
**Proposal;** Construction of two storey rear extension and single storey side extension. Insertion of first floor side window.  
**Start Date:** 21 October 2021  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 26 October 2021

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**App.No:** 20/0003/FUL  
**Appeal Ref:** APP/U1105/W/21/3281632  
**Appellant:** Mr Julian Gigg  
**Address:** Land North-West Of Littleton Villas Manor Crescent Honiton  
**Proposal;** Construction of timber shed.  
**Start Date:** 28 October 2021  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 4 November 2021  
**Statement Due Date:** 2 December 2021

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**App.No:** 20/2734/OUT  
**Appeal Ref:** APP/U1105/W/21/3282287  
**Appellant:** Mr P Sparks  
**Address:** Barn Close Kennels Combe Raleigh Honiton EX14 4SG  
**Proposal;** Demolition of existing kennel buildings and construction of 2no detached dwellings (outline application with all matters reserved)  
**Start Date:** 23 November 2021  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 30 November 2021  
**Statement Due Date:** 28 December 2021

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**App.No:** 20/0933/OUT  
**Appeal Ref:** APP/U1105/W/21/3282445  
**Appellant:** Mr & Mrs C Fayers  
**Address:** Land South Of Underhill Close Lymptone  
**Proposal;** Construction of predominately single storey dwelling with annexe accommodation (outline application with all matters except access reserved)  
**Start Date:** 23 November 2021  
**Procedure:** Written Reps.  
**Questionnaire Due Date:** 30 November 2021  
**Statement Due Date:** 28 December 2021

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**App.No:** 20/2481/FUL  
**Appeal Ref:** APP/U1105/W/21/3281523  
**Appellant:** Mr Dominic Morgan  
**Address:** New Fountain Inn Church Road Whimple Exeter EX5 2TA  
**Proposal;** Subdivision of public house to create dwelling and construction of three 2 bedroom dwellings with associated parking and gardens  
**Start Date:** 25 November 2021  
**Procedure:** Hearing  
**Questionnaire Due Date:** 2 December 2021  
**Statement Due Date:** 30 December 2021

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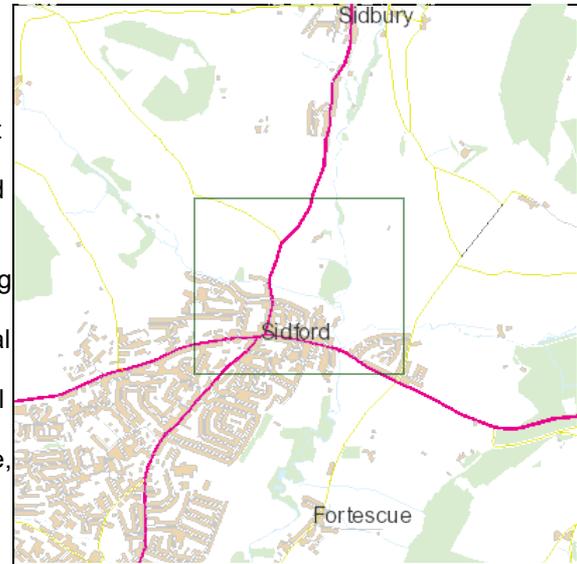
**Ward** Sidmouth Rural

**Reference** 21/1723/MRES

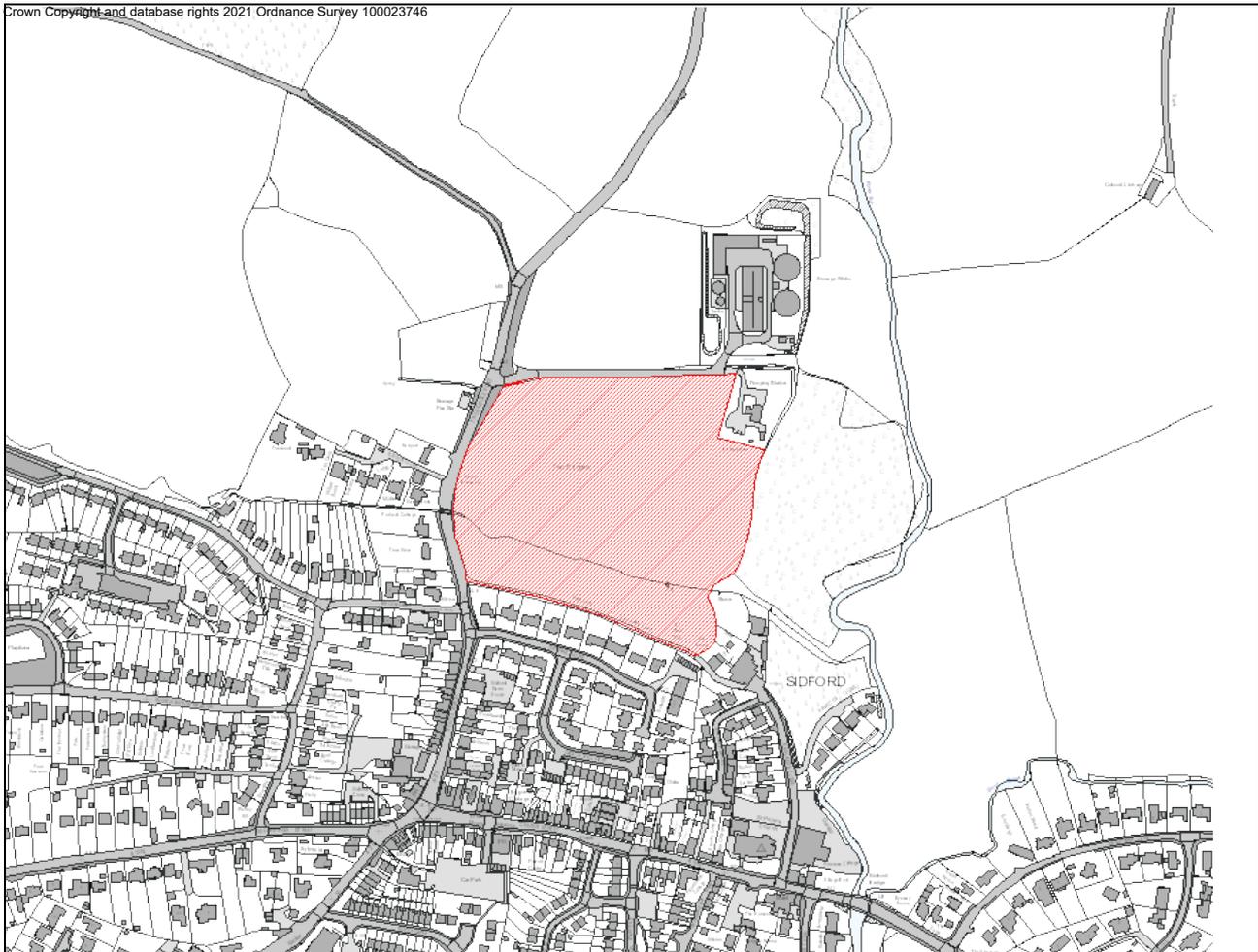
**Applicant** Mr Tim & Mike Ford (0G Holdings Retirement Benefit Scheme)

**Location** Land East Of Two Bridges Two Bridges Road Sidford

**Proposal** Reserved matters application seeking approval of scale (pursuant to outline planning permission 18/1094/MOUT - Outline application accompanied by an Environmental Statement (with scale and appearance reserved) for the change of use of agricultural land to employment land (B1, B8 and D1 uses) to provide 8,445 sqm of new floorspace, new highway access, cycle and footway, improvements to flood attenuation, building layout and road layout, new hedgerow planting and associated infrastructure).



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 15<sup>th</sup> December 2021</b>
<b>Sidmouth Rural (Sidmouth)</b>	<b>21/1723/MRES</b>	<b>Target Date: 20.12.2021</b>
<b>Applicant:</b>	<b>Mr Tim &amp; Mike Ford (0G Holdings Retirement Benefit Scheme)</b>	
<b>Location:</b>	<b>Land East Of Two Bridges Two Bridges Road</b>	
<b>Proposal:</b>	<b>Reserved matters application seeking approval of scale (pursuant to outline planning permission 18/1094/MOUT - Outline application accompanied by an Environmental Statement (with scale and appearance reserved) for the change of use of agricultural land to employment land (B1, B8 and D1 uses) to provide 8,445 sqm of new floorspace, new highway access, cycle and footway, improvements to flood attenuation, building layout and road layout, new hedgerow planting and associated infrastructure)</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

The proposal is a reserved matters application pursuant an outline planning consent which fell within the 'major development' category. As such this reserve matters application also falls within this category of development (for procedural purposes) and with conflicting comments received by the Town Council and Ward Members this application is before Members for determination.

The site is located within the East Devon AONB to the North of Sid Vale Close in Sidford. The site is bordered by the A375 (Two Bridges Road) to the West; woodland and the SWW pumping station to the East and further agricultural land and a treatment works to the North. The site comprises 4.2 hectares of gently sloping agricultural land within the bottom of the Sid Valley.

Outline planning application 18/1094/MOUT secured planning consent for the following;

*Change of use of agricultural land to employment land (B1, B8 and D1 uses) to provide 8,445 sqm of new floorspace, new highway access, cycle and footway, improvements to flood attenuation, building layout and road layout, new hedgerow planting and associated infrastructure.*

This outline application considered the layout, landscaping and means of access. Consequently there were two remaining matters reserved - those being scale and appearance. This current application seeks to approve the reserved matter of 'scale' only and therefore the size and height of buildings. Considerations have to be confined to this matter and a further reserved matters application is required to be submitted at a later date in relation to the appearance of the buildings.

Both the AONB team and council landscape architect have objected to this scheme on the basis of the height of the buildings proposed at road frontage at 7.5m (compared to 6m for a single-storey building – but also on unrelated grounds that cannot be considered).

The impact of the development would register from immediate, medium and long distant vantage points.

The scale of the buildings would be seen from the long range views from Trow Hill. However, the difference in height of either single storey or two storey buildings, from this long range view, would be negligible with the distance diminishing greatly the difference between a single or two storey industrial building.

From the medium range views the scale of the buildings would not be prominent or detracting considering views of the site are often precluded by the existing build form or framed by this.

From immediate range views, notably of the adjacent highway, the scale of the buildings would be perceptible although the lower section of the site would be softened by the previously approved landscaping and by virtue of its position - set back from the west perimeter. Travelling along the A375 the site would be clearly read as industrial with a different character and appearance from that of the surrounding countryside or residential area. However, the starting point is the nature of the development previously approved as well as the secured layout. Taking this into account the difference in height of the two highway fronting blocks, between either a single storey (6.0 m) and two storey (7.5 m) buildings, whilst noticeable would not detract from the AONB qualities (noted within the landscape character assessment).

There is also not considered to be harm to the conservation area, setting of listed buildings or adjacent occupier amenity. As such the reserved matter of scale is considered to accord with the development plan and National Planning Policy Framework.

## **CONSULTATIONS**

### **Local Consultations**

Sidmouth Rural - Cllr John Loudoun

This site, and the intended business park development on it, continues to raise concerns among a number of residents as is shown through the various comments from members of the public in response to this latest application. Whilst I share many of the concerns that the public continue to articulate I have to acknowledge that the site's development and many matters related to it were determined by a planning inspector in 2019, thus limiting the range of matters that can now appropriately be responded to.

This application is for scale and this application lays out the location and size of the buildings that the applicants wish to build. The detail of the location of the proposed buildings across the site, as submitted, have already been presented to the 2019 planning inquiry and are the same as were set out in the applicants 2018 application.

My main concern with the site's layout is the location of the two taller buildings, each of two storeys, identified as Blocks N & K on the Block Plan. These two blocks are located at the front (facing Two Bridges Road) of the site. These will be able to be viewed from the properties facing the site on Two Bridges Road, as well as from the A375 and beyond. If these buildings are to be included within the site, I would prefer to see them moved to the rear of the site.

I am also an elected Member of Sidmouth Town Council and as part of its response to this consultation it said - "Members were unable to support the application regarding scale as they felt that the location of larger and taller buildings (Blocks N & K) closer and more prominently next to the road was detrimental to the Area of Outstanding Natural Beauty. They suggested that those buildings could be relocated further back into the site so that the height and size of buildings increased as the distance increased from the main roadway". This is in line with my opinions as set out above.

Ideally, I would have liked this site to have included some residential properties, even possibly live/work accommodation and placing such properties where Blocks N & K are planned would allow the site to blend in more with the residential aspect of the area. It would also provide much need additional residential accommodation.

I would like the height of all of the buildings to be designed to sit as low within the site as possible in order to minimise their visibility.

Whilst the landscaping of the site is not part of this application, I would hope that the applicants would take steps to maximise the height and density of the area in front of these two buildings and along the boundary of the site and the A375, as well as along the site's boundary with the access route down to the sewerage treatment works. This would soften the view into the site, recognising that it faces residential properties and sits within the AONB.

Further comments:

The proposed development of this site remains something that a section of the community still opposes, even two years after the Planning Inspector upheld the applicants' appeal. Indeed, the fact that Sidmouth Town Council and 54 members of the public recorded their opposition to this latest application very much speaks to that fact.

My comments on this latest application are in line with those of two of my neighbouring Ward Members, Councillors Marianne Rixson and Stuart Hughes, who submitted similar comments to mine relating to the height, particularly of Blocks N and K at the front of the site. Indeed, it is clear that they and I have similar views on this application to those submitted by the District Council's Landscape Architect and the East Devon AONB. Given that this application deals with scale, then I believe that the points that we all have made are of relevance and should be addressed in any determination made on this application.

It is worth reminding one's self as to the key points that these latter two submissions made with regards to the impact of the scale of the proposed buildings on the AONB, the locality and the neighbouring residential properties. The District Council's Landscape Architect said (in extract) – *“The site is situated within the Sid Valley flood plain on the northern edge of Sidford. There are opportunities for views into the site from roads and rights of way on the upper valley sides to the east and west and from the A3052 which follows the western site boundary. The site is also overlooked by a number of residential properties to the south and southwest.*

*The site lies within the East Devon AONB and notwithstanding its proximity to Sidford, due to its openness and visibility in views across the valley, has a high sensitivity to development of the type proposed.*

*The proposals comprise a mix of building heights. Single storey units are indicated to be 6.5m high to ridge with single storey plus mezzanine units 6m high, and two storey units 7.5m high.*

*The proposed layout places the highest buildings adjacent to the western boundary on what is the highest, most open part of the site. This will adversely impact views particularly looking north along the A375, Two Bridges Road and from nearby properties to the west side of the road. They will also be more prominent in the view over the site from the A3052, Trow Hill, to the east which is identified as a protected view in the Sidford Neighbourhood Plan.*

*Placing the highest buildings in the northeast corner of the site where site levels are over three metres lower than along the western boundary and where there is an existing backdrop of established trees, and placing the lowest height units on the western boundary, would help to reduce these impacts to some extent.*

*The proposed heights of single storey units is (sic) 6m which is relatively high and should be reduced to a minimum to further reduce visual impact along the western boundary”.*

The East Devon AONB said in submission, and again I extract – *“The significance of the AONB landscape is clearly articulated in the NPPF and it is without doubt that this scale and form of development in this location will have a major and adverse impact on the character of the AONB. In normal circumstances this would be a significant barrier to development. Allocating the site in the local plan alters the circumstances but does not affect the principle – that development in AONBs should be of the highest standard and seek to conserve and enhance the landscape and scenic beauty.*

*Anything less than the very highest standard should not be considered acceptable, despite the site allocation. We therefore recommend the building heights and layout are modified to reduce the scale of visual and landscape impact as detailed in our comments.*

*We also recommend that the single storey buildings are lowered to the lowest levels possible in order to further reduce impact”.*

*Helpfully, the report draws our attention to Paragraph 176 of the NPPF which – “states great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. Following this strategy 46 of the Local Plan states 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. Accordingly, development will only be permitted where it conserves and enhances the landscape character of the area, does not undermine landscape quality and is appropriate to the economic, social and well-being of the area”.*

*The report also reminds us that the – “Local Plan is also explicit in requiring that the site must be subject to the highest design and landscaping standards, although the term ‘highest design’ is not qualified”.*

*The report also explains that – “Policy 2 of the Sid Valley Neighbourhood Plan (NP) identifies and seeks to protect key views. Any development must not cause a significant adverse impact on the current valued views as shown in the Key Views Map 8 (of the NP). The visual relationship of settlements in the valley surrounded by hills should be protected. Except when development will not be visible from the viewpoints, proposals outside of the BUAB must demonstrate that they will have a low or negligible impact on the views”.*

*What the report then goes on to do is to challenge any assumption that the site’s scale will have any meaningful negative visual impact on the locality whether viewed long range from up on Trow Hill or even at its closest point from the neighbouring residential properties or from the A375 (which has one million traffic uses per annum according to Devon County Council traffic data recorded in Sidbury in 2018) which directly passes the front boundary of the site. I disagree with this assessment.*

*I also disagree with the report’s assessment that as the character of the site and its locality has already been changed just by virtue of the Planning Inspector upholding the applicants’ appeal to allow a change from agricultural to industrial use. The report references this as follows – “this change in character is likely to register irrespective of the scale now presented of the industrial buildings”.*

*“From immediate range views, notably of the adjacent highway, the scale of the buildings would be perceptible. However, the lower section of the road fronting buildings would be softened by the previously approved landscaping and by virtue of its position - set back from the west perimeter. Travelling along the A375 the site would*

*clearly be read as industrial with a different character and appearance from that of the surrounding countryside or residential areas. However, the starting point is the nature of the development previously approved as well as the secured layout. Taking this into account the difference in height of the two highway fronting blocks, between either a single storey (6.0 m) and two storey (7.5 m) buildings, whilst noticeable from this immediate range could not justify refusal of permission and does not detract from the AONB qualities (noted within the landscape character assessment)”.*

The report dismisses the challenge that both the District Council’s Landscape Architect and the East Devon AONB make to the proposed height of most of the buildings at 6 metres and the two front buildings at 7.5 metres. I believe that the report misses the point that they have both challenged the heights and not the fact that there should be any buildings at a lower height. This is in effect saying you have to have it all (*in height*) or none, and that misses the point.

With regards to the height of the buildings, the report’s narrative says, as previously quoted – *“this change in character is likely to register irrespective of the scale now presented of the industrial buildings”*. If one disagrees with the quote, as I do, then one can make the logical argument for a reduction in the height of the buildings. Indeed, one can make the equally logical argument for moving, assuming they are still required as purposed, the two largest buildings N and K from the front entrance of the site to the lower rear part of it.

Sadly, when commenting on the view of the site from the neighbouring residential properties on the front boundary the report says that – *“The submitted site section shows the relationship of the two road fronting blocks (N and K) with the residential properties to the west on the opposite side of the highway. Due to these blocks being situated behind the road fronting landscaping and the intervening road there is not expected to be an overbearing or oppressive impact resulting”*. I do not believe that this represents the reality for these residents, nor the locality.

As much as I would like to reopen the whole argument about the appropriateness of developing this AONB site for industrial purposes, I accept that the Planning Inspector has drawn a line under that matter. What I now strongly challenge is the acceptability of the scale as presented in the application on the grounds that I and several others have argued and which I have repeated within these comments on the report.

Parish/Town Council

**UNABLE TO SUPPORT**

The Council continues to oppose the establishment of employment land in this location but subsequent to the approval on appeal by the Planning Inspectorate, viewed the application regarding scale without prejudice.

Cont'd.....

Members were unable to support the application regarding scale as they felt that the location of larger and taller buildings (Blocks N & K) closer and more prominently next to the road was detrimental to the Area of Outstanding Natural Beauty. They suggested that those buildings could be relocated further back into the site so that the

height and size of buildings increased as the distance increased from the main roadway.

## **Technical Consultations**

### **Devon & Cornwall Constabulary**

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application. Whilst I have no objection to the application, I would like to make the following recommendations for your consideration and would appreciate being consulted on more detailed plans should the application progress.

1. Boundaries should be in place that clearly define and separate the public and private / semi-private realms and ensure that casual intrusion and unauthorised access to private space is prevented.
2. The public realm should be afforded good surveillance opportunities, with dedicated routes that are well overlooked.
3. External doors, accessible windows and shutters for industrial premises should be tested and certificated to a nationally recognised security standard. See *Secured by Design Commercial Developments 2015 v2* for further information.
4. Where necessary, vehicle mitigate measures should be considered to prevent conflict between vehicles and pedestrians, as well as offering protection to any vulnerable building elevations.
5. It is recommended that each unit is fitted with a monitored intruder alarm. For police response, the system must comply with the requirements of the Security Systems policy, which can be found at [www.securedbydesign.com](http://www.securedbydesign.com) under the 'Group Initiatives' tab.
6. External site lighting levels are recommended to be as per BS 5489:2020. A white light source provides the better colour rendition and therefore identification. The main priority of lighting from a crime prevention viewpoint is to provide a uniform level of light throughout a site, thereby eliminating areas of shadowing.

### **EDDC Landscape Architect - Chris Hariades**

#### **1 INTRODUCTION**

This report forms the EDDC's landscape response to the reserved matters application for the above site.

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 CONTEXT**

The application is understood to be for the partial discharge of condition 1 of the decision notice for application 18/1094/MRES, relating to scale of the proposed buildings.

The site is situated within the Sid Valley flood plain on the northern edge of Sidford. There are opportunities for views into the site from roads and rights of way on the upper valley sides to the east and west and from the A3052 which follows the western site boundary. The site is also overlooked by a number of residential properties to the south and southwest.

The site lies within the East Devon AONB and notwithstanding its proximity to Sidford, due to its openness and visibility in views across the valley, has a high sensitivity to development of the type proposed.

### 3 RELEVANT PLANNING POLICIES

#### 3.1 NPPF 2021

Para 176. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The scale and extent of development within all these designated areas should be limited, *while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*

#### 3.2 EDDC Local Plan

##### 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.*

##### 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.

#### 4 REVIEW OF SUBMITTED DETAILS

The proposals comprise a mix of building heights. Single storey units are indicated to be 6.5m high to ridge with single storey plus mezzanine units 6m high, and two storey units 7.5m high.

The proposed layout places the highest buildings adjacent to the western boundary on what is the highest, most open part of the site. This will adversely impact views particularly looking north along the A375, Two Bridges Road and from nearby properties to the west side of the road. They will also be more prominent in the view over the site from the A3052, Trow Hill, to the east which is identified as a protected view in the Sidford Neighbourhood Plan.

Placing the highest buildings in the northeast corner of the site where site levels are over three metres lower than along the western boundary and where there is an existing backdrop of established trees, and placing the lowest height units on the western boundary, would help to reduce these impacts to some extent.

The proposed heights of single storey units is 6m which is relatively high and should be reduced to a minimum to further reduce visual impact along the western boundary.

#### CONCLUSIONS AND RECOMMENDATIONS

On the basis of the current layout the scale of the proposed buildings does not take adequate account of site context and is considered unacceptable in terms of landscape and visual impact. As such the proposals are contrary to NPPF para 176 and EDDC Local Plan Strategy 3a), Strategy 47 and policy D1 item 2. The application should be refused on this basis unless, prior to determination, amended details are

submitted as suggested above to provide a more sensitive massing of the proposed buildings.

### Natural England

Thank you for your email received 21 September 2021 requesting Natural England's consultation on the above application.

Natural England has no comments on the submitted documents for this planning application.

### East Devon AONB

#### **Summation**

NPPF Paragraph 176 states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas.

This is a major application for employment development in the AONB. It has the potential to set a precedent and for this reason, the expectation is heightened. The significance of the AONB landscape is clearly articulated in the NPPF and it is without doubt that this scale and form of development in this location will have a major and adverse impact on the character of the AONB. In normal circumstances this would be a significant barrier to development. Allocating the site in the local plan alters the circumstances but does not affect the principle – that development in AONBs should be of the highest standard and seek to conserve and enhance the landscape and scenic beauty.

Anything less than the very highest standard should not be considered acceptable, despite the site allocation. We therefore recommend the building heights and layout are modified to reduce the scale of visual and landscape impact as detailed in our comments.

We also recommend that the single storey buildings are lowered to the lowest levels possible in order to further reduce impact.

As a further reserved matter to follow once scale is agreed, we expect to comment on detailed design matters that will help further reduce impact and reference our earlier comments that recommended green roofing be integrated into the over site building/design.

It is important to stress that the East Devon AONB Management Strategy (2014-19) Policy RES 2 encourages the development of sustainable employment opportunities in the AONB that are compatible with AONB purposes and objectives, promote good design and encourage people to continue to live and work within their communities.

East Devon AONB Management Strategy 2014-19 Policy Reference(s)

P2 - Provide advice and support on planning policy and development to enable the special qualities of the AONB to be protected, conserved and enhanced.

RES 2 - Encourage the development of sustainable employment opportunities in the AONB that are compatible with AONB purposes and objectives, promote good design and encourage people to continue to live and work within their communities.

BG 1 - In partnership with others, support and encourage conservation and enhancement actions for key habitat and species within the AONB that maintain and enhance landscape character and the historic environment.

ART 2 - In partnership with others encourage and support the provision of high quality, sensitive, physical access for as wide a range of users as possible and the on-going sustainable development of key recreational routes where this does not conflict with the conservation of internationally protected sites and species.

### Environmental Health

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

### Environment Agency

Thank you for consulting us on this application.

#### Environment Agency position

This reserved matters application related to the scale of the proposed development. We have no comments on the scale of the proposal but we wish to reiterate previous comments made at Outline stage of this application which relate to of flood risk and the main river on site. These are copied below.

"[I]t has now been demonstrated that the built commercial development is restricted to flood zone 1 and betterment is provided along the conveyance corridor of the Sidford Stream.

It is apparent from the assessment that a new cycleway is proposed, which will align with the western boundary of the site. It is essential that the route and associated engineering works do not compromise the flood risk improvements being offered by the development. The construction of the cycle path will be subject to a bespoke flood risk activity environmental permit from the Environment Agency .... Failure to do this could invoke the cycle path being considered as an 'exemption', which would be inappropriate when full details have not been considered within the flood risk assessment."

We request that we are re-consulted on any matters under this or another reserved matters application which could have implications for the management of flood risk.

#### Advice to the applicant - Environmental permitting

The Environmental Permitting (England and Wales) Regulations 2016 require a Flood Risk Activity Permit to be obtained for any activities which will take place:

- o on or within 8 metres of a main river (16 metres if tidal)
- o on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)

Note that any drainage infrastructure or proposed outfall to the main river may also require a permit.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact SW\_Exeter-PSO@environment-agency.gov.uk

A permit is separate to and in addition to any planning permission granted. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted.

### DCC Flood Risk Management Team

#### **Recommendation:**

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy CP12 (Flood Risk) of Exeter City Council's Core Strategy (2012) which requires all developments to mitigate against flood risk and utilise sustainable drainage systems, where feasible and practical. 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 not provided any information in relation to the disposal of surface water from the site to enable me to make observations on the proposal. The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address:

<https://www.devon.gov.uk/floodriskmanagement/planning-and-development/suds-guidance/>.

### South West Water

Location: Land East of Two Bridges Road, Sidford, Sidmouth, EX10 9PL  
Your ref: 21/1723/MRES

Proposal: Change of use of agricultural land to employment land (B1, B8 and D1 uses) - 8,445 sqm of new floorspace, new highway access, cycle and footway

With reference to the planning application at the above address, I would advise that South West Water has no objection with regards the reserved matters (approval of scale).

I would further comment that the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

### Asset Protection

Please find attached a plan showing the approximate location of a public 9 inch water main and a 300mm water main in the vicinity of the above proposed development. Please note that no development will be permitted within 3.5 metres of the water main. The water main must also be located within a public open space and ground cover should not be substantially altered.

Should the development encroach on the 3.5 metre easement, the water main will need to be diverted at the expense of the applicant.

[www.southwestwater.co.uk/developer-services/water-services-and-connections/building-near-water-mains/](http://www.southwestwater.co.uk/developer-services/water-services-and-connections/building-near-water-mains/)

Further information regarding the options to divert a public water main can be found on our website via the link below:

[www.southwestwater.co.uk/developer-services/water-services-and-connections/diversion-of-water-mains/](http://www.southwestwater.co.uk/developer-services/water-services-and-connections/diversion-of-water-mains/)

Should you require any further information, please contact the Pre Development Team via email: [DeveloperServicesPlanning@southwestwater.co.uk](mailto:DeveloperServicesPlanning@southwestwater.co.uk).

If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 2020.

### National Highways

Referring to the notification of a Reserved Matters planning application referenced above, seeking approval of scale pursuant to outline planning permission 18/1094/MOUT - Outline application accompanied by an Environmental Statement (with scale and appearance reserved) for the change of use of agricultural land to employment land (B1, B8 and D1 uses) to provide 8,445 sqm of new floorspace, new highway access, cycle and footway, improvements to flood attenuation, building layout and road layout, new hedgerow planting and associated infrastructure), at land east of Two Bridges, Two Bridges Road, Sidford, Devon notice is hereby given that National Highways' formal recommendation is that we:

a) offer no objection (see reasons at Annex A);

### **Statement of Reasons**

The application seeks approval of reserved matters relating to scale pursuant to outline planning permission 18/1094/MOUT - Outline application accompanied by an Environmental Statement (with scale and appearance reserved) for the change of use of agricultural land to employment land (B1, B8 and D1 uses) to provide 8,445 sqm of new floorspace, new highway access, cycle and footway, improvements to flood attenuation, building layout and road layout, new hedgerow planting and associated infrastructure), at land east of Two Bridges, Two Bridges Road, Sidford, Devon.

We are satisfied that the impact of the development on the safe operation of the strategic road network was addressed at outline stage, and as such offer no objections to the approval of scale as a reserved matter relating to outline application 18/1094/MOUT.

### **Recommendation**

National Highways has no objections to Reserved Matters application 21/1723/MRES.

### **DCC Public Rights of Way**

12.11.21 - I would like to make a holding objection to the above proposal due to the plans showing that two bollards will be installed on Laundry Lane.

This lane is a public highway therefore Devon County Council will not authorise

### **Other Representations**

57 letters have been received, 54 of these letters are objections with the remaining 3 letters representations (in summary);

- Increase of traffic, restriction of free flow of traffic, harmful to highway safety.
- Pollution.
- Increase in noise.
- Concern over size, height and scale of buildings.
- Road fronting blocks too large and on highest part of the land.
- Inadequate parking.
- Harmful impact on character and appearance AONB, would neither conserve nor enhance.
- Landscaping would not suitably screen harmful scale.
- External lighting harmful to AONB and neighbouring amenity.
- Harmful to ecology.
- Flooding.
- Not an appropriate buffer around the site.
- Mix of uses within the site not suitable.
- Conflicts with UK objective for net carbon infrastructure.
- Object to the principle of the development

### **Representations**

- nothing further to add to comments

The following comments have also been received from - Cllr Stuart Hughes – Sidmouth Sidford Adjoining Ward Member:

As an adjoining ward member to the application site I wish to make the following comments:-

Scale / design not in accordance with the East Devon Local Plan

The application as stands with the 2 x tallest buildings 7.5m at ridge height will have serious impact on the AONB and the local environment, and will seriously affect the quality of life of local residents opposite the Business Park site on Two Bridges Road. As an AONB site - the design should blend in to the local environment. The colour and materials used should replicate those of the adjoining Waste Water Treatment Plant.

**Loss of amenity for existing homes**

Strategy 26 of the East Devon Local Plan 2013-2031 also requires that there must be "...wide buffers around existing homes to minimise any amenity impacts. As submitted the tallest buildings towards the front of the site, go against this objective with one directly opposite residents properties.

The proposed scale of the buildings is not in accordance with the East Devon Local Plan

The proposals on the schedule of 'Proposed Scale' do not accord with the requirements of Schedule 26 of the Local Plan - "...the employment site must be subject to the highest design and landscaping standards". The proposals clearly don't accord with this advice forming a solid structural mass which will seriously impact the AONB.

The scale is too great / development too intensive

The proposed buildings need to be lower in order to blend in with the local AONB environment and therefore to meet the required design standard.

**PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
18/1094/MOUT	Change of use of agricultural land to employment land (B1, B8 and D1 uses) to provide 8,445 sqm of new floorspace, new highway access, cycle and footway, improvements to flood attenuation, building layout and road layout, new hedgerow planting and associated infrastructure.	Allowed at appeal	20.08.2019

16/0669/MOUT	Outline application accompanied by an Environmental Statement (with all matters reserved except access) for the development of up to 22,800sqm of floor space for use classes B1 (Office Light Industry), B2 (General Industry) and B8 (Storage and Distribution) with details of, and associated strategic landscaping for, the access, linking cycleway and footway, and flood improvements/attenuation.	Refused	27.09.2016
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## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

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)

EN13 (Development on High Quality Agricultural Land)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 26 (Development at Sidmouth)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 49 (The Historic Environment)

Strategy 50 (Infrastructure Delivery)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

#### Neighbourhood Plan

Sid Valley Neighbourhood Plan (made)

#### **Site Location and Description**

The site is located within the East Devon AONB to the North of Sid Vale Close in Sidford. The site is bordered by the A375 (Two Bridges Road) to the West; woodland and the SWW pumping station to the East and further agricultural land and a treatment works to the North. The site comprises 4.2 hectares of gently sloping agricultural land within the floor of the Sid Valley.

It should be noted that under the outline application design parameters were included which stated the form of the buildings would be either single (6m) or double storey with a maximum overall height of 7.5 metres. The Planning Inspector raised no objection to this.

#### **Proposed Development**

Outline planning application 18/1094/MOUT secured planning consent for the following:

*Change of use of agricultural land to employment land (B1, B8 and D1 uses) to provide 8,445 sqm of new floorspace, new highway access, cycle and footway, improvements to flood attenuation, building layout and road layout, new hedgerow planting and associated infrastructure.*

This outline application considered the layout, landscaping and means of access. Consequently there were two remaining matters reserved - those being scale and appearance. This current application seeks consent for the reserved matter of 'scale'

only. Therefore considerations should be confined to this matter in relation to the size and height of the buildings. Accordingly envelope perimeters of these buildings have been submitted, along with site sections illustrating the profile of the ground levels.

The National Planning Policy Guidance clarifies what is meant by 'scale' within the context of a reserved matter;

*'Scale' - the height, width and length of each building proposed within the development in relation to its surroundings.*

*Paragraph: 006 Reference ID: 14-006-20140306*

*Revision date: 06 03 2014*

This is distinct from 'layout' which describes the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

The layout, which has already been approved, illustrates blocks K and N as 'entrance buildings' from the main Sidmouth to Honiton road which is positioned to the west. Both blocks K and N are proposed to be two storeys with a total height of 7.5 metres. Between the road and these buildings would be a cycle/footway and buffer landscaping. Blocks G and J are positioned close to the water pump in the east portion of the site with block J also being 2 storey (total height 7.5 metres). Positioned centrally within the site are blocks H (one storey) and hub buildings (one storey). Other blocks such as A, B, C, D, E, F G and L are single storey with mezzanine – these blocks do not exceed 6.5 metres in height.

Blocks A, B and C are positioned closer to the buffer area around the south perimeters of the site.

A sectional drawing has been submitted that illustrates that ground levels concerning block K would be lowered by approx. 1.0 metre. Within the eastern portion of the site the area around block E would be built up by approx. 2.0 metres, before the land lowers further toward to the attenuation ponds.

APP/U1105/W/19/3221978 allowed at appeal on 20th August 2019 treated the plans as illustrative only where they relate to scale and appearance. Strategy 26 of the East Devon Local Plan 2013 to 2031 (2016) (LP) makes clear that up to 5 hectares of additional employment land will be provided in Sidmouth. It states this will be achieved with a particular onus on B1 (business) space and that land is allocated north of Sidford (Site 041A/041B) which will be developed in two phases. The appeal site was effectively the first phase of the allocation broadly reflecting Site 041A and this reserved matter also concerns this.

A further reserve matters application will need to be submitted for approval detailing the appearance of the buildings.

As part of the consideration of this application, Members cannot revisit matters related to the principle of the development, layout, and means of access or landscaping as these have already been approved as part of the appeal allowed by the Planning Inspector.

Development has commenced on Phase 1 of the development to the southern part of the site in relation to levels changes to address flood risk matters and in relation to landscaping. As there are no buildings on this part of the site, the applicant did not need any further planning permission from the Council before commencing these works.

## **ANALYSIS**

The main issues concerning the issue of 'scale' under this proposal are;

- The impact on character and appearance, with specific regard to the AONB
- Heritage Assets
- The potential for settlement coalescence resulting from 'scale'
- The potential impact on amenity of surrounding occupiers

### **The impact on character and appearance, with specific regard to the AONB**

Paragraph 176 of the National Planning Policy Framework (NPPF) states Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. Following this strategy 46 of the Local Plan states 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. Accordingly, development will only be permitted where it conserves and enhances the landscape character of the area, does not undermine landscape quality and is appropriate to the economic, social and well-being of the area.

The Local Plan is also explicit in requiring that the site must be subject to the highest design and landscaping standards, although the term 'highest design' is not qualified.

It terms of the qualities this area in which the site is situated, this has been identified as a sparsely settled farmed valley floor. Long range views of the valley are available, in the main these views open with the pastoral land use outside of the Built Up Area Boundary (BUAB). The simple landscape pattern contrasts with the pattern of the existing settlements of Sidbury and Sidmouth, with the distinction between the built form and pastoral landscape evident from public views.

Policy 2 of the Sid Valley Neighbourhood Plan (NP) identifies and seeks to protect key views. Any development must not cause a significant adverse impact on the current valued views as shown in the Key Views Map 8 (of the NP). The visual relationship of settlements in the valley surrounded by hills should be protected. Except when development will not be visible from the viewpoints, proposals outside of the BUAB must demonstrate that they will have a low or negligible impact on the views.

It should be noted that both the council's landscape architect and the AONB team have objected to this proposal. Specifically the placing of the highest buildings to the site frontage rather than to the northeast corner of the site where site levels are over three metres lower than along the western boundary. Further, they advise that the

proposed heights of the single storey units are 6m which is relatively high and should be reduced to a minimum to further reduce visual impact along the western boundary.

Such a suggestion has merit as the tallest buildings would be better screened by the east perimeter strong tree line. However, it also has to be kept in mind that the land along the east part of the scheme would be built up by approx. 2.0 metres thereby making 2 storey buildings more prominent. Furthermore, the industrial units have to serve a potentially wide range of industrial uses and so in the round a height of 6.0 metres for such a building would not appear unreasonable and is not unusually/exceptionally tall.

The scale of the development would register from immediate visual receptors of the site frontage, including when travelling along the A3052. The approved layout secured the position of the buildings behind the boundary verge, landscaping and cycle/footway. This layout was considered to provide a softer front to the development and disrupt potentially harsher views of the buildings. The LVIA considered under the outline assessing the long term (15 year) period concluded that the impact would be likely of adverse and moderate levels of significance. It is acknowledged that landscaping along the western perimeter is not likely to screen industrial buildings in totality, but there is no evidence that this was necessary the objective. As industrial buildings are often at a scale larger than residential buildings, due to the nature of their intended uses, it was likely that the buildings would be seen from this vantage point. However, it does not follow that the buildings fail to conserve or enhance the AONB just because it can be seen.

With regards to the application site a relevant NP protected key view is number 8 – the long range view looking towards the site from elevated points on Trow Hill.

From the vantage point of Trow Hill the site is read as part and parcel of the valley floor with rising land to the west. The scale of the buildings illustrated would not break a skyline or appear as an especially prominent feature when viewed with the context of existing built form of surrounding residential properties (to the south and to a lesser extent to the west on the opposite side of the highway). From this long range vantage point the build form of predominantly residential development also appears higher up on the sloping land towards Core Hill (the properties on the opposite side of the road having a higher ridge height than that proposed through this application). Therefore, the scale of the development is not considered harmful in terms of visual impact from sensitive receptors given the nature and layout of the development already consented.

The character of the intended development, i.e. industrial, has been established under the outline consent and from the immediate and long range receptors the use of site would be clearly legible. The change in character from agricultural field would register, as indeed would the difference in character between the surrounding residential and intended industrial. However, this change in character is likely to register irrespective of the scale now presented of the industrial buildings.

The difference in height of single storey buildings (6.0 metres) and two storey (7.5 metres) from this long range view is unlikely to be noticeable or harmful in its wider context and given site planting.

It must also be remembered that the layout of the site was approved by the Planning Inspector, and approved with indicative elevations showing the scale of buildings proposed. Whilst these were only for illustrative purposes, they were before the Inspector when considering the overall impact from the development with no concerns raised.

In light of the above, it is considered that a refusal of permission on the basis of the provision of 7.5m buildings at the site frontage rather than 6m high buildings, or on the basis that 6m high buildings are unreasonably tall would be very difficult to justify on appeal.

## **Heritage Assets**

The site is close to the boundary of the Sidmouth Conservation Area (CA) and a number of listed buildings within it notably, the grade II listed Country House, 1, 2 & 3 School Street (Country House).

In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area in reaching this decision. Additionally, Section 66(1) (of the same Act) also includes the duty that have special regard to the desirability of preserving listed building or its setting or any features of special architectural or historic interest which it possesses.

The Conservation Area (CA) is characterised by traditional properties some finished in cobb and thatch with simple traditional architectural detailing but set within a wider agricultural landscape. The grade II listed Country House is positioned within the CA closest to the edge of the settlement and on the main route into the built-up area. It has been recognised that the significance of these listed buildings derives from their traditional architectural detailing and setting in the rural landscape. The significance of the CA derives from the traditional architectural detailing of the buildings within it and also from its setting in an agricultural landscape.

Under consideration of the outline application the Inspector opined;

*'subject to approval of reserved matters relating to scale and appearance I find the scheme would not harm the setting or significance of any listed buildings within the CA. In this regard the proposal would accord with Policies EN9 and EN10 of the LP which aim to ensure good design, safeguard the character of an area and protect heritage assets and their settings'.*

As the Inspector noted the layout showed the buildings set back from the road behind landscaping with spacing between them. The landscaping would soften the appearance of any form of development, maintaining a relatively soft transition from the built-up area to the agricultural landscape beyond thereby preserving the setting of the CA. The scale of the proposal now for consideration does not alter this.

The CA incorporates listed buildings, situated to the south of the site, notably Country House and School Street (amongst others) which immediately abut the main road.

Although there is some intervisibility and shared of experience of these heritage assets the scale of the industrial units proposed would not detract from their interpretation or appreciation. This is because intervisibility would be restricted to oblique views, with the 'buffer' area would the perimeter of the site mitigating the impact of the scale on these heritage assets.

When the CA and the listed buildings are appreciated from various vantage points the scale of the proposal does little to conflict against the previous position held by the Inspector. Accordingly the scale of the proposal is not considered to result in harm to heritage assets, in line with the statutory duties and relevant policies of the development plan.

### **The potential for settlement coalescence resulting from 'scale'**

The Sid Valley Neighbourhood Plan has been adopted since the approval of the outline consent. As the inspector noted policy 3 of the NP is concerned with settlement coalescence particularly between Sidford and Sidbury and states in an area identified adjoining the appeal site development will only be acceptable if it does not impact on the visual and physical separation of Sidford and Sidbury.

Bearing in mind that scale and appearance were not for consideration the Inspector considered that a significant gap would remain and that the proposed landscaping would soften the edge of the proposed development. The perimeters of the buildings now submitted would not result in intervisibility and so not lead to coalescence with separation clearly experienced when travelling and experiencing the two settlements.

### **The potential impact on the amenity of surrounding occupiers**

Now that the scale of the development is known an assessment can be made as to whether the proposal would result in likely harm to surrounding occupiers of residential properties.

The submitted site section shows the relationship of the two road fronting blocks (N and K) with the residential properties to the west on the opposite side of the highway. Due to these blocks being situated behind the road fronting landscaping and the intervening road there is not expected to be an overbearing or oppressive impact resulting.

There are also residential properties to the south of the development. However, it is noted that approved layout means that there is a large buffer of greenery between the position of the blocks and the properties to south. Again an overbearing or oppressive impact would therefore be avoided.

Taking the above into account the proposal accords with policy D1 of the Local Plan in this respect.

### **Other matters**

As stated at the beginning of this committee report matters for consideration should be confined to 'scale' only. This point appears to not have been picked up by some

consultee responses which instead seek to concern themselves with matters outside of this scope (including the Lead Flood Risk authority). Many of the third party correspondence also seek to rehearse the principle of the development, the impact on traffic or revisit the layout which are not material to this current reserved matter. Accordingly concerns outside of the scope of 'scale' are not material and do not need to be addressed.

## **Conclusions**

Considerations of this reserved matters application are restricted to 'scale'. Scale within this context concerns buildings relative size and height in relation to its surroundings. The starting point for reaching a conclusion on the issue of 'scale' in this instance is accounting for the great weight should be given to conserving and enhancing the landscape and scenic beauty of an AONB, which has the highest status of protection. This reflects the statutory duty under Section 85 of The Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of AONB.

The valley floor in which the development is to take place is noted for its scenic beauty. The surrounding built form of this site concerns residential buildings, some with historic importance. The proposal would feature two blocks of two storey buildings fronting the adjacent highway, which is the main route from Sidbury to Sidford.

The impact of the development would register from immediate, medium and long distant vantage points.

The scale of the buildings would be noted from the adjacent highway from immediate vantage points and long range views from Trow Hill (a valued view as noted within the NP). However, the difference in height of either single storey (6m high) or two storey (7.5m high) buildings, from this long range view, would be negligible with the distance diminishing greatly the prominence that the difference in height of the buildings would make.

From the medium range views of Sid Vale Close, Castle Hill View, Ballard Grove and England's Close, the scale of the buildings would not be prominent or detracting considering views of the site are often precluded by the existing built form or framed by this. The same also applies from Brook and Frys Lane, to the west, on the opposite side of the A375.

From immediate range views, notably of the adjacent highway, the scale of the buildings would be perceptible. However, the lower section of the road fronting buildings would be softened by the previously approved landscaping and by virtue of its position - set back from the west perimeter. Travelling along the A375 the site would clearly be read as industrial with a different character and appearance from that of the surrounding countryside or residential areas. However, the starting point is the nature of the development previously approved as well as the secured layout. Taking this into account the difference in height of the two highway fronting blocks, between either a single storey (6.0 m) and two storey (7.5 m) buildings, whilst noticeable from this immediate range could not justify refusal of permission and does not detract from the AONB qualities (noted within the landscape character assessment).

Taking all of the above into account the proposal is not considered to conflict with the development plan.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

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

### Scale

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. no. 18/1094/MOUT) granted on 20th August 2019.

The reserved matters details hereby permitted also satisfy the requirements of the following Conditions as attached to the Outline Planning Consent (ref. no. 18/1094/MOUT) granted on 20th August 2019 and correct implementation in accordance with the approved details or any further approvals needed:

Condition 1 - Period for the submission of the reserved matters.

Condition 2 - Approval of the specified reserved matters before any development is commenced.

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)

## NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

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

Any queries regarding CIL, please telephone 01395 571585 or email [cil@eastdevon.gov.uk](mailto:cil@eastdevon.gov.uk).

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District

Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

DGA 10.01	Proposed Block Plan	20.09.21
DGA 10.02	Proposed Elevation	20.09.21
DGA 10.03 : proposed	Sections	20.09.21
SK_001 (A1) REV P1 : road/building layout	Other Plans	22.06.21
SK_001 REV P6 : road	Other Plans	22.06.21
SK_003 REV P2	Proposed Site Plan	22.06.21
SK06 : preliminary levels	Other Plans	20.09.21
SK07 : preliminary site sections	Other Plans	20.09.21
	Location Plan	22.06.21

List of Background Papers

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

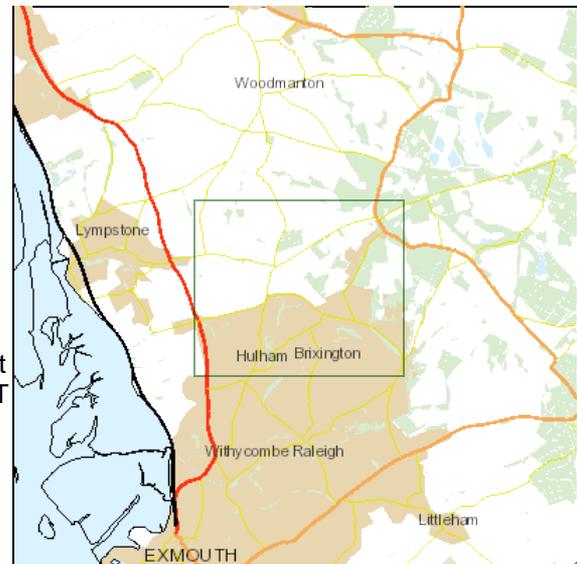
**Ward** Woodbury And Lympstone

**Reference** 21/1516/MRES

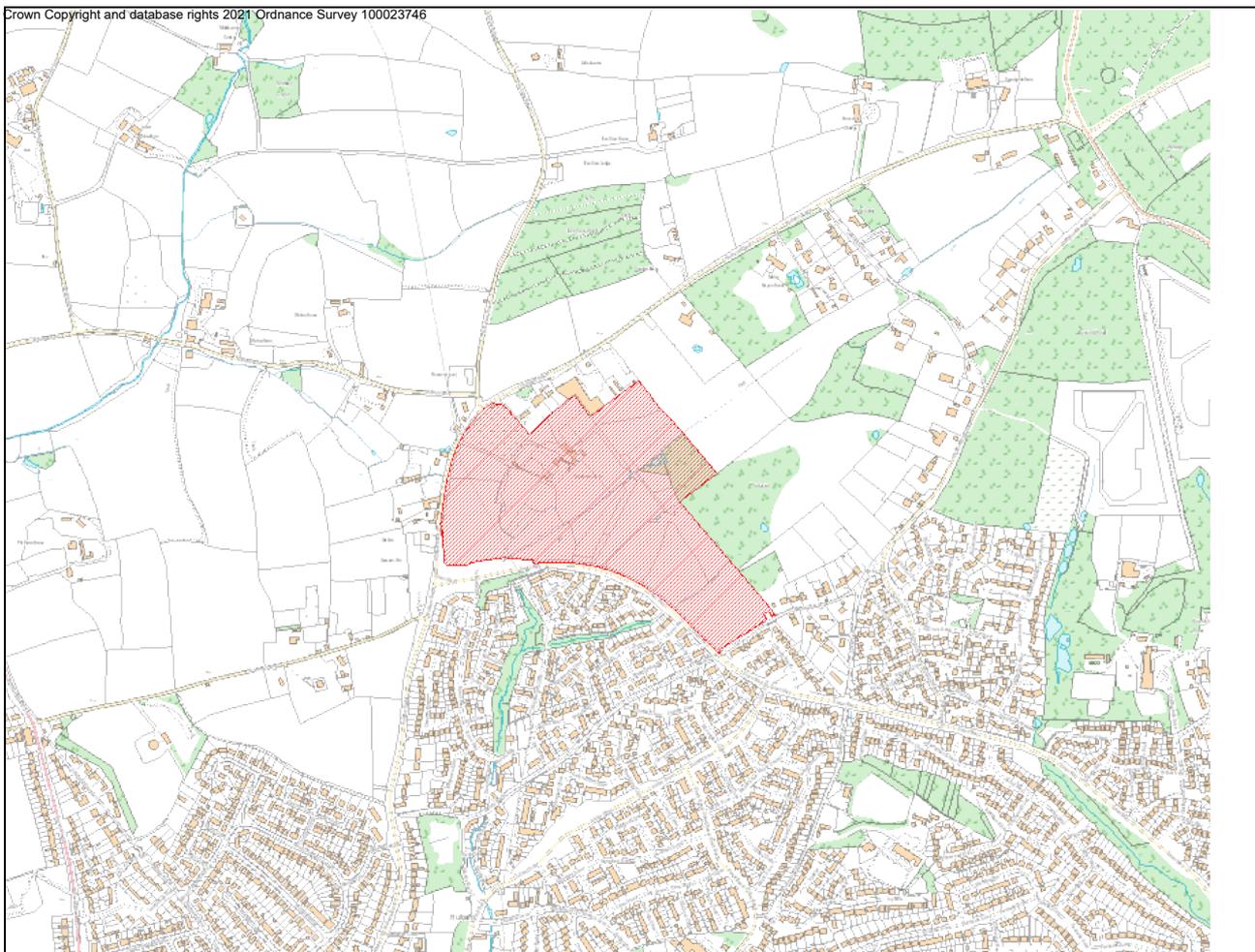
**Applicant** 3West Developments Ltd

**Location** Goodmores Farm Hulham Road Exmouth  
EX8 5BA

**Proposal** Partial reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 191 residential units, associated roads, open space (informal) and an attenuation basin.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 15<sup>th</sup> December 2021</b>
<b>Woodbury And Lympstone (Lympstone) and Exmouth</b>	<b>21/1516/MRES</b>	<b>Target Date: 27.08.2021</b>
<b>Applicant:</b>	<b>3West Developments Ltd</b>	
<b>Location:</b>	<b>Goodmores Farm Hulham Road</b>	
<b>Proposal:</b>	<b>Partial reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 191 residential units, associated roads, open space (informal) and an attenuation basin.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members as the officer recommendation differs from the views of the Town Council and Ward Member**

**The site represents an allocation in the East Devon Local Plan on the northern fringe of Exmouth. Permission has previously been granted, at outline (14/0330/MOUT), for up to 350 dwellings, with a subsequent reserved matters application (20/0993/MRES) for 299 dwellings having been approved across the whole site.**

**This current application seeks an alternative reserved matters development but only covering 50% of the wider application site; the remaining 50% would be built out as approved under application 20/0993/MRES and the delivery of affordable housing, overage, wildlife corridors, open space, commercial land and play area remains under the terms of the Section 106 legal agreement signed at the outline stage**

**The main reason for the amended reserved matters submission is to simplify the internal road layout and reduce the amount of hard standings thereby reducing the amount of surface water run-off from the site which would be controlled using an attenuation based system to reduce the flow of water into a nearby watercourse. As a consequence of the amended layout the number of houses across the wider site would be reduced by one to 298 dwellings, the percentage of affordable homes (5%) remains the same.**

**The revised layout of the site provides a coherent development that is respectful of its surroundings and the constraints on the site such as trees and hedgerows and the residential properties that lie close to the site.**

**The conditions imposed on the previous application, insofar as they relate to this part of the site, remain to be discharged except for the details of the southern aspect of the attenuation pond, these have been addressed, through negotiation with the Flood Risk Team at Devon County Council during the determination of this application.**

**Accordingly, the proposal is considered acceptable as a revision to the previously approved reserved matters permission, subject to appropriate conditions.**

## **CONSULTATIONS**

### **Local Consultations**

#### Woodbury And Lympstone - Cllr Geoff Jung

Comments: 21/1516/MRES

I have viewed the documents for 21/1516/MRES for a partial reserved matters application (layout, scale, appearance, and landscaping) pursuant to outline planning permission 14/0330/MOUT for 191 residential units, associated roads, open space (informal) and an attenuation basin at Goodmores Farm Hulham Road Exmouth EX8 5BA

An application for full permission has already been agreed for this site and therefore it would be difficult for the local authority not to support these alterations to what is an approved scheme with a "presumption for development" has already been agreed. I am disappointed on the number of affordable housing but again this issue was decided with the previous application and therefore because of the previous support for the previous applications I support this application, but I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

#### Woodbury And Lympstone - Cllr Ben Ingham

I support

#### Exmouth Halsdon - Cllr Paul Millar

I continue to object to this planning application along the same lines as Exmouth Town Council and will do everything I can to delay and frustrate this intellectually incoherent and madcap scheme which ought never have been approved at outline stage when the primary school was not the infrastructure that the residents of Exmouth needed most (and now school intake numbers shows it's not needed at all).

#### Exmouth Town Council

Exmouth Town Council notes that the impact of splitting the application site between two developers / owners and the associated submission of a new phasing plan has thrown into doubt various aspects which had been previously agreed under 20/0993/MRES. It is unclear how the original conditions associated with

20/0993/MRES, and the discharging thereof, have been affected as a result of the site now being developed in two halves by two different developers or if ultimately, the completion of the whole site could be undermined by this approach, with an associated impact on the timely delivery of the commercial land, school site and affordable housing (which were hitherto part of phase one).

The Town Council therefore objects to the plans in their current format and would like to understand how the original conditions imposed will be upheld to ensure that development, across the whole site, proceeds in the conditioned sequence to ensure that certain elements are provided by/at a particular stage or before the scheme is brought into use. The impacts on viability are also unclear.

In particular, it is noted that

- o no affordable housing will be delivered during this first stage of construction on the eastern part of the site
- o when taken on its own, the application for this part of the site is seemingly contrary to Strategy 29 of the Local Plan which states that largescale major development proposals will be encouraged to incorporate measures to promote enhanced opportunities for access to housing suitable for first time buyers. The situation regarding the lack of affordable housing is exacerbated by the fact that there are only 20 x two-bedroom properties out of 191 on this application; all the others are three and four bedroom homes.
- o there is a lack of amenity space and the application does not appear to adhere to Strategy 43 of the Local Plan for Open Space standards on developments which feature 50 - 199 dwellings (i.e. a requirement to provide amenity open space and children's and
- o youth play space on-site)
- o the landscaping proposals are uninspiring and contrary to Policy D2 of the Local Plan which states that "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. The plans do not include the creation of any new areas of nature conservation.

In addition, the Council notes that the CEMP contains measures to mitigate against the use of existing residential roads for construction traffic. Members believe that the CEMP needs to be strengthened to ensure that adequate route / waymarking notices for the development are placed throughout the town to ensure that all construction traffic is in compliance with local weight restrictions - e.g. heavy goods vehicles often ignore the weight restriction in Featherbed Lane and extra mitigation needs to be factored into the CEMP. It is also disappointing that the request for the applicant to engage with ward members on the proposed CEMP has not been pursued.

Lympstone Parish/Town Council

Recommendation: Support

### **Technical Consultations**

### 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 must submit MicroDrainage model outputs to demonstrate that the entire surface water drainage system is designed to the 1 in 100 year (+40% allowance for climate change) rainfall event.

The applicant must ensure that all surface water drainage features are accessible for maintenance. In particular, the western basin appears to be difficult to access.

The eastern basin should have gentle side slopes.

The eastern basin does not appear to be included within the Landscape Strategy (dated April 2020).

The applicant must submit maintenance details for the proposed surface water drainage system.

#### 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.

Following my previous consultation response (FRM/ED/1516/2021; dated 29th June 2021), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

The eastern detention basin is currently proposed to be designed with a discharge rate of 14.0 litres/second. This is higher than the greenfield runoff rate for this area of the site. The previous proposals for the site (20/0993/MRES) confirmed that the discharge rate for the western basin would be lower than the greenfield runoff rates to compensate for the increased discharge rate from the eastern basin. If the discharge rate from the eastern detention basin will be higher than the greenfield runoff rate, then the applicant will need to assess the culverts downstream from the eastern

watercourse (the applicant will also need to ensure that the discharge rate from the western basin 'offsets' the increased rate).

The applicant should further assess the surface water drainage system to provide above-ground features with varied, graded side slopes less than 1 in 3.

The applicant has proposed to keep exceedance flows within the roads. The applicant must ensure that the levels, cambers and kerbs allow the exceedance flows to be designed as proposed.

If the applicant intends to progress this site further through planning, they will need to address our comments for planning application 20/0993/MRES.

#### Housing Strategy/Enabling Officer

No affordable housing is offered in this application, as the small percentage (5%) of the total units set aside for this purpose has been met in a previous application 20/0993/MRES. However it is my understanding that additional affordable units may be sought dependent on viability calculations made at each phase of the development.

#### Natural England

Thank you for your consultation on the above dated 09 June 2021 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.

Thank you for consulting Natural England about the above development. Please be advised that, on the basis of the mitigation previously agreed being secured (£350 per dwelling, alternatively providing an area of Strategic Alternative Green Space (SANGS) close to the application site), Natural England concurs with your authority that the proposed development will not have an adverse effect on the integrity of Exe Estuary SPA and East Devon Pebblebed Heaths SAC European sites and has no objection to the development.

If you have any queries relating to the content of this letter please contact me via [neil.sherwood@naturalengland.org.uk](mailto:neil.sherwood@naturalengland.org.uk).

Should the proposal change, please consult us again.

#### Environmental Health

I have considered the application 21/1516/MRES and do not anticipate any environmental health concerns

#### EDDC Landscape Architect - Chris Hariades

##### 1 General

a) Planting plan sheet 9 which covers the southwestern corner of the application area does not appear to have been included with the amended drawings package.

b) Given its prominence, the proposed sub-station on Dinan Way should be set in a brick building.

c) Details of the proposed ditch across the site south of the eastern attenuation pond should be provided. This should include a detail plan with levels and accompanying cross sections. Details of proposed headwalls and any associated barriers and access arrangements to the attenuation pond should also be provided.

d) Having checked the detailed drawing provided for the eastern attenuation basin, dwg. no. 19.572/062 B I question the section A-A provided which covers the western side only and appears to show a raising of the adjacent footway and carriageway to Dinan Way. Further full longitudinal and cross sections should be provided showing the relationship of the basin to proposed garden boundaries, the edge of Dinan Way, the ditch/ culvert to the south and proposed planting.

e) Could this attenuation be designed as a wet copse? – see image below:

f) As previously noted a pedestrian/ cycle access link should be provided on to Marley Road to 2 south of plot 97.

## **2 Boundary treatment and hard surfacing plan dwg. no. 8255-05 rev A**

a) I don't see why a security fence is necessary around the attenuation basin. There is no security fencing proposed around the larger basin to the north. I suggest the security fencing is omitted and the boundary to Dinan Way is formed by Devon hedgebank.

b) Confirm rear garden boundary details adjacent to existing hedgebanks and show extent on boundaries plan.

c) Confirm how retained hedgerows will be accessed for maintenance purposes. Show access gates on plan.

d) Rear garden boundary fences to public facing areas should be brick walls. The following are instances where this occurs – plots 146, 49, 14, between 41/2, 53-55, 150, 69, 161, 172, 177, 170, 146, 120, 145, 36.

e) Drawing appears to show curved feature walls at the entrances to roads 2 and 3 off Dinan Way. Please confirm detail and heights for these.

## **3 Planting Plans**

### **Generally**

As previously noted there is an excessive use of hornbeam hedging throughout the scheme to the virtual exclusion of any other ornamental planting. This affords poor visual amenity, biodiversity value and resilience against disease and climate change. Change *Prunus avium Plena* to *Prunus avium* to increase biodiversity value as the *Plena* form has sterile flowers.

*Planting drawing 04 rev E*

Provide 2 no. large canopy trees in verge to side plots 103-106.

Provide street trees to front plots 1, 2, 4 (x2), 5, 6, side plot 189 (x2), 183, verge between 181/2.

*Planting drawing 05 rev E*

Maintenance access provision required to existing hedgerow between plots 40 and 41.

Provide fruit trees in verge opposite plots 38 and 40.

Provide additional tree to side plot 36, front of plots 155 and 156.

Provide trees in verge opposite plots 38-40.

Provide understorey shrub mix to side plots 60 and 64 in lieu of amenity grass.

*Planting drawing 07 Rev D*

No specific comments

*Planting drawing 08 Rev D*

Adjust alignment of proposed Devon hedgebank to Dinan Way to abut back edge of Dinan Way footway. Opposite plots 80-83 and 84-88.

Extend Devon hedgebank across Dinan Way frontage of attenuation basin.

Provide willow or understorey mix to south side of parking bays to plot 76.

Provide 6 no. trees to south side drainage ditch at side plots 77-83 3 at side plots 124 and 141..

Provide street trees to front plots 147, 148, 70, 71, 74 and 75.

Extend proposed hedge planting to south side of sub station.

*Details and notes (planting) – drawing 12 Rev A*

Devon hedgebank – confirm source for turves. Provide detail for hedgebank ends.

**4 Conclusion and Recommendations**

The submitted details are still considered inadequate to enable discharge of relevant landscape related conditions and further amendment and information are required as noted above.

Police Architectural Liaison Officer - Kris Calderhead

21/1516/MRES | Partial reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 191 residential units, associated roads, open space (informal) and an attenuation basin | Goodmores Farm Hulham Road Exmouth EX8 5BA

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application. Whilst I have no objection to the application, I would like to make the following comments and recommendations for consideration.

On the whole the layout will provide overlooking and active frontages to the new internal streets which is supported and in the main gardens have been arranged back to back with public access to the rear of plot boundaries restricted.

o Where there are rear gardens which have existing hedgerows as part of their rear boundary, they must be of sufficient height (min 1.8m) and depth to provide both a

consistent and effective defensive boundary which prevent unauthorised access all year round. It must not be prone to wide seasonal variation which may affect this function and clearly must also be fairly uniform in depth and height to be effective.

o Presumably the site will be adopted and lit as per normal guidelines (BS 5489). Appropriate lighting for pathways, gates and parking areas must be considered. This will promote the safe use of such areas, reduce the fear of crime and increase surveillance opportunities.

o Gates proving access to rear gardens should be fitted with locks that are lockable from both sides.

o Where ownership of parking spaces is ambiguous, spaces should be clearly marked in order to reduce the potential for ownership disputes.

### Other Representations

15 representations have been received as a result of this application, 14 of which raise concerns and the other is in support of the proposal. The concerns raised relate to the following matters:

- Wrong site for this many houses, let nature have its place in society;
- The access onto Marley Road was not approved it is now mentioned as an access for construction traffic, it should be removed;
- Mature trees should not be felled
- 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, particularly during construction;
- 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;
- No affordable homes shown on the plans;
- The houses will be developed and not the play areas or business units;
- 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;

These issues will be addressed in the report.

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
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20/0993/MRES	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	Approval with conditions	12.02.2021
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

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

#### Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN14 (Control of Pollution)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

EN5 (Wildlife Habitats and Features)

EN22 (Surface Run-Off Implications of New Development)

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

#### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

#### Neighbourhood Plan

Exmouth Neighbourhood Plan (Made) – Policy EB2 - Design

Lympstone Neighbourhood Plan

#### Site Location and Description

The application site lies with the built up area boundary of Exmouth forming part of a larger allocation in the Local Plan. 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. 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, there are housing bounding the site to the east on the opposite side of a public footpath.

#### **Proposed Development**

This application seeks reserved matters permission for the erection of 191 dwellings pursuant to outline permission 14/0330/MOUT. This application covers part of the site granted outline permission, a previous application covering all of the site was approved earlier this year, and amendments are proposed to the previously granted reserved matters permission. The total number of dwellings on the wider site previously approved was 299, this application proposes to reduce that to 298 in order to secure a layout that reduces significantly the amount of hard surfacing including internal roadways.

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

#### **Assessment**

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. A subsequent reserved matters application 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, 20/0993/MRES, was granted for the whole site.

Therefore the main considerations in the determination of this Reserved Matters application relate to the amendments made, insofar as they relate to the part of the site to which this application relates, since the previous reserved matters application was granted under the following considerations:

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

## **Layout**

The site extends to approximately half of the 15.25 hectares of the wider site and would provide 191 dwellings and an attenuation basin in a similar layout to that previously approved under reserved matters permission 20/0993/MRES. The main reason for seeking an amendment to the permission granted is to reduce the amount of internal roadways with the site and to reduce the overall amount of hard standing thereby reducing the amount of surface water run off for the site and including more porous surfaces and a greener living environment for the residents.

The Council's Landscape Architect raised concerns on the previous application regarding the dense layout and opportunity to introduce more trees by removing plots, whilst this application only proposes to remove 1 plot from the scheme, the reduction in hard surfacing has produced a more visually coherent scheme that allows for increased tree planting, albeit that the details of these are still required through submission of an alternative landscaping scheme to provide a wider variety of trees and hedgerow species.

The eastern attenuation pond which would be situated adjacent to Dinan Way has been a point of concerns from both the Councils Landscape Architect and the engineers at Devon County Council Flood Risk Team, these have been resolved through submission of additional details and amended plans including how the area would be planted.

Accordingly, it is considered that the revised layout is acceptable and the reduction in hard surfacing can be seen as a benefit to the site and surrounding area.

## **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 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.

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

### **Scale**

As previously approved, 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 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, this remains unchanged since the previous reserved matters approval. 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 would not appear out of character. In addition, similar designs have been found to be acceptable in relation to the previous reserve matters application.

The structure planting and on plot planting which was amended during the previous 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, this has been carried forward through the submission of this application.

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. 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.

Reference to the use of Marley Road for construction purposes in the submitted construction management plan has been removed during the course of this application using only accesses off Dinan Way to ensure limited disturbance to the local highway network and residents.

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 wider site, together with the part of the site seeking amendments through this application, 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 this application and the previous application (20/0993/MRES) 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 landscaping scheme that has been provided is acceptable in principle, however, it does not satisfy some of the conditions imposed on the previous reserved matters submission (20/0993/MRES) namely conditions 6 and 8 and therefore these conditions would need to be re-imposed so that appropriate information that is absent can be assessed before works on site, other than the access points, can progress.

Accordingly, the proposal is considered to be acceptable in relation to Policies D2 and D3 of the EDDC Local Plan.

## **Drainage**

The application proposes to provide an on-site surface water drainage attenuation basin in the south eastern part of the site adjacent to Dinan Way to collect the water from this part of 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.

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. These conditions were imposed on the previous application 20/0993/MRES but remain to be discharged at this point in time so would need to be re-imposed on this application on any approval.

The concerns expressed by the Flood Risk Team on this application relate to the design of the eastern basin in terms of future maintenance of the basin with particular reference to the gabion baskets and how the southern part of the basin would be retained adjacent to the public highway. Agreement has been reached and the consultee has now withdrawn their objection subject to conditions being imposed on any approval.

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 the submitted construction and ecological management plan (CEMP) which includes access from Marley Road to be used during the construction period, however, the agent has confirmed that this was an error in the drafting of the document and amended version of the document has been submitted removing any reference to the use of the Marley Road access which would only be a turning head for users of Marley Road and not accessible by or via the proposed development.

Concerns have been expressed regarding the fact that there would be no affordable homes on this site and the commercial land is proposed on the other part of the site not covered by this application with fears that only houses would be built with none of the other development taking place. The legal agreement signed prior to the decision being issued on application 14/0330/MOUT ensures that the development of the whole

site will come forward in a holistic manner and fears over only houses being built are not correct. The 16 affordable units are being provided on the other part of the site as agreed as part of the previous outline consent and are secured to be provided through the legal agreement.

## **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. 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 East Devon Local Plan).

4. 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:
  - Aims and objectives of the management plan;
  - 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;
  - Details of bat and bird boxes to the dwelling;
  - Inspection and reporting 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 the protection of wildlife on the site 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 EN5 (Wildlife Habitats and Features), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan.)

5. With the exception of works to form the creation of the accesses into the site, no site works shall commence until an ecological impact and mitigation assessment (EIA) has been submitted and approved in writing by the Local Planning Authority. The assessment shall include measures for safeguarding wildlife during construction in accordance with the EIA and the monitoring and reporting arrangements for this. Thereafter the development shall be carried out in accordance with the approved details.  
(Reason - In the interests of the protection of wildlife on the site in accordance with Policy EN5 - Wildlife Habitats and Features of the adopted East Devon Local Plan).
6. With the exception of works to form the creation of the accesses into the site, and notwithstanding the submitted landscaping details hereby approved, no site works shall commence until the following have been submitted and approved in writing by the Local Planning Authority:

- i) detailed hard landscape proposals have been submitted and approved to include details of individual plot boundaries, pavings, surfacings and edgings, walls, retaining structures and site furniture.
- ii) detailed levels plans and minimum of 2 sections provided (existing and proposed) to include details of embankments and any retaining structures and means of enclosure to the SUDs features.
- iii) landscape strategy and design code
- iv) detailed planting plans

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:

8255-LP	Location Plan	28.05.21
8255-19	Proposed Combined Plans	28.05.21
8255-18	Proposed Combined Plans	28.05.21
8255-16 C	Proposed Combined Plans	28.05.21
8255-15 C	Proposed Combined Plans	28.05.21
8255-14 C	Proposed Combined Plans	28.05.21
8255-13 C	Proposed Combined Plans	28.05.21

8255-12 C	Proposed Combined Plans	28.05.21
8255-11 B	Proposed Combined Plans	28.05.21
8255-10 B	Proposed Combined Plans	28.05.21
8255-09 B	Proposed Combined Plans	28.05.21
8255-06	Proposed Elevation	28.05.21
8255-05	Other Plans	28.05.21
8255-04	Proposed Site Plan	28.05.21
8255-02 G	Proposed Site Plan	28.05.21
8255-01 H	Proposed Site Plan	28.05.21
677/05 D	Landscaping	28.05.21
677/04 C	Landscaping	28.05.21
671/03 D	Landscaping	28.05.21
671/02 C	Landscaping	28.05.21
671/01 C	Landscaping	28.05.21
667/11	Landscaping	28.05.21
667/101 B	Landscaping	28.05.21
667/06 C	Landscaping	28.05.21
19.572/604 B	Other Plans	28.05.21
19.572/601 D	Other Plans	28.05.21
19.572/040 B	Other Plans	28.05.21
19.572.307 A	Other Plans	28.05.21
19.572-032 B	Other Plans	28.05.21
19.572-031 B	Other Plans	28.05.21

19.572/051 D	Other Plans	17.11.21
19.572/050 H	Other Plans	17.11.21
19.572/055 L	Other Plans	17.11.21
19.572/062 C	Other Plans	12.11.21
19.572/02 D	Other Plans	12.11.21
19.572/051 C	Other Plans	11.11.21
19.572/06 A	Other Plans	11.11.21
667/09 D	Landscaping	01.10.21
667/08 E	Landscaping	01.10.21

List of Background Papers

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

**Ward** Seaton

**Reference** 21/0649/FUL

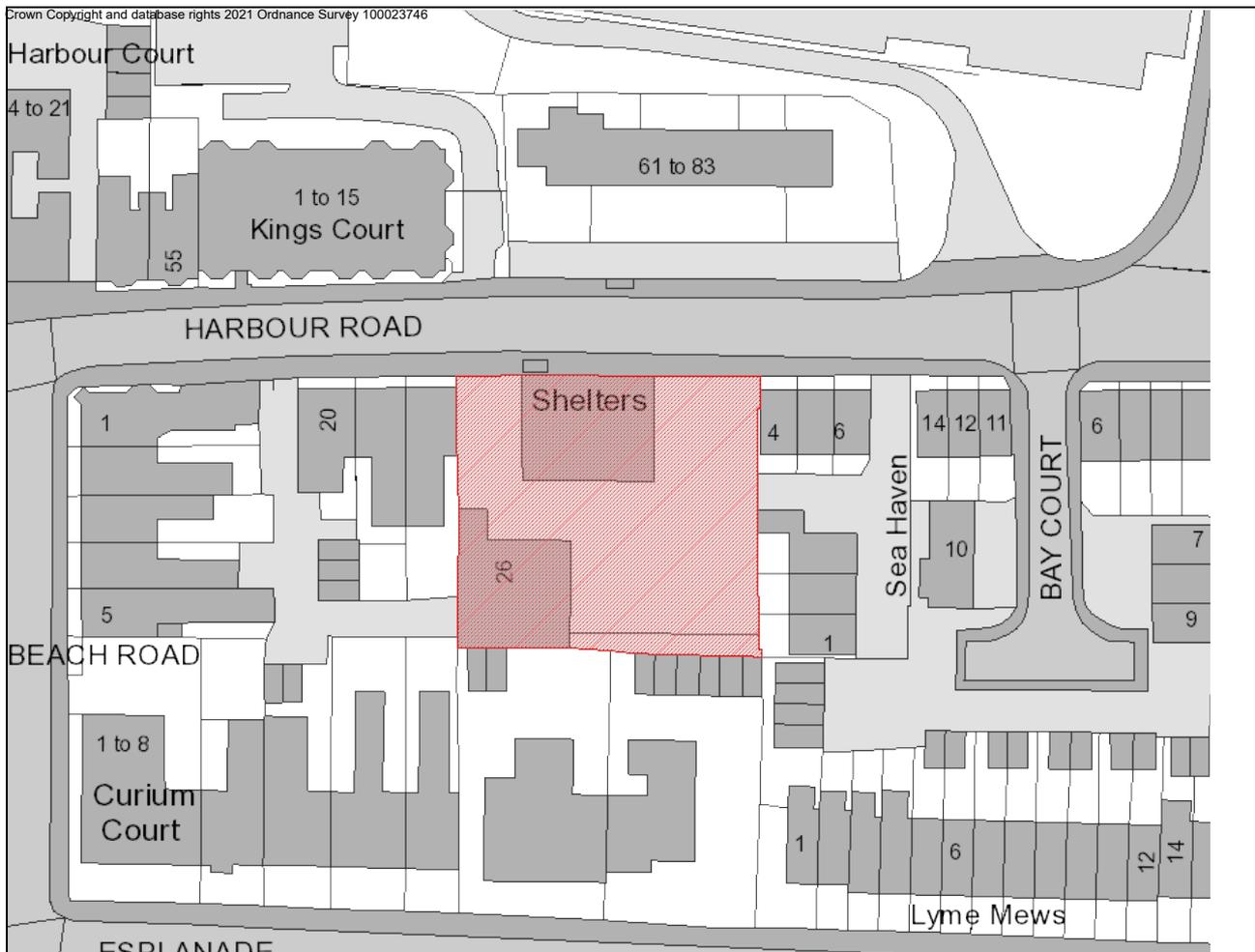
**Applicant** Mr T Sidhu

**Location** Axe Valley Mini Travel/Sureware 26 Harbour Road Seaton EX12 2NA

**Proposal** Demolition of existing retail store and Bus Garage and construction of residential apartment block containing 9 residential units together with associated landscaped gardens and private parking.



**RECOMMENDATION: Refusal**



		<b>Committee Date: 15th December 2021</b>
<b>Seaton (Seaton)</b>	<b>21/0649/FUL</b>	<b>Target Date: 25.05.2021</b>
<b>Applicant:</b>	<b>Mr T Sidhu</b>	
<b>Location:</b>	<b>Axe Valley Mini Travel/Sureware 26 Harbour Road</b>	
<b>Proposal:</b>	<b>Demolition of existing retail store and Bus Garage and construction of residential apartment block containing 9 residential units together with associated landscaped gardens and private parking</b>	

**RECOMMENDATION: Refuse**

#### **EXECUTIVE SUMMARY**

**The application is before committee as the officer recommendation is contrary to the view of a Ward Member.**

**The development would see an existing employment site redeveloped to provide a block of 9 flats and associated development. The site lies within the Built-Up Area Boundary of Seaton and also within Flood Zone 3.**

**The site is considered to be an employment site. The site has not been marketed at all preceding this application and so has instantly brought the proposal into conflict with Strategy 32. There should be no need to consider the matter of employment land supply in the locality although no evidence in relation to this has been submitted either. In such circumstances the development is fundamentally in conflict with not only Strategy 32 but also Strategies 3, 4 and 25 of the Local Plan which try to plan for sustainable balanced communities and with a specific focus on protecting existing and allocated employment sites for Seaton. This conflict is sufficient to bring the development into conflict the Local Plan read as a whole.**

**The development is required to pass the Sequential Test due to its location in a flood zone, whereby it has to be demonstrated that there are no other reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. This has not been achieved and there are other reasonably available sites in the District that can be used for housing that are at less risk of flooding. Furthermore the Exceptions Test would be failed as the levels of the development do not meet those previously identified as being safe. The proposed**

**dwelling and their occupants would therefore be placed at unnecessary risk of flooding, contrary to policy EN21.**

**While the design would enhance the architectural character of the site and the street and also provide some additional market housing, this is not considered sufficient to overcome the harms identified above.**

**As such the application is recommended for refusal.**

## **CONSULTATIONS**

### **Local Consultations**

#### Seaton - Cllr Marcus Hartnell 30.4.21

I am supportive of this application as it will improve the appearance of the area and be more harmonious for neighbouring residential properties. I would like to ensure that a suitable boundary wall to the south of the site is provided to ensure both the privacy and security of the neighbouring hotel. I am concerned about the loss of employment land however I am aware of vacant sites owned by the local authority that could be brought forward and needs to be dealt with separately to this application.

#### Parish/Town Council 30.4.21

Seaton Town Council agree in principle to development on this site. However, the Planning Committee raised several concerns relating to this particular application:

1. The Committee raised concerns relating to the timber fence on the southern boundary which currently separates the application site from the car park of the Mariners Hotel. The owners of the hotel have stated that their guests park their cars directly against the fence and that during the demolition and construction of the proposed development this will affect their business and their guests parking. The Committee would like to see some kind of boundary wall erected of a decent height before occupation of the proposed apartments to protect the privacy of the Mariners Hotel as it is not clear from the plans and no detail has been submitted as to what form this boundary wall would take.
2. Residents of neighbouring properties have raised concerns about overlooking and loss of privacy and light. Looking at the plans it appears that many of the windows on the east and west elevations of the building are bathroom windows which would have frosted glazing. The Committee would like to see any windows which have the potential to overlook any of the surrounding properties, particularly those on the eastern and western elevations, to have frosted glazing and for this to be kept as so in perpetuity.
3. The Committee were concerned, as are members of the public, as to where the bus depot will relocate to. If the business were to close because it could not relocate it would have a considerable impact on the local economy as the company has a significant school contract with Devon County Council and also operates service buses which are vitally important to many residents as it is their only means of travel within the local area.

The Planning Committee also noted the comments made by the Environment Agency who require that the application is not determined until the objections they have raised are resolved.

In conclusion Seaton Town Council do not object to the principle of development of the bus depot site. However, the Council have concerns regarding the relocation of the depot and the potential impact to the local economy and wider community if the business were to cease trading and the overlooking and privacy issues expressed by the occupiers of neighbouring properties.

Further comments 24.8.21

The Planning Committee of Seaton Town Council noted the amendments submitted by the applicant and their responses to the concerns raised by the Town Council in their response to the application dated 30 April 2021. Having read through the responses to the concerns raised by the Town Council and others, plus the revised plans, the proposal is much improved. Most concerns have been addressed in a constructive way.

The Town Council therefore have no objections to the application but would like to see any windows which have the potential to overlook any of the surrounding properties to have frosted glazing and for this to be kept in perpetuity if this is thought necessary by the district council.

### **Technical Consultations**

#### Devon County Highway Authority

Observations:

The CHA has visited the site and is satisfied that the proposed access via an existing access is adequate in terms of visibility, this is despite the existing bus shelter which is see-through.

The proposed internal layout of the vehicle parking and turning facilities is adequate for the development.

Recommendation:

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

Officer authorised to sign on behalf of the County Council  
13 April 2021

#### Economic Development Officer

We would anticipate the site to have been robustly and effectively marketed for employment use for 12 months prior to the COU application. The demonstration of a surplus supply of land would also be required since the proposal will clearly harm employment opportunity in the area, especially if no alternative site in Seaton can be secured for the bus depot.

## Environmental Health

I recommend approval with conditions:

Where there's a risk of pollution/contamination being caused by the demolition of structures from the development site the developer must undertake a risk assessment identifying the potential risks for airborne nuisance, additional land/water contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors. Asbestos is a concern in this situation. The demolition should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors.

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.

Further comments:

I recommend approval with conditions:

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 recommend approval with conditions:

Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the

contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

#### Environment Agency 21.4.21

Thank you for consulting us on this application.

Environment Agency position:

We recommend this application is not determined until the points below are satisfied.

Reason:

The flood risk assessment prepared by StuctureHaus Consultants, (dated February 2021) has been reviewed.

Whilst the assessment is adopting the correct principles in aligning finished floor levels for the proposed residential development with design flood levels, it is felt that the analysis in terms of the modes of flooding is overly simplified.

The key modes of flooding will be two-fold:

1. Flood waters, resulting from wave over-topping the sea wall, will drain to the lower elevation in Harbour Road and enter the site.
2. Flood waters, resulting from high fluvial/tidal levels in the Axe Estuary, will drain along the lower elevation of Harbour Road and enter the site.

Flood risk assessment work associated with the extensive recent development in the area, as part of the Seaton Regeneration Project, analysed these flood mechanisms and defined a safe/acceptable minimum finished floor level for residential development of 4.11mAOD in the area.

Similarly, a level of 3.96mAOD was promoted for external site levels.

On this basis, the Environment Agency would like to promote minimum ground-floor finished floor level for the development of 4.11mAOD. This is seen to be an increase of 0.635m above the proposed 3.475mAOD, and adopting such a level would remove any requirements to condition sleeping accommodation being restricted to higher floors. Efforts should also be made to raise the external (i.e. car parking/access) areas of the site to a minimum of 3.96mAOD.

The application should be held in abeyance until the developer's thoughts on the above have been received.

Overcoming our objection:

A response to the above points, which could form an addendum to the flood risk assessment, would be seen as an acceptable way forward to resolve the outstanding matters.

Further comments 25.8.21

Thanks for re-consulting us on this application.

Environment Agency position:

We maintain our previous objection until the following points below are addressed.

Reason:

The response to the Environment Agency's previous flood risk commentary is noted, effectively indicating no change to finished development levels.

The design flood level for the development is between 4.32mAOD and 4.69mAOD, when considering the 200yr tidal scenario with climate change over the lifetime of the development. With a proposed ground floor FFL of 3.48mAOD, flooding to a depth in excess of 1.0m can be expected for the ground floor. It is the Environment Agency's view that this is not considered 'safe', which questions whether the Exceptions Test can be passed.

On the above basis, we object to the proposals. Going forward, it would be appropriate for the LPA to indicate their stance on whether the wider sustainability benefits provided to the community are seen to outweigh the flood risk, as this will be key to determining whether the Exceptions Test has been passed. The development is also seen to be new construction, where FFLs are not governed by existing infrastructure, so it would be appropriate to fully explain the constraints with regard to the overall elevation of the new construction. It is felt that there may be scope to raise the ground floor level and remove the second floor.

It is also noted that the Flood Risk Assessment (FRA) remains inadequate with regard to outlining the mechanisms of flooding to the development. The influence of wave action readily causes overtopping of the sea defence wall and this water would drain to the development.

In addition, there is no defence provided at the eastern end of Harbour Road, so water levels in the estuary can readily propagate into the town from the area around the yacht club. With no immediate plans to provide further defences for the Seaton, the Environment Agency is keen to ensure that new development adopts flood resilience and resistance measures to ensure that it is safe from flooding and these should be in-line with the wider regeneration plan for the town.

EDDC Urban Designer

**Summary:**

The design is really enjoyable (light-spill down the stairs into the central core, lovely) and the floor-plans include thoughtful touches. However, there are puzzling quirks that I cannot get my head around. At the moment I would offer qualified support as there are some really good design ideas within this submission and it has real potential but there needs to be more time spent on the floorplans to get it to work well.

The drawing and document package is very frustrating as it lacks the information necessary to make a judgement on how decisions have been reached and where design features and materials choices have come from. More attention needs to be

paid to precedent in the area to strengthen the external design. It would be far easier to judge and support this proposal once this is done.

- The building intends to set a precedent for good design and largely succeeds though there are issues that should be addressed.
- The Design and Access Statement does not give adequate information to demonstrate how context has been understood, interpreted and responded to or the thinking behind design and materials. This makes it more difficult to support design decisions as there is nothing to say where they came from.
- The buff brick should be changed to a more local precedent and the elevations of the two wings would benefit from more surface expression as they risk being rather plain in comparison to the overt design flourish of the central section.
- The floorplans need more work. At present the impression is that the layouts are inefficient and left-over spaces have defaulted to bathrooms where these are sometimes not in the best location. The plans need some more time to address other issues that will make the units more liveable.
- Bin and bike storage needs some more work to improve accessibility.

### **A quick description of the context**

The DAS does not provide much information on the architectural or urban context of Seaton, or the background of the area around the site. This is a shame as it would help to set out the design narrative for the proposal and perhaps describe how the proposal intends to link to and be part of the future of Seaton, drawing from its past and improving on its present.

Seaton and the existing harbour were once on opposite sides of a wide estuary mouth that silted up following a landslip, however the river mouth continued to be used as a harbour for goods and people. The area of marshland that subsequently developed in the estuary was used as salt-pans for many years with the development of most buildings along the seafront coming in the period between the world wars. The site is within this area of former estuary, just behind the seafront.

Seaton's growth as a tourist resort happened a while after that of Exmouth but the development of the railways was the same reason this could happen. The railways enabled people to travel more quickly, comfortably, safely and reliably than had ever been possible before and opened up the coast to people inland. The coastal shipping trade that had sustained Seaton until this time died out as a result, leaving the town dependent on tourism which, for a while, was enough. However, changing fashions and cheap air travel meant that, along with Britain's other coastal resort towns, Seaton's economy declined from the tourism peak in the 1950's. This is reflected in the design quality and upkeep of the later buildings along the stretch of seafront between the main town and the harbour. There is now a mix of holiday accommodation, apartments and care-homes on the seafront itself and housing with a few shops and takeaway restaurants mixed in along the Harbour Road behind from which the site is accessed.

Opposite the site is a low, two storey brick terrace that looks to be authentically 1960's council housing but, with its green front gardens and small scale, this looks out of place among the pavement fronting rendered buildings and the Tesco behind. The buildings

to the east of the site are very poorly detailed and rendered late 1990's or early 00's two storey housing pretending to be late Victorian and failing. This is a common theme along the Harbour Road as late 20th century buildings attempting to fit with the context eschewed all imagination, originality or design resulting in desperately lacklustre buildings that demonstrate no understanding of the original form they are trying to imitate. To the west are the three earliest buildings on this stretch of seafront, two built at the turn of the 20th century and one from the mid-to-late 19th century. These are attractive but lost among the later additions, which is a shame.

Behind the seafront, on the opposite side of the Harbour Road is a recent large Tesco Supermarket and new housing which raise the design aspirations for this area, something that is also reflected in other recent housing development around Seaton. This is undermined by the large expanses of car-park, roundabouts and roads making this a car dominated and rather soulless environment.

In many respects, for this site, the context is there for the making.

### **The Site**

A single storey shop building, circa 1990 is at the front of the site, in the middle, with access to the bus service garage at the back of the site on both sides. The service garage is a typical brick post-war commercial garage building. Neither building is of great architectural interest. The site is fully concreted, with a brick boundary wall.

### **Response to context**

The proposal removes both existing buildings and replaces them with a single building of maisonettes and flats with associated parking and what looks to be both private and shared outdoor space. It is assumed that the concrete hard-standing will also be removed but this is not clear from the submitted drawings or documents and is only surmised from the contamination report.

The proposed building is not designed to blend in with its immediate surroundings as the designer has chosen to make a statement of intent that follows the precedent set by Tesco and other recent development by bothering to actually do the job of design. I am not going to give an opinion about the architectural merits of Tesco, the important point is that someone has cared and tried.

The building is clearly modern but appears to reference the original part of Seaton in scale and the choice of materials for the central part of the building may reference the creosoted slab-wood or corrugated iron of old marine buildings, the hung-slate weather protection seen in coastal towns, the engineering brick of old railway buildings, or may not as it does not say in the Design and Access Statement. Likewise the false gables appear to mimic the gables over the bays and dormers around Seaton or they may not. It would really help to know what drove this choice.

The wings either side are more overtly modern and have flat roofs without any false anything. The material is a buff brick, which does not feature much in the south west though the nearby Premier Inn includes buff stonework and could arguably be taken as context but this seems rather tenuous. Again, the Design and Access statement is

silent on the material choice so it is hard to see where this has come from. The precedent around Seaton as a whole is red brick, stone, flint and render but often these are broken up with playful decorative detailing. For these wings it may be helpful to use different brick types and use the precedent seen across Seaton to introduce patterning to lighten these facades. Given the location, monolithic finishes such as render should be avoided so the exuberance of a seagull's digestive system and their total lack of shame has less opportunity to be made apparent. Modern buildings tend to have much flatter surfaces than traditional and without the variation in light and shade that you get with uneven surfaces they make any blemish stand out.

A 3D visualisation of the building photo-montaged within the street would help to see how it relates to its surroundings. For reasons already explained, there is nothing wrong with being different from the context, however, in being different it would help to understand how well it actually works in place. The false gables, for instance, may not work so well when viewed from the side and in context. It would be good to know more.

There is something about the symmetry that also seems uncomfortable, though it is hard to pin down. It may be nothing but perhaps it is the suspicion that there will be an awkward, gappy, building line given the height difference between the flat-roofed wings and the neighbouring buildings. Perhaps it is that the proportions of the building do not lend themselves to this symmetry but again, a montage of the building in context would be very helpful.

## **Identity**

The building has set its own clear identity and is all the better for doing so. The materials and modern design set it apart from its neighbours, but it would be good to be more certain about the way in which it relates to the context.

The elevations are lightened by the rounded corners but, again, the Design and Access Statement does not explain this choice, and therefore it is difficult to understand why these are present and pronounced on outer corners of the rear elevation yet absent on the outer corners at the front. Is this to maintain the crisp edges set up by the central section? Is it to avoid deviating too far from the precedent along this street frontage? Is it something to do with the internal programme? It would be good to know the reasoning.

## **Floor plans and openings**

The layouts of the dwellings are thoughtful, such as the specific inclusion of studies in many of them, but there are some quirks and oversights that could do with being addressed.

## **Overall.**

- It is good to see that a real attempt has been made to give ground floor units access to private or semi-private outdoor space. This does come at a cost in the way entrances work in relation to bins and bikes and it would help a lot if unit 7, being quite large, could have balcony space more generous than a Juliet opening.

- The rooflights and void to the stairwell within the core is a really nice touch and will produce inviting light-spill down the stairs and on the back wall and lift the design of this area. This, combined with the design of the core itself and the detailing of rounded corners, makes this an innovative way to address shared circulation space that is often so joyless.
- The floorplans need more time and attention as the impression is that inefficiencies have created leftover spaces that default to becoming bathrooms where more time and attention can design out other issues and create better, more liveable spaces.
- Are the ground floor shower rooms about lifetime homes? If lifetime homes, there are inconsistencies that need addressing and it would be good if they did not open directly off living space, especially kitchens.
- Access to bins and bikes needs to be rethought. In a couple of cases it will result in bikes either being stored in the flats or not being used. This needs to be addressed, either by incorporating bike-storage into the ground access flats, by relocating the external bike storage to the bin store and displacing the bins to separate or smaller combined storage.
- There may be need for brise soleil to the south facing elevation.
- It would be good to see entrance lobbies to all units where possible. The reality of life next to the sea is sand, damp clutter, wet dogs and children etc. which if directly entering living space will not go well. A lobby gives space to drop the clutter, store children and dogs to be hosed off later and protect the living space. The thermal performance will also improve.

#### **Unit 1.**

- Why the shower room on the ground floor? Is this to achieve lifetime homes? If so, it would be helpful to have level access to bin storage. Having a shower room and toilet opening directly off the living / kitchen area is not a good thing. It could ruin dinner and destroy relationships.
- Lining through the doors in the lobby would feel a lot better, but perhaps this is my OCD. This would give space for shelves for shoes and other clutter and use the curved corner.
- Floor level glazing in a street facing bedroom can make occupants feel a bit shy. Furniture is put against it or curtains drawn, losing much of the intended advantage. The elevations are attractive with these windows, but I would suggest a rethink.

#### **Unit 2.**

- Again, such ready access to a shower and toilet from the kitchen is not convincing and suggests very bad cooking. The red dotted line gives directions in case of emergency.
- The floor level glazing in the bedrooms point as above.
- With such a narrow space between the west elevation and the boundary wall, with no window overlooking it, the outside space here risks becoming unloved and cared for. Given the issues that could be faced by unit 3, it may be not be much missed if it became something else.
- It would be good to have shelter at the entrance. This entrance area will need to be carefully designed to be attractive with good lighting to provide a feeling of security.

- The occupiers have to go through a locked gate and a possibly locked door to get to their bin. Would they not be better off having well designed bin storage in their outdoor space?
- The occupiers have a long walk to get to their bike, by which time they will be knackered and will use their car. I suspect that they will prefer to keep a bike inside the flat so it would be good to make provision for that. Otherwise secure bike storage could be provided with bin storage in the outdoor space.

### **Unit 3.**

- The walk outside to the bin store seems really convoluted as it involves three doors and 4 steps, not including their front door. Could another entrance be made in the east façade so occupants to get to the street and have a (slightly) shorter walk to the bins? Or, could bin and bike storage be provided within this shared space? This would need to be carefully designed so that occupants feel secure using it.
- If changing entrances it would help to have a lobby, especially when opening directly into living space rather than circulation space.
- Shower / toilet kitchen comment again.
- Could the layout be amended so bedroom 3 doesn't have to go downstairs in the middle of the night?

### **Unit 4.**

- Would be good to have a lobby if opening into living space, but at least there will be less upset in the kitchen about the downstairs toilet.
- Would be good to amend the layout to provide the box-room with a window, otherwise this is not a comfortable space to be.

### **Unit 5.**

- Would be good to have a lobby, as above, but challenging within the internal floor space. What would it do to the elevation if this was formed using the balcony overhead? This could also be a solution to unit 4.

### **Unit 6.**

- Occupants will be so frustrated when it is raining to see the edge of their balcony finishing just before it could shelter their door. Can this be rectified through a redesign of the balcony or would a separate canopy be needed?
- Shower / toilet and kitchen comment again.
- It would be good to have access to a toilet on the same floor for all bedrooms.

### **Unit 7.**

- As a relatively large unit without outdoor space is there an argument for an inset balcony somewhere rather than just a Juliet balcony? The experience of the last year has highlighted the importance of having some private outdoor space especially where the three large bedrooms suggests this could be occupied by a family.

### **Unit 8.**

- It would be good to redesign to allow the terrace to open from the west façade so occupants can enjoy afternoon and evening daylight when outdoor spaces get most use. It seems a missed opportunity to have so little glazing onto the terrace when this could be such a good place to link indoor and outdoor spaces. Could there not be full roof access? If this has to be on the east side and not full roof access then running the terrace along the north elevation would provide more opportunity to get direct sunlight in the afternoon.
- It would be good to have some light into the lobby and circulation space that are otherwise entirely dependent on artificial light and do not present a welcome entry. As there is nothing above could there be skylights or sun-pipes? The same goes for the bathrooms.

### **Unit 9?**

- Same comment as above for lighting into lobby, circulation space and bathrooms.
- The balcony is inexplicably different from that below. This reduces access to daylight to unit 5 and creates privacy issues with people being able to look into the bedroom, should they so wish, which cannot be solved using a privacy screen as this would further reduce daylight. All this would be solved by having the balcony in the same place and moving the access door accordingly.
- As unit 8 only has access to half the roof area why not provide unit 9 with roof access as well? This could run off the back of the balcony, or direct off the living area. Future residents will then no longer have to look in frustration through the living area window at an inaccessible area of outdoor space. With a re-design of the layouts, units 8 and 9 could each have access to one or other of the roof areas to west and east.

### **Outside space**

The parking has been set at one space per flat. Although contrary to Devon CC guidance it is a welcome and forward looking design approach that has enabled the garden to be designed as a pleasant place to be, rather than a car park. With climate change, the need to create more liveable environments without cars, the inclusion of a study in many of the units, the proximity of the town centre and other shops, this decision should be supported.

The pathway accessing the core from this space does not follow the desire line from garden or parking and I suspect the wedge of planting will always be trodden on. Running paving through to the edge of the indicated parking space would remove the problem and help encourage people to walk through to the garden.

It is a shame that the pond is seasonal and begs the question what it is like out of season. This will take careful design and well considered marginal planting for this to be attractive all year round, particularly in the summer when people will most want to sit out.

Rethinking the bike storage to address comments above would free space which could potentially be used to reduce the need for underground SuDS, which comes with ongoing maintenance issues, by increasing the volume of the pond. By increasing area and depth this could provide permanent water with volume to take run-off. A formalised design may allow stepped sides that people could sit around to enjoy this space.

It is good to see the garden described as a paradise as it sets an aspiration to use the opportunity given by the reduced parking. I assume the word is used in the original Persian form to mean a very pleasant enclosed garden rather than an earthly heaven which is unlikely nestled under the back of someone's garage but, with the Ragini Indian restaurant and takeaway and Pebblemoon Holistic Wellbeing Centre so close, this may indeed be the stuff of dreams.

### Other Representations

3 letters of objection:

- Loss of light to neighbouring residential property windows.
- Noise from demolition and re-building will be stressful to occupants and their pets.
- Dust from construction will foul drying washing.
- Construction would affect parking area for Mariners Hotel. Also concerned about hours of work affecting bookings.

1 letter of support:

- Support in principle as long as it does not get taller.
- What steps will be taken to reduce effects of construction on residents?
- How will existing concrete depot be removed/affected?
- Planting must not affect neighbouring walls.
- How will solar panels affect glare?
- What seagull deterrents will be used on the flat roof?

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
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None since the late 90s

### **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 2 (Scale and Distribution of Residential Development)

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 25 (Development at Seaton)

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

Strategy 34 (District Wide Affordable Housing Provision Targets)

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

Strategy 38 (Sustainable Design and Construction)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN16 (Contaminated Land)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### **Site Location and Description**

The site lies near to the town centre and seafront in Seaton along Harbour Road, from which it is accessed via two separate vehicular access points.

It is occupied by two main buildings and an open yard. The site is occupied by the STC computer store and the bus depot/service garage business, both reportedly at the end of their tenancies.

The site lies in the Built Up Area Boundary and Flood Zone 3 for the purposes of the development plan.

### **ANALYSIS**

The main issues to be considered in the assessment of this application are:

- Whether the loss of an employment site is acceptable;
- Whether the development is appropriate in a flood risk area and can be made safe;
- Whether the design is good;
- Whether the amenity and privacy of neighbours is reasonably maintained;
- The effects of the development on highway safety.

## Principle

The most relevant policy is strategy 32 which states:

### ***“Strategy 32 - Resisting Loss of Employment, Retail and Community Sites and Buildings***

*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.*

*Employment uses include those falling into Class B of the Use Classes Order or similar uses classified under planning legislation as ‘Sui Generis’ uses. Redundant petrol filling stations and associated garage facilities will fall within the scope of this policy as do public and community uses and main town centre uses and other uses that directly provide jobs or employment, community meeting space or serve a community or social function.”*

The site in question is an employment site for the purposes of Strategy 32 and according to the application form supports 3 full-time roles on the site. It comprises two buildings, one to the frontage in employment use and one to the rear associated with the wider use of the site as a bus depot.

It has been held on appeal elsewhere in the District (the Doyle Centre, Exmouth) that before considering criteria 1-4 of Strategy 32 it must first be established if there is any harm to social or community gathering and/or business and employment opportunities from the loss of the site from employment use. As noted above, the site has 3 full-time jobs on it, with potential to create more, whereas the proposal would not provide any jobs on the site (save for those that result from the temporary construction period). Clearly therefore there is harm in respect of Strategy 32 and the policy should be applied in full.

S32 states that permission will not be granted unless one of the following criteria is satisfied:

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;*

The site has been in its current use since at least the late 1990s and none of the respondents to the planning application have described it as a nuisance site. The Council's Environmental Health team has been consulted and there is no suggestion in its response that there is an amenity issue with the use of the site.

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;*

This is not applicable in this case as no listed buildings are present on the site.

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;*

Although this is a single criterion, it has two requirements. First of all the site must have been marketed (ideally in accordance with the guidance provided on the Council's website provided to aid applicants) for at least 12 months, not only for the existing use but for similar uses (which will be subject to planning if needed). This exercise is required to identify any interest in bringing the site back into a suitable use as identified in Strategy 32.

Second of all there is a requirement to clearly demonstrate that there is a surplus supply of land or provision locally for similar uses. Similar uses in this respect would include employment generating uses which could include retail and the bus depot.

On the first matter, no marketing has been undertaken. The Design and Access Statement (DAS) states at paragraph 1.10 that the IT shop is relocating to a more viable premise (it is not explained where). It states that the bus depot is inappropriate in a residential area but does not advise where this might be relocating to. This is a clear failure to comply with criterion 3 of Strategy 32 and so the proposal is unacceptable on this count alone.

An Economic Impact Assessment by Savills was provided with the application. This points out that permitted development rights are available for a change of use for the computer shop to residential.

The matter is not clear cut however as a Prior Notification would be required if those rights were applicable to test matters such as flood risk (and other matters). Noting that the site lies in flood zone 3 (and the analysis on this matter further on in the report) it is considered likely that officers would not agree to a permitted development based scheme anyway. So it is far from clear if this presents a reliable 'fall back' position as

far as the computer shop is concerned, especially as it covers less than half of the site anyway. Additionally, no permitted development rights for changing the bus depot (*Sui Generis* Use Class) into residential exist and so it is not considered that the permitted development rights are a significant consideration in relation to this case.

In relation to the Bus Depot the Assessment suggests that the use falls into a B2 Use Class (General Industrial) and so is automatically incompatible in a residential area. However this is too simplistic. First of all a bus depot is defined in the Land Use Gazetteer as a *Sui Generis* use, from which there are no permitted changes under the GPDO. The site is surrounded by a number of dwellings and flats but also a hotel so it is not purely a residential area. Further, the permission for the bus/coach depot use (P96/1751) is limited by conditions to that use only and also limits hours of movement/operation of any bus/coach engine between 8pm and 6.45am the following day. Use of the workshop is limited in relation to the granted use only and for the same hours. It is hardly surprising therefore that the nuisance suggested from such a use is not reported as having occurred. Therefore the current use is not considered unsuitable in its context and other alternative employment uses have not been explored. In other considerations, the permission for the depot did not include the site of the computer shop and the bus depot does not take up all of the site subject of this application.

A detailed review of the planning history is laid out but this does not have any implications as to compliance with Strategy 32. Other sites where the Council has granted permission for the loss of commercial sites in the town are listed although of the cases listed the latest was only in 2008, before the current Local Plan was adopted and a significant period of time ago.

The Assessment then goes on to say (page 10) that the removal of the computer shop is justified as it is outside of the Primary Frontage and the Town Centre Shopping Area, therefore undermining these areas (seeming to rely on the Council's attempt to refuse permission for it back in 1982; it was allowed on appeal). The Assessment seems to try and argue that retaining it as a retail use runs against policy E9 (Town Centre Vitality and Shopping Area) which in effect is trying to apply a policy retrospectively by some 38/9 years. It does not follow that if permission would contravene policy E9 now the Council should not object to its removal. There has been no empirical evidence submitted to demonstrate that it is harming the main shopping area in the town and of course the Inspector did not consider this an overriding issue in 1983.

The Assessment suggests that removing the shop will 'help concentrate town centre uses' within the town centre. No evidence is provided to suggest that the shop has or will move to site in the town centre. It is also argued that more housing will in turn support town centre activity, which is probable and therefore adds some positive weight to the proposals.

Page 11 of the Assessment states the site is unsuitable for retail use, which is odd as it has been used for over 30 years as such. It is suggested Tesco's pedestrian link to the town centre completely bypasses Harbour Road and the site. This overlooks the fact that there is also pedestrian link from the front of Tesco to Harbour Road, which enters Harbour Road within 30 meters of the site. In addition, it is stated that Harbour Road is not a particularly attractive public realm and east-west pedestrian traffic is

likely to use the seafront instead. This might be relevant were the occupier of a type that relies on passing trade but there are plenty of commercial uses it could be put to that would not, such as its current/former use as a computer shop, or some other specialized business.

It is stated that the site detracts from the character and appearance of the area by its nature, including the parking of buses in the yard. The site certainly has a utilitarian appearance but it does not dominate the character of the street given that it is set back and the computer shop building sits amid either access point on the frontage. To some it may be unattractive, to others it may offer a sense of vitality or activity that otherwise is missing in the street. It is not a significant point either way.

There is no information in relation to the re-location of the bus depot and as pointed out by the Town Council, its loss could have serious implications for local bus services.

Fundamentally no marketing of the site has taken place. This was seen as a critical failure in the Inspector's decision to dismiss the appeal for the redevelopment of the Cattle Market site in Honiton earlier this year (see 20/2410/MFUL for details), following a public inquiry. So neither has any marketing of the site taken place and neither has it been demonstrated that there is a surplus of land for employment in the locality. The development therefore fails to accord with criterion 3 of Strategy 32.

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.*

This is not the case in this instance.

In summary, the proposal is not considered to meet the requirements of Strategy 32.

## **Flooding**

The site lies in Flood Zone 3 the 1 in 100 year flood risk area. This is predominantly related to coastal and estuarine flooding events.

The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere (paragraph 159). Therefore it is necessary for the Local Planning Authority to perform the Sequential Test. The aim of the Sequential Test is to steer development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. This falls to be considered in advance of any other flooding matters. It is only if the Sequential Test is passed that the Exception Test is applied (a test to see if the wider sustainability benefits of the development outweigh the flood risk and to ensure the development can be made safe for its lifetime, without increasing flood risk elsewhere). These requirements are repeated under policy EN21 of the Local Plan.

## **Sequential Test**

There is some limited national guidance (NPPG) on what information is required to inform the Sequential Test, which essentially suggests that a developer discuss with a local planning authority (LPA) what it requires. No pre-application advice was sought.

The guidance states that 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.

The applicant has submitted a Flood Risk Assessment (FRA) and Drainage Strategy (Structure Haus Ltd). Section 5 of the FRA states that the Sequential Test 'is required but is to be undertaken by others' and so is not dealt with in this document. However an addendum to the FRA is provided (by Savills) which does address the Sequential Test.

Reference is made to past planning decisions in the town (in the same flood zone) where (against officer advice) permission was granted for 6 dwellings at Trebere on East Walk (reference 16/2795/FUL). The minutes for this meeting confirm that this was done as Members considered the combined regeneration and economic benefits to the seafront justified a smaller Sequential Test area focussed on the seafront and as a result the Committee considered the Test was passed. The NPPG does state that local factors can be considered when deciding the area of search to draw up. However the difference between Trebere and the application site is that the latter is not on the seafront, which was cited specifically. Therefore officers do not agree that the Trebere decision should determine the area of search in this case.

The addendum quotes NPPF paragraphs that seek to promote town centres, the re-use and effective use of land and then adds in the purported benefits of redeveloping the site and somehow appears to translate that into justification for limiting the area of search for the Sequential Test to only the site itself. Paragraph 2.214 states 'Clearly these benefits are locationally specific and could not be achieved through the development of sites elsewhere'. However further consideration of wider criteria is given.

The addendum considers the appropriate search criteria to be:

- Sites must be brownfield and in Seaton Town Centre
- Sites must be available for development (defined by being on the EDDC brownfield register; and
- Sites must be in a lower flood risk area.

To this end it identifies Fosse Way Court as meeting to the first two criteria but not the last (so is not sequentially preferable). Other sites (including from the 2017 HELAA) are ruled out primarily on the basis of not being on brownfield land (and so not delivering the suggested benefits of regeneration).

It is not agreed that the approach described is appropriate.

To begin, the site is not part of the seafront and so the same exceptions used at Trebere are not considered applicable. Secondly, the benefits of regeneration are considered to be overstated in this case because the site has not been marketed to see if another occupier could use it for employment generating uses and it is still occupied in part. Therefore the benefits of 'regeneration' are somewhat questionable, especially where it could lead to an unjustified loss of employment land to the local community. The site is not in a designated area for regeneration (the Seaton Town Design Statement 2009 defined the 'zone 1' regeneration area as the land lying north of Harbour Road). Furthermore, the requirement for land to be available by definition of being on the brownfield register is too limited (noting the last point about the lack of marketing). Even if one were to accept an alternative site had to be brownfield, there is no reason why a search should limit itself to what is on the Council's register. No wider search of brownfield sites appears to have been undertaken.

It is considered that the Sequential Test is failed.

#### Exception Test

This test is not applicable where the Sequential Test is failed. However, in the event that Members consider it passed analysis of the Exceptions Test follows below.

To pass the Exceptions Test is must be demonstrated that:

- The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- The development will safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

Both criteria must be satisfied to pass the test.

Evidence obtained as part of the Seaton Regeneration Project established a safe minimum finished floor level for residential development in this area of 4.11 mAOD. 3.96 mAOD was promoted for external levels. The proposal falls short of this with finished floor levels of 3.275 mAOD while the external parking areas also fall short of the recommended level at 3.45 mAOD. Accordingly the EA initially objected to the proposals.

In response to the EA the agent suggests that only one of the criteria in the test needs to be satisfied and that it is, namely the wider sustainability benefits of regeneration. But that is incorrect, both criteria must be satisfied. There is hesitation from the agent to raise the levels due to the possible effect on neighbours. The increase in finished floor levels that would be required, as can be seen above, are 0.15m.

The EA has maintained its objections to the revised/new information. Accordingly, it is not considered that the development will be safe for its lifetime and on this ground the proposals fails the Exceptions Test. Secondly, given the lack of marketing of the

site, the wider sustainability benefits are not considered proven either and the development also fails the Test on this ground.

To conclude, the development is not considered to have passed the Sequential or the Exceptions Test, which weighs against the proposal.

## **Highways**

It is proposed to close one of the existing accesses and retain only the western access which would serve the rear parking external parking area. The proposal has generated no objections from DCC in terms of safety.

The proposal would provide 9 residential units. There would be one 2-bed unit and eight 3-bed units. Under policy TC9 this would normally generate a need for 18 vehicular parking spaces and 9 cycle parking spaces. 11 vehicular parking spaces are provided although the site lies reasonably close to the town centre and nearby supermarket and so a sub-policy level of provision is considered reasonable. The Design and Access Statement suggests 4 EV chargers can be provided with wiring for the remainder so they can be fitted when required, which aligns with policy TC9. The plans indicate some cycle parking provision external to the building on the southern boundary although it is not clear how much or in what form. This could be conditioned to clarify if necessary.

Overall there are no highway concerns.

## **Design**

The Council's Urban Designer has reviewed the initial scheme and subsequently revised plans have been submitted.

The buff brick on the wings has been changed to a red brick with cream band details, used on other prominent buildings in the town. This gives some articulation to the wings which were criticised as being a bit plain. The colours for the bricks are also now more appropriate being prevalent in the town. The bike and bin stores are in better locations functionally speaking.

Overall, the building sets out to elevate the quality of the design in the town and through use of materials and finishes that reference the local vernacular, in terms of both domestic and more utilitarian architecture, the design could be described as being locally distinctive yet modern. It is considered that it would be an enhancement to the quality of the architecture in the street which is beneficial.

## **Amenity & Privacy**

Some neighbouring residents and a business have raised some concerns over the effect of the development on their amenity both during and after construction.

The plans show that there is no overlooking from the ground floor.

On the first floor, the side (east/west) windows serve bathrooms, which can be obscure glazed. There are some side windows in units 1 and 2 that serve bedrooms but these are secondary and could be obscured also if required. A side window to a single bedroom in unit 4 is the only window so this could not reasonably be obscure glazed but it is quite small and unlikely to afford much overlooking. Units 3, 4, 5 and 6 have rear balconies which could potentially afford views towards neighbours. These appear to have privacy screens on the sides however at a reasonable height with some limited perforations to allow some light in and some limited views out. They will not limit views southwards though as this side only features glazed panels. The distance from these balconies to the southern boundary for units 4 and 5 is around 12m. The distance from the balconies to the same boundary is around 17.5m. The rear of the Mariners Court Hotel and the adjoining flats (1-6 Homestead) is around 11m. So overall the separation is from 28.5m to 23m. The rear outside areas of the hotel and flats appear to be parking and service areas and so perhaps not likely to suffer effects from overlooking. There may be some window to window views available but this would not be uncommon in this area which has a predominance of flats and other buildings in close proximity.

On the second floor units 9 (labelled '7' for some reason on the floor plan) and 8 both have access to a roof terrace area and a balcony on the southern side of the building. The southern balcony has a side privacy screen to alleviate overlooking towards the rear of the neighbouring units 1-3 Sea Haven. The roof terraces do not have privacy screens proposed but it does appear that the terrace areas where people could stand/sit are drawn well back from the edge of the flat roof so the effect of looking down over onto neighbours will not likely occur.

In response to the Town Councils comments a new brick wall is proposed along the southern boundary to the height of the eaves of the existing adjacent car garage.

Overall, the scheme allows a reasonable balance of amenity for the proposed development while keeping a reasonable level of amenity for existing neighbours. A condition should be imposed with regard to obscure glazing windows as described and also ensuring privacy screens are installed before occupation and maintained thereafter.

## **Planning Balance**

The site is presently in use for employment purposes. There is no evidence presented to show that the town has an over-supply of employment land. This is underscored by the lack of marketing of the site for employment uses which may well reveal that there is demand for such sites in the town. The proposal does not address where the existing bus depot will relocate to, thus adding to the need for the site to remain in employment use. In this context, its loss would reduce employment opportunities for residents in the town, leading to the need to travel further afield for employment which is not sustainable and runs against Strategies 3 (Sustainable Development) and 4 (Balanced Communities) and Strategy 25 (Development at Seaton).

Strategy 25 specifically states under second criteria 'Jobs' which states that 'Existing and allocated employment sites will be protected from change of use...'. This is of course subject to Strategy 32 but it has been found that these have not been met.

Section 13.1 of the EDLP identifies that '34% of the population in Seaton were in employment, with most working outside the town, mainly travelling by car'. Releasing the site for alternative uses without justification would compound this problem and would not represent sustainable development.

The site lies in Flood Zone 3 and insufficient evidence has been presented as to why a small housing development could not be sited in an alternative location in the District which is at lesser risk of flooding. Furthermore, despite advice from the EA that indicated it would be necessary to revise the finished floor levels to make the development safe this was omitted from the revised plans. The development fails both the Sequential Test and Exceptions Test in this respect and is contrary to policy EN21.

While the design would represent an enhancement of the site in terms of architecture, and also provide some additional market housing, it is not considered that this is sufficient to outweigh the harms identified above and refusal is recommended.

## **RECOMMENDATION**

### Refuse

1. The development would harm business and employment opportunities in the area and result in the loss of existing employment land, without it first being rigorously demonstrated through an appropriate marketing exercise that there is no interest in re-using the site for employment generating uses. Furthermore it has not been demonstrated that there is a surplus of land or provision of employment sites in the locality. The development would therefore not ensure that the local community remains vibrant and viable by reducing employment opportunities in favour of additional housing, which would not represent sustainable development and is therefore contrary to Strategies 3, 4, 25 and 32 of the East Devon Local Plan 2013 - 2031 and to the policies in the National Planning Policy Framework (paragraphs 7 - 10).
2. The proposal for housing is a 'more vulnerable' use that would be situated within Flood Zone 3, an area of high flood risk, and policy EN21 of the East Devon Local Plan 2013 - 2031 and the National Planning Policy Framework (NPPF) require, amongst other matters, for development of this kind within Flood Zone 3 to pass a Sequential Test. It has not been demonstrated why the area of search for this test should be less than the whole of the East Devon District area. Furthermore, it has not been demonstrated that there are a lack of alternative sites available for the proposed development that are at less risk of flooding and therefore the development does not pass the Sequential Test and unnecessarily puts a 'more vulnerable' development type, at risk of flooding. Furthermore the development has not been demonstrated to be designed with safe finished floor and ground levels, therefore also failing the Exception Test, contrary to Policy EN21 of the East Devon Local Plan 2013 - 2031 and Guidance in the NPPF and the National Planning Practice Guidance.

Plans relating to this application:

1287.214 : ground	Proposed Floor Plans	10.08.21
1287.215 : first	Proposed Floor Plans	10.08.21
1287.216 : second	Proposed Floor Plans	10.08.21
1287.218 : west	Proposed Elevation	10.08.21
1287.219 : south	Proposed Elevation	10.08.21
1287.220 : east	Proposed Elevation	10.08.21
1287.221 : site section/street elevation	Proposed Combined Plans	10.08.21
1287.222 : roof/site	Proposed Combined Plans	10.08.21
1287.217 B : north	Proposed Elevation	12.08.21
Location Plan		05.03.21

List of Background Papers

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

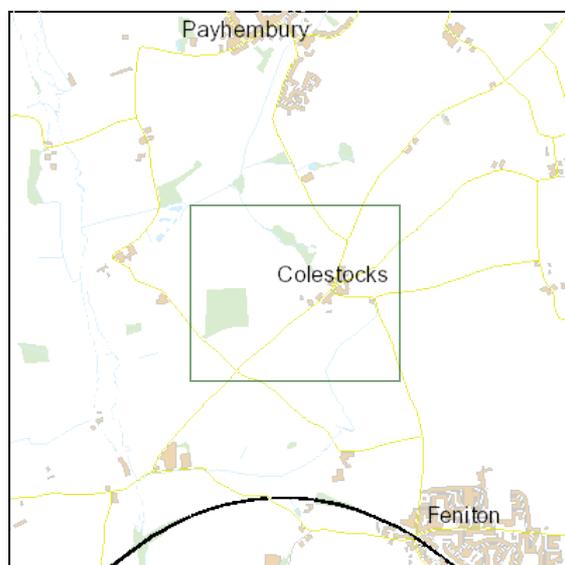
**Ward** Tale Vale

**Reference** 21/0019/FUL

**Applicant** Mr Johnson-Sabine

**Location** Colestocks Farm Cottage Colestocks Honiton Devon EX14 3JR

**Proposal** Alterations to vehicular access, widening and re-alignment of access track and provision of 2no parking spaces and turning area for Colestocks Farm Cottage; construction of polytunnel; provision of 3no shepherds huts for tourist accommodation, including laying out of associated parking area (comprising 6no spaces) and turning area.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 15<sup>th</sup> December 2021</b>	
<b>Tale Vale (Payhembury)</b>	<b>21/0019/FUL</b>	<b>Target</b>	<b>Date:</b>
		<b>19.03.2021</b>	
<b>Applicant:</b>	<b>Mr Johnson-Sabine</b>		
<b>Location:</b>	<b>Colestocks Farm Cottage Colestocks</b>		
<b>Proposal:</b>	<b>Alterations to vehicular access, widening and re-alignment of access track and provision of 2no parking spaces and turning area for Colestocks Farm Cottage; construction of polytunnel; provision of 3no shepherds huts for tourist accommodation, including laying out of associated parking area (comprising 6no spaces) and turning area.</b>		

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

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

**Colestocks Farm Cottage occupies a location in the hamlet of Colestocks, between Feniton and Payhembury. Aside from the main property, the applicant also owns a further 16 acres of agricultural land to the west that is accessed off the road through the hamlet via an unmade farm lane of single vehicle width that extends alongside the southern boundary of the curtilage on one side and Money Glass Cottage, a Grade II listed property, and the northern boundary of its curtilage on the other for a length of just under 40 metres. The junction of the lane with the road is currently substandard in terms of visibility for, and of, emerging vehicles, more particularly to the south west where this property almost abuts the edge of the carriageway.**

**The proposal involves two principal elements in the form of (i) the provision of a 'glamping' site, comprising 3no shepherds huts for use for holiday accommodation purposes, within part of the central of three fields in the applicant's ownership and approximately 200 metres from the main dwelling, and (ii) the construction of a polytunnel within the field adjacent to it to facilitate expansion of the applicant's flower growing business.**

**Associated operations involve the removal, realignment and reconstruction of part of a stone and brick wall along the front garden boundaries of the property to create a new widened and splayed entrance to the farm lane with improved visibility, together with the laying out of 2no parking spaces for private use by the**

occupants of Colestocks Farm Cottage within the rear garden and a further parking facility, comprising 6no spaces within part of the field just beyond the rear curtilage boundary, for use by persons occupying the shepherds huts, all of which are to be accessed off of the farm lane.

The scheme has also been amended to incorporate the addition of a passing bay for vehicles adjacent to the 2no spaces for Colestocks Farm Cottage.

Much of the lane and the proposed parking and passing facilities would be surfaced with a 'green' cellular permeable grass reinforcement system to seek to retain the rural character and appearance of the present lane.

In terms of the criteria set out in Policy E19 (Holiday Accommodation Parks) of the Local Plan, the 'glamping' element of the proposals is considered to be acceptable.

However, amidst a number of areas of concern expressed by the parish council, ward member and interested third parties is the anticipated increase in the use of the existing substandard access that would result from the operation of the 'glamping' facility and the use of the polytunnel and expanded flower growing business that the latter would facilitate. However, with the inclusion of the proposed passing bay, the County Highway Authority is now satisfied, having originally expressed objection, that any such increase would be offset by the ability for vehicles to be able to both pass along the lane, enabling simultaneous access and egress, and turn around within both of the parking facilities without the need to reverse back onto the highway. Taken together with the removal of on-road parking for the existing property that the proposed private parking facility would enable and the modest visibility improvements that would result from the proposed alterations at the entrance to the lane, there would be no overall reduction in highway safety.

This key matter apart, whilst the other issues raised are acknowledged, it is not thought that any amount to material issues of concern that would carry sufficient weight in support of a refusal of permission in this case.

Approval is therefore recommended subject to conditions to control the use of the shepherds huts and to ensure the provision and retention of the access improvements and vehicle parking, passing and turning facilities. Further conditions are also required to seek the provision of outstanding landscaping details and to control ancillary operations required in connection with the 'glamping' accommodation.

## **CONSULTATIONS**

### **Local Consultations**

Parish/Town Council (Original comments)

Planning Application 21/0019/FUL for Colestocks Farm Cottage

Following a site visit, on Wednesday 10th February, Payhembury Parish Council discussed the application and decided to object to this planning application for the following reasons:

1. No Listed Building impact survey has been carried out as part of this application:

The proposed changes to the lane directly behind Moneyglass Cottage (which the applicant has access rights over but does not own) will have a direct impact on the cottage, which is a listed building. No Listed Building impact survey has been undertaken to assess the level and detail of this impact. The public view of the listed building and privacy for the inhabitants will be substantially changed if the proposed access changes are implemented. A hardcore lane with a concrete kerb and a necessary screening fence will replace the green lane adjoining the property. The proposal to widen the lane will enable at least eight cars (based on the proposed number of car parking spaces) to be using this lane on a regular basis, potentially several times a day. In addition, a wider lane would enable larger, heavier delivery vehicles to access the rear of the applicant's property for their fledgling horticultural business. Currently there are no vehicle movements past the back of Moneyglass Cottage, which directly abuts the lane, and the potential structural impact of multiple daily vehicle movements on the property needs to be assessed. Like many old properties it has no foundations. In addition, the oil tank for Moneyglass Cottage is situated along the lane and allowing vehicle and pedestrian movement past it increases the risk of an environmental issue.

An impact assessment on the listed building (including its visibility, enjoyment by occupants, structure, aspect and drainage) is required.

2. Dangerous access from the lane onto the highway:

The proposal does include widening the exit of the lane using part of the applicant's garden to make traffic access easier. These changes (if legally agreed) will improve access down the lane. However, visibility from the lane onto the highway is poor, especially from the right where the view is blocked by the corner of Moneyglass Cottage. Vehicles travelling into Colestocks down the hill at speed from the southwest will not be able to see vehicles emerging from the lane until they are very close to the exit. Likewise, vehicles emerging from the lane will be unable to see vehicles approaching from the southwest. The proposed widening will add very little to the visibility from that direction due to the proximity of Moneyglass Cottage, although it may improve visibility slightly when travelling from the northeast. Increased vehicle movements around this exit will also pose additional dangers for pedestrians.

3. No ecological survey has been carried out as part of this application:

There are believed to be protected species living close to the site of this planning application, including Horseshoe Bats and Dormice. No ecological survey has been carried out to establish the potential impact on these and other species of a potentially large increase in noise and disturbance. The applicants have stated their intention of planting hundreds of new trees and more than 100m of new hedging, which is not included in the detail of the planning application. The ecological impact of this new

planting could be positive, but also needs to consider the biodiversity of the area to support the protected species.

An ecological survey of the whole site due to presence of protected species is required.

Additional comments:

The planning application deals with two separate plans within the one application - one for the development of a permanent caravan site, using 'Shepherd Hut' style caravans, and the second for the growth of a horticultural business. There is concern that treating this as one overall ground-plan would allow the applicant the flexibility to swap the functionality of the two main areas or to use the area currently used for horticulture (although not marked on the plan as such) for future caravans. This was not the intention of the applicants, but the ambiguity needs to be removed. Should this application be successful, the site may require a caravan site licence. If that is the case it is hoped that the local authority will impose restrictions on the site to minimise the impact on local residents of the hamlet (e.g. no car movements after 9pm, no open fires etc.).

The Parish Council felt that the planning application lacked detail in a number of areas, not just the lack of a Listed Building survey or ecological survey. For example, the lane has service pipes for neighbours sewage and water running under it at a relatively shallow depth, with some of the pipes believed to be more than a hundred years old. No detail is given as to how these will be protected from the increased pressure caused by multiple vehicle movements, some fairly heavy, over the top. No indication is given on how refuse from the 'Shepherds Hut' caravans will be dealt with. The Colestocks Shoot, which uses this land throughout the year, for pheasant shooting in season and for the control of vermin during the rest of the year, is not mentioned in the application. The potential safety issues for individuals staying in the 'Shepherds Hut' caravans whilst the shoot takes place has not been addressed. The proposed car park is 500m from the 'Shepherds Hut' caravans and it is proposed to use a quad bike for transfers between the car park and the huts, although this is not stated in the planning application. The impact of regular quad bike journeys down the green lane and back has not been addressed ' either in terms of noise disturbance or ecological impact. It is good to see the applicant include a proposed polytunnel within scope of this application. However, the visual impact of this (> 3x height of the existing rabbit fencing) would need further action to avoid an eyesore in the hamlet (which would be visible from some distance) as there is minimal screening and none to the required height.

These, and other details, have not been adequately dealt with in the planning application. The applicants are keen to have minimal environmental impact, which is commended, however they have not formally surveyed the impact of their proposals. The potential impact on the view of and from a listed building and impact on privacy and structure of that building (Moneyglass Cottage) which has a window directly overlooking the lane, and the increase in noise and light disturbance as a result of these proposals needs to be addressed. Finally, the proposal to make changes to a lane which the applicants do not own is of concern.

In the opinion of the Council, without legal agreements of the landowner and those with rights over the lane planning permission for this site is irrelevant (though outside the consideration of this Council). If an alternative and suitable access route was available to the applicants then the ecological survey would still be required, but the impact on listed building would be minimal.

Parish/Town Council (Further comments in response to amended plan showing addition of passing bay along farm lane):

Payhembury Parish Council consider that the amended planning application for the proposed horticultural business and holiday lets (Shepherds Huts) at Colestocks Farm Cottage has not substantially changed from the original plans issued back in January. The very serious issues that were raised previously have not been addressed and therefore the Parish Council continues to object to this planning application. All of the issues previously raised are still relevant and require attention. The addition of a passing place approximately half way along the lane does not address any of the concerns raised.

The access from the lane to and from the public highway still suffers from very poor visibility, especially from the Crowders Cross / Talaton direction and this has been highlighted by DCC Highways as a major concern.

The applicants are not the owners of the lane that they are proposing making fundamental changes to. As previously stated, the permission of the landowner and those with rights over the lane should be obtained before any consideration is given to the proposed changes.

The plans show a number of inaccuracies and the agents have not taken sufficient care when producing them. For example, the outline of Moneyglass Cottage does not show the buttresses that support the building and which create a major obstruction for access to the lane. The dotted line on the Moneyglass Cottage side of the lane states that it denotes the edge of the grass buffer/hardcore lane, however the area is not a grass buffer but a concrete apron needed to allow runoff from the listed building which has no foundations (no protection for this apron or the oil tank for Moneyglass Cottage have been included in the plans). The first two plans have a date of Nov 20, but the latest plan, showing the proposed passing place on the lane and therefore clearly recently changed, is also dated Nov 20. This lack of care and attention to detail is concerning.

The Heritage Report, produced by the agents for the applicants, does not give an independent assessment of the potential impact of the proposed changes on the Grade 2 listed Moneyglass Cottage. An independent assessment is required.

The four-fold increase in the area to be used for polytunnels represents a huge increase in the visibility of the site and suitable screening needs to be incorporated into the plans. Honeysuckle Cottage, in particular, will be adversely affected by this proposed change. This increase in the size of the currently quite small horticultural business is disproportionate to the size of the property and to the hamlet of Colestocks. An increase of that size is likely to result in more movements of larger vehicles such

as 3-tonne trucks. Neither the access into the lane, nor the proximity of Moneyglass Cottage to the lane, are suitable for these sort of vehicle movements.

Finally, the agents have stated in their letter dated 3rd March that a cart with all terrain wheels will be used to transfer luggage from the car park to the holiday lets. However, at the Parish Council site visit in late January the applicants themselves stated that a quad bike would be used.

#### Tale Vale - Cllr Philip Skinner

I have taken many points of view over quite a long time now from all sides.

I have always been very supportive of farm diversification and want to encourage growth within are communities providing it is of course in the right place.

The definition of right place must be taken on board if already existing residences could be likely to be affected in a settlement environment. Other considerations are equally important, such as highways.

I have visited the site and passed it on several occasions and cannot 'get away' from the highways issue. I fully appreciate the applicant has worked with highways whom have now overcome the highways issue. Although this has been achieved through negotiation (and all credit to the applicants for working a scheme through) it really appears to me that it is still extremely dangerous.

It is a difficult balance but one I must 'land with, either one way or another'. I feel with multiple considerations, that I need to REFUSE this application as I just don't feel it sits right on its highways grounds issue.

I would like this application to go to the planning committee for the planning members to debate and come to their own conclusions.

#### **Technical Consultations**

##### Devon County Highway Authority (Original comments)

Observations:

The location is sited on a C-Road, our policy requires all A, B and C roads have the ability to turn off-carriageway and re-enter the carriageway in a forward facing motion, this proposal fits that criteria with the provision of dedicated off-carriageway parking and sufficient space for vehicles to turn.

However the drive width is only 3m wide and therefore only one car width wide, with vehicles unable to see each other from either end of the drive, this may cause disruption to the highway network. To increase the use of the drive with 3 Shepherds huts would require either a passing place in the drive or the drive width to be increased to 4.8m wide.

Additionally, the visibility is particularly poor at this development and whilst I appreciate it is an existing access, the intensification of the use of this access would increase the safety risk of the highway network in the vicinity.

Therefore I recommend refusal of this planning application.

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 increased use of the access onto the Public Highway, resulting from the proposed development would, by reason of the limited visibility from and of vehicles using the access, be likely to result in additional dangers to all users of the road contrary to page 32 of the National Planning Policy Framework.
2. The inadequate width of the access is likely to cause congestion, with consequent risk of additional danger to all users of the road contrary to page 32 of the National Planning Policy Framework.

3 May 2021

Devon County Highway Authority (Further comments in response to amended plan showing addition of passing bay along farm lane):  
Addendum 21/09/2021:

The applicant has come forward with a potential passing bay along the farm track, this would allow the access to accommodate for simultaneous access and egress with the increased trip generation from this application.

Through the safety improvements of the access wall being lowered to the east increasing visibility in that direction, the ability for vehicles to pass along the access track and not reverse onto the highway and the removal of on-street parking, I believe the safety concern of the increased use of the access track with the 3 shepherds huts has been at least equalised and therefore the County Highway Authority stance is now one of no objection.

Recommendation:

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

Conservation (Original comments)

The proposal is assessed against the setting of the grade II listed building that is a=site to the immediate south of the site.

Comments are as follows;

- o The boundary to Colestocks Farm Cottage appears on the 1888-1890 historic maps.
- o Part of the significance of the listed building is derived from its setting The setting is of a rural settlement that is surrounded by the natural landscape. The immediate setting to the listed building is characterised by its historic built environment

of vernacular dwellings most of which are detached but all are bordered by a stone or brick boundary wall.

- o The proposal seeks to demolish the front and side walls and move into the garden to make the side access wider. The re-use of existing materials and the duplication of the bound/course must form part of the works and could probably be set as a condition.

- o The proposal is not overly explicit with the detailing of the entire scheme and seeks to split elements e.g. interior drawings of the holiday accommodation (and not external measurements) that do not necessarily give the full impression of the actual overall scheme(s).

- o Will there be any energy generation on site too? Any vehicle electrical charging points?

- o In general the widening of historic tracks is not uncommon with the pressures of modern agricultural vehicles. In this case this is not really a main access track for big agriculture and is also required for modern day parking.

- o There remains concern with regards to the lack of investigation of the herniate impact. Assessment. There is little to no supporting evidence with regards to the historic asset including the large buttresses on the gable/roadside end. There appears or be an oil tank on the border of the lane but behind the house that I presume requires access and additional concern with regards to not just the safety of actual physical impacts to the corner of the house but the actual physical protection of impact to the oil tank.

- o It would be preferable for the boundary to remain in the original position as this would retain the historic boundary line. It is recommended that there are conditions for details of surface treatment of the lane and edges. There should be minimal intervention and no modern edges such as kerbs. The materials from the walls must be re-used and re-built like for like with a lime based mortar.

- o It is considered that although there will be change to the alignment of the boundary wall to the cottage, the degree of negative impact to the setting of the listed building could be partially mitigated by a minimal and sympathetic landscape solution and the rebuilding of the walls like for like. A more detailed solution including materials needs to be submitted. This could be set as a condition.

Conservation (Further comments in response to amended plan showing addition of passing bay along farm lane):

In addition to initial comments made and in response to the amendments:

- o There continues to be concern with regards to the lack of investigation regarding the impact of the proposal on the setting of the listed building.

- o The digital landscaping views lack details and are too generic to provide any more information than a plan drawing would do.

- o There must be a sympathetic, detailed and defined solution to the boundary treatment of Money Glass Cottage and not one that necessarily is a standard highway solution.

### Environmental Health

I have considered the application 21/0019/FUL and do not anticipate any environmental health concerns.

## Campaign to Protect Rural England

Devon CPRE would like to raise the following concerns and objection.

A heritage statement has been submitted which has not been undertaken by a specialist but by the agent. Are the Local Planning Authority content that this assessment is robust enough to make sure that the applicant has taken the significance of the historic asset (Moneyglass Cottage) into account when developing and designing their proposals for change. It is a core part of the design process, which tests whether a proposal is appropriate by assessing its impact on a heritage asset's significance. It helps to ensure that what is important about a historic asset is sustained or even enhanced.

Much of the information in support of the proposal appears somewhat insufficient to support this proposal moving forward:

- \* There is no specific information on the need for this type and scale of development in this locale;

- \* There are no detailed references as to how the site is linked to public transport and how it will promote the use of sustainable modes of travel other than the private car e.g. where is the nearest bus stop and how frequently does the bus run; what is the relationship of the site to the green infrastructure within the area to facilitate walking and where do the routes lead; cycling storage facilities?

"...walking offers the greatest potential to replace short car trips, particularly those under 2 km." (Manual for Streets, para 4.4.1, page 45, DCLG, 2007).

- \* There is no justification for the design principles of the scheme in relation to the historic context e.g. tents/polytunnel. What additional facilities/built form will be required in addition e.g. bin storage, washroom facilities, hard surfacing (and materials), amenity areas etc. The applicant appears willing for some of these details to be conditioned at a later date, but these details are crucial in considering the scale and impact of the proposal at this stage. The car parking area appears somewhat urban in form.

- \* There is no mention of the quantifiable net gains to biodiversity as a result of the proposal, how can the scheme respond to this issue without a preliminary ecological appraisal to not only steer the scheme but any conditions that may be necessary to ensure appropriate mitigation and enhancement? The Local Planning Authority should be aware of the emerging Environment Bill and 10% net gain drive.

- \* The highway authority has yet to comment on the proposal and the concerns raised by the community re access, increased traffic movements remain unaddressed. Where are the details in respect of anticipated trips (referencing both the horticultural business and tourism offer e.g. number of deliveries, type of vehicle to be used, number of employees etc. to justify the statement that potential movement is insignificant). Without some sort of technical transport note, how can the implications on highway safety be fully considered based on the current level of detail?

Conclusion

In accordance with the National Planning Policy Framework, development should deliver gains across the objectives of sustainable development; economic, social and environmental. This scheme does not accord with national policy. There is insufficient detail to ensure that the proposal meets local and national planning policy criteria.

### Other Representations

A total of ten representations of objection have been received across two rounds of consultation.

#### Summary of Grounds of Objection

1. Increased vehicle movements, with additional safety risks to pedestrians, cyclists and horse riders at a dangerous entrance on a blind bend with inadequate visibility with sole access for both planned business activities via a very narrow shared farm lane.
2. Noise and disturbance from vehicles, headlights, etc. driving at all hours along farm lane which historically has had very little vehicular use.
3. Impact upon privacy of Money Glass Cottage and garden from passing pedestrians and cars.
4. Destruction and rebuilding of ancient stone wall, between two listed buildings to the detriment of the street scene.
5. Increased traffic would result in a considerable impact upon the hamlet.
6. Car park would be a visual blight upon area and the level of parking provision suggests future expansion.
7. No provision made for a track for clients to carry luggage and provisions over potentially muddy fields.
8. Noise and light disturbance/pollution from activity generated by journeys to and from the huts and from their occupation, dogs, barbeques, etc.
9. Lack of ecological information, particularly in relation to bats' foraging and commuting corridors and the impact of lighting upon bats and dormice.
10. Disturbance caused by the huts would present a threat to the breeding and raising of pheasants in the nearby woods.
11. Possible subsidence to Money Glass Cottage from weight from vehicles.
12. Risk of damage to sewage drains from weight of increased traffic.
13. Domestic oil tank at the side of the lane would be vulnerable to damage from passing vehicles and vandalism.
14. Lack of practical details relating to supply of services such as light, heat, water, drainage, etc.
15. Size of polytunnel implies future planning for a substantial expansion of the flower growing business.
16. Proposed widening of the track to accommodate 'all types of vehicles' will almost certainly include trailers and delivery vans with greater weight and restricted manoeuvrability, posing greater risk of damage.
17. No mention of waste and recycling storage and disposal for the shepherd huts and the horticultural business.
18. The applicant does not own the farm lane, which has unregistered title with the Land Registry.

### POLICIES

#### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

D7 (Agricultural Buildings and Development)

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

EN14 (Control of Pollution)

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

EN22 (Surface Run-Off Implications of New Development)

E4 (Rural Diversification)

E19 (Holiday Accommodation Parks)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Made Payhembury Neighbourhood Plan 2017-2031 Policies

There are no neighbourhood plan policies that are material to the application proposals.

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

**ANALYSIS**

**Site Location and Description**

Colestocks Farm Cottage is a semi-detached residential property that forms part of the hamlet of Colestocks, located approximately midway between Feniton and Payhembury.

The property and its rear garden back onto an open field, one of three extending to the west of Colestocks that are also within the applicant's ownership and amount to around 16 acres in area in total. The nearest field to the property (i.e. immediately to the west) is sub-divided by a stockproof post and wire fence running from north to south.

Access to these is principally available via an unmade, mainly grass, lane of single vehicle width, approximately 38 metres in length, off of the County highway. This lane separates the southern boundary of the residential curtilage of the property, defined by a stone wall and hedge and a run of timber panel fencing and trellis, from the northern boundary of that of Money Glass Cottage, a Grade II listed building. This boundary is defined in part by a concrete block wall, where it borders the rear garden of the property, but is otherwise open to the rear wall of the dwelling itself. An oil tank serving this property occupies a recess where this wall steps in is positioned immediately adjacent to the lane.

The principal road frontage boundary of the curtilage of Colestocks Farm Cottage is defined by a brick wall, again backed by a hedge. A pedestrian entrance to the property is positioned at the junction of the lane with the road.

The area is not the subject of any landscape designations or other material constraints. However, the land occupied by the three fields is classified, under the Agricultural Land Classification, as Grade 3 agricultural land.

### **Proposed Development**

The application proposal involves six principal elements, centred upon two enterprises, as follows:

1. Widening of the access lane and the creation of an improved splayed entrance, with enhanced visibility, through the removal, realignment and reconstruction, to the north of its current position, of the existing boundary wall of the curtilage of Colestocks Farm Cottage with the lane and the frontage boundary wall with the highway, both to a height of 975mm. These operations would involve the re-use of the existing stone and brick respectively.
2. Removal of the timber fencing and trellis from the remainder of the boundary of the property with the lane and the formation of an access to, and laying out within the rear garden of, both a parking and turning facility for the use of the property - comprising 2no spaces - and a splayed passing bay for vehicles using the lane. The 'new' realigned boundary to the rear garden of Colestocks Farm Cottage at the rear of these would consist of a 1.8 metre high fence to match the existing. This element of the scheme has been amended to incorporate the addition of the proposed passing bay in the light of objections to the original proposals that were raised by the County Highway Authority.

3. Re-surfacing of the majority of the length of the access lane with a permeable cellular grass reinforcement system utilising recycled plastic. This would be designed to allow for the ongoing growth of grass so as to seek to retain the present appearance of the grassed surface of the lane. The first section off the highway would be surfaced with a permeable hardcore, similar to the existing informal treatment. A low timber edging board would be laid along the southern edge of the lane adjacent to the rear of Money Glass Cottage while a short 3 metre length of 1.8 metre high timber screening would seek to screen and protect the oil tank that serves that property.
4. The provision of a 'glamping' site comprising 3no shepherds huts within the south eastern part of the central of the three fields to the rear of the property. These would each measure 7.32 metres by 2.44 metres.
5. The provision and laying out of a parking and turning facility, comprising 6no spaces, for use by occupiers of the proposed shepherds huts, within the south eastern corner of the field immediately to the rear of the property; i.e., just beyond the end of the lane and an existing gated entrance into the field.
6. The construction of a polytunnel within the same field for use to facilitate the applicant's intention to expand an existing flower growing enterprise. This would measure 20.12 metres in length by a width of 6.1 metres with a maximum height of 2.84 metres.

### **Considerations/Assessment**

The main issues for consideration are the principle of development, visual impact, highway safety, impact upon heritage assets, ecology and residential amenity.

#### **Principle**

The proposals relating to the realignment of the curtilage boundary of Colestocks Farm Cottage, alongside the alterations to the access lane and the provision of the parking spaces and passing place for vehicles, whilst requiring consideration as to their respective merits (which are discussed later in the report), are essentially proposed as a means of servicing the proposed glamping site.

It is therefore considered appropriate that the principle of this element of the scheme should be considered at the outset.

The provisions of Policy E19 (Holiday Accommodation Parks) of the adopted Local Plan permit proposals for new sites, such as that proposed in this case, where various criteria are met.

These are discussed in turn as follows.

**1. The proposal relates sensitively in scale and siting to the surroundings and includes extensive landscaping and visual screening to mitigate against adverse impacts. They do not affect habitats or protected species**

The proposed shepherds huts would be positioned a considerable distance from any public vantage points, of either shorter or longer range, within a very gently undulating pastoral landscape interspersed with established hedges and areas of woodland. As such, and provided that the materials, colours, etc. employed in their design and appearance is appropriately sympathetic, they would not be readily apparent in wider landscape views to the extent that they would appear visually intrusive and therefore unduly detrimental to the rural character and appearance of the area.

Indeed, the comparative isolation from public vantage is such that it is not considered necessary for the addition of mitigating screen planting that might otherwise itself appear uncharacteristic of the surrounding landscape, to be introduced.

Equally, it is not thought that the development would not result in any adverse effect upon, or loss of, any significant areas of habitat, or otherwise affect protected species. The accommodation would occupy a comparatively modest part of a field laid to pasture with no requirement to demolish any buildings or remove any ancient/traditional, or indeed any, hedgerows that might provide a habitat for protected species.

The applicant has expressed a willingness to undertake the implementation of any biodiversity enhancement measures that may be considered necessary by the Council.

## **2. They are within, or in close proximity, to an existing settlement but would not have an adverse impact on the character or setting of that settlement or the amenities of adjoining residents**

The site is in close proximity to Colestocks and near to Feniton and Payhembury where there are a range of amenities, including a main line station at Feniton. Although these amenities may be regarded as being too far away for daily living and for regular access by means other than private car, for tourists it is considered that walking or cycling would be an attractive option and reduce the need to travel by car.

In addition, the ready accessibility of footpath connectivity to Payhembury and its village shop and public house has been highlighted by the applicant's agents in support of the suitability of the location of the site when assessed against this criterion.

However, the accommodation would be sufficiently physically and visually separated from Colestocks as to avoid any adverse impact upon the character or setting of the hamlet itself or the amenities and living conditions of the occupiers of the nearest residential properties to the site within it.

The level of accommodation is also considered to be appropriately modest, at three units, as to restrict the likely level and regularity of activity, both vehicular and pedestrian, that would be generated by its use together with that of the proposed vehicle parking facility to serve it and the farm lane that in turn would serve this. (This is discussed further later in the report.)

## **3. They would not use the best and most versatile agricultural land**

Although utilising Grade 3 agricultural land, it is unclear whether it is Grade 3a, which is among that categorised as being among the best and most versatile land (BMV), or Grade 3b, which is not regarded as being BMV land.

In any event, it is accepted that the scale and level of impact upon the availability of such land that would result from the siting of the proposed shepherds huts would be small scale and would therefore be unlikely to compromise agricultural productivity to any significant degree that objection to the proposal on this ground would be justified.

#### **4. They will be provided with adequate services and utilities**

There is no evidence to suggest that any absence of utility provision would be a point of concern. In relation to services, the intention is to provide a modest low impact tourist facility with no associated or ancillary uses or structures.

#### **5. Traffic generated by the proposal can be accommodated safely on the local highway network and safe highway access to the site can be achieved**

With some justification, this represents a major point of concern with the parish council and ward member, as well as among interested third parties, and is therefore addressed within this part of the report.

It principally relates to the likely increase in vehicle movements in and out of the farm lane to the proposed parking facilities for both Colestocks Farm Cottage itself and the shepherds huts, the inadequacy of the standard of visibility both for, and of, vehicles emerging onto the highway from the lane owing to Money Glass Cottage almost physically abutting the former to the south west of the entrance and the narrowness of the lane, in practical terms, to accommodate this increase without resulting in harm to the amenities of the occupiers of this property.

Observations made on the applicant's behalf by the agents state the following:

'At present the applicant's property does not benefit from any formal off-road parking facilities, and they are forced to park up against the adjacent listed building (space for one car) at the entrance to the track to their land, and on the public highway for their secondary and any visiting vehicles. Whilst smaller vehicles can fit down the track, they are forced to pass very close to the listed building.

The width between the listed building and Colestocks Farm Cottage garden wall is less than 2.4 metres at its narrowest point.

Deliveries for the horticultural business (including, for example, tonne loads of compost) are forced to be dropped at the top of the track, not only close to the listed building, but also potentially impacting on passing traffic.

A primary objective of the applicant's proposal is to enhance the protection of the listed building, allowing a wider berth from the building and including a minimum 1.5 metre buffer.

It is suggested that passing vehicles are unlikely to significantly adversely affect the listed building (structure or foundations if present), and it is an improvement to provide a wider distance from the building and cease parking cars adjacent to it.

It is noted that the area at the top of the track closest to the listed building and the public highway is surfaced with hardcore to provide a suitable base of vehicle access.'

Whilst the appearance of the surface of the farm lane at the time of the officer visit did not appear to reflect any constant, or even regular, use, it is acknowledged that it is an established point of access to the applicant's agricultural land and is potentially capable of being used more intensively in connection with such use for agricultural or horticultural purposes without any need for planning permission.

The poor standard of visibility at the junction of the lane with the highway, more particularly in the south westerly direction, is also duly recognised, as is the fact that this is unlikely to be addressed, or capable of being addressed, without significant intervention.

The proposed realignment of the first section of the lane off the highway and the existing curtilage boundary wall to Colestocks Farm Cottage is intended to move the existing point of emergence for vehicles seeking to exit the farm lane onto the road slightly further to the north east than at present so as to create a wider splayed entrance and open up slightly greater visibility in both directions.

(The assessment as to the impact of these operations upon the street scene and character of the setting of Money Glass Cottage and other listed buildings is considered later in the report.)

Whilst these proposed modifications initially failed, in the view of the County Highway Authority (CHA), to improve the level of visibility sufficiently to avoid objection on the grounds of inadequate visibility at the farm lane entrance, with attendant failure to improve safety standards for users to an acceptable degree, the subsequent inclusion of a passing facility along the lane to allow for an overall improvement to the standard of access and egress, given the increased levels of vehicle movement anticipated, is now considered by the CHA to tip the overall balance in favour of the proposals from a highways perspective.

As such, and taken together with the likely slightly greater distance of such movements from Money Glass Cottage, the ability for vehicles to turn and emerge from the lane in a forward gear that the inclusion of the passing bay - together with the parking spaces - would facilitate, the slightly improved visibility in both directions at the entrance and the potential to remove the need for on-road parking, it is the view of the CHA that there would be no overall worsening of safety concerns connected to the increased use of the farm lane.

Moreover, in broader terms, it is not thought that the level of additional traffic movements that would be generated by the proposals would be such as to risk

compromising safety standards on the wider local highway network. Although it is accepted that the roads in the locality are essentially rural lanes with limited footway provision for pedestrians, it is not felt that the net addition of the three shepherds huts (given that the lane could already be lawfully used in connection with the occupation of Colestocks Farm Cottage and agricultural use of the land beyond it) would result in general levels of safety for road users being materially adversely affected, again to the extent that objection would be justified.

In the circumstances therefore, whilst the continued objections held by the parties listed above are understood it is not considered that they could reasonably be upheld in support of a refusal of the proposal on highway safety grounds provided that the access improvements, including the provision of the passing bay and parking facilities for the existing property and users of the shepherds huts, are implemented before the latter are made available for use.

Turning to the impact of the proposed alterations to the farm lane entrance upon the character and appearance of the street scene and the character of the setting of Money Glass Cottage, whilst it is appreciated that these would represent a not insignificant intervention in the character and appearance of the boundary treatment to the curtilage of Colestocks Farm Cottage it is nevertheless considered that it would not be unduly unacceptable provided that the reconstruction of the boundary walls is handled sensitively.

It is also recognised that, whilst the hedge contributes towards the rural appearance of the site boundaries with the highway and the farm lane and the wider rural character of the hamlet, and screens much of the existing property from view from the road while also providing the applicant with a considerable degree of privacy, this could itself be removed without the need for any approval from the Council. In this regard, it is also duly noted that the property does also have the benefit of a larger private rear garden area that would continue to be retained in spite of the proposed parking spaces and passing bay for vehicles.

The boundary alterations aside, it is considered to be important that the lane retains its rural character and appearance so far as possible. To this end, it is thought that the intended 'green' surface treatment of the majority of its length, excepting for the retention of the length of permeable hardcore for the first section (which would be consistent with the Highway Authority's standing advice in relation to the treatment of agricultural field entrances), would be acceptable.

There are however some outstanding matters of detail in relation to the landscaping proposals for the lane and parking areas that remain to be provided. It is recommended that the submission of these for approval be secured by condition.

The proposed polytunnel would be of a size, form, design and external appearance typical of such structures and, whilst positioned in relative isolation within the field to the rear of Colestocks Farm Cottage, would not be readily visible within the wider public domain or, even in the event that it were, sufficiently divorced from the existing built form of the hamlet or visually intrusive as to materially detract from the rural landscape character or appearance of the surrounding area such that objection to it could reasonably be supported on this basis.

## **Other Matters**

There is an acceptance that the proposals would likely increase general levels of pedestrian and vehicular activity along the farm lane relative to that currently - and possibly for some time - experienced with some attendant impact upon the living conditions of the occupiers of Money Glass Cottage. However, part of the existing concrete block wall that separates the lane from the rear garden of this property is of sufficient height to screen views towards, and into, a conservatory attached to its rear. Furthermore, while the remaining length of this wall is lower, and does allow for a view into the garden, it should be recognised that the lane is an established means of access to the field to the rear of the applicant's property and could, in any event, and in the absence of the current application proposals, generate far greater levels of activity and movement of vehicles than it would appear it has done for some time with comparable impact upon the adjacent occupiers.

In much the same manner that it is felt that the levels of additional activity that may be generated by the proposals would not have an adversely compromising effect upon highway safety, it is also considered that they would not result in the unacceptable levels of noise and general disturbance that are anticipated by the parish council and a number of the interested third parties. Indeed, when taken in the overall planning balance, it is again not agreed that these concerns could reasonably be substantiated in the event of a refusal.

The issue of ownership of the lane has been raised with the applicant's agents and the requisite notice placed in the local press, with appropriate certification of the same provided to the Council, with no response having been generated. As such, officers are satisfied that the statutory duties that are required of applicants in situations where development proposals involve land whose ownership is unknown have been complied with in full in this case.

Various other concerns that have been expressed, such as the risk of potential damage to property and infrastructure from vehicular movements along the lane, cannot be regarded as being material to consideration of the proposals on their planning merits.

## **Habitat Regulations Assessment and Appropriate Assessment**

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designation is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of the designation. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from

residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

## **RECOMMENDATIONS**

1. That the Habitat Regulations Appropriate Assessment be adopted.
2. That the application be APPROVED subject to the following conditions:
  1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
  2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
  3. The shepherds huts hereby permitted shall only be occupied for holiday accommodation purposes under the supervision and management of the owners or occupiers of the property known as Colestocks Farm Cottage and shall not be occupied as a person's sole or main place of residence. A register (including names and main home addresses) of all occupiers of the accommodation shall be collated and maintained by the owners or occupiers of the property known as Colestocks Farm Cottage and this information shall be made available at all reasonable times upon request by the Local Planning Authority.  
(Reason - To ensure that the accommodation hereby permitted is not used for permanent residential occupation in this open countryside location where new development is restricted in accordance with Strategy 7 (Development in the Countryside) and Policy E19 (Holiday Accommodation Parks) of the adopted East Devon Local Plan 2013-2031.)
  4. The shepherds huts hereby permitted shall not be brought into use until the following operations have been completed in full in accordance with the details shown on the approved plans and any other details as may be required to discharge any other conditions attached to the permission hereby granted:
    1. The alterations at the entrance to the access lane off the County highway, including the provision of visibility splays.
    2. The realignment and widening of, and alterations to, the access lane, including its re-surfacing.
    3. The provision, laying out and surfacing of the passing place and parking and turning areas within the curtilage of Colestocks Farm Cottage.
    4. The provision, laying out and surfacing of the parking and turning areas within the field to the west of the curtilage of Colestocks Farm Cottage.  
(Reason - To ensure that satisfactory access, visibility and parking and turning facilities are available before the holiday accommodation hereby permitted is used in the interests of highway safety in accordance with the requirements of

Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)

5. The visibility splays shown on the plans hereby permitted shall be kept permanently clear of all obstructions greater than 600mm high.  
(Reason - In the interests of highway safety in accordance with the requirements of Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)
6. The land indicated on the drawings for the parking, passing and turning of vehicles shall not be used for any other purpose, unless an alternative and equivalent area of land within the site is provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. This shall thereafter be kept available for vehicle parking purposes.  
(Reason - To ensure that adequate and safe provision is made for the parking, passing and turning of vehicles associated with the occupation of Colestocks Farm Cottage and the use of the holiday accommodation hereby permitted and in the interests of highway safety in accordance with the requirements of Policy TC9 (Parking Provision in New Development) of the adopted East Devon Local Plan 2013-2031.)
7. Notwithstanding the submitted details, no development comprising the provision of the parking, passing or turning areas shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. It shall also include details as to the surface treatment of the access lane and passing, parking and turning areas shown on the approved plans. The landscaping scheme shall be carried out in the first planting season after commencement of the development, unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority, and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the adopted East Devon Local Plan 2013-2031.)
8. The construction of the walls along the northern side of the realigned and widened access lane and splayed access shown on the approved plans shall be carried out using stone and brick salvaged from the existing walls shown to be removed. In the event that there is insufficient salvaged stone and/or brick, details and, where so required by the Local Planning Authority, samples of the stone and/or brick to be used shall be submitted to, and approved in writing by, the Local Planning Authority. The construction shall be carried out in accordance with the approved details.  
(Reason - In the interests of the character and appearance of the boundary treatment to the retained curtilage area of Colestocks Farm Cottage in

accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

9. No development involving the provision of the shepherds huts shall take place until satisfactory details as to any lighting of any part of the application site and/or any means of directing persons to and from the shepherds huts 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 - In the interests of the character and appearance of the area and the amenities of the occupiers of neighbouring and nearby residential properties in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

##### Informative: Confirmation - No CIL Liability

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

Any queries regarding CIL, please telephone 01395 571585 or email [cil@eastdevon.gov.uk](mailto:cil@eastdevon.gov.uk).

##### 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:

200-01 Rev E	Location Plan	04.02.21
rev 2	Proposed Floor Plans	05.01.21
200_04	Proposed Combined Plans	15.01.21
200-05 Rev B	Landscaping	30.11.21
200_06 Rev A	Landscaping	30.11.21

##### List of Background Papers

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

**Ward** Axminster

**Reference** 21/0768/FUL

**Applicant** Mr Graham Hudson

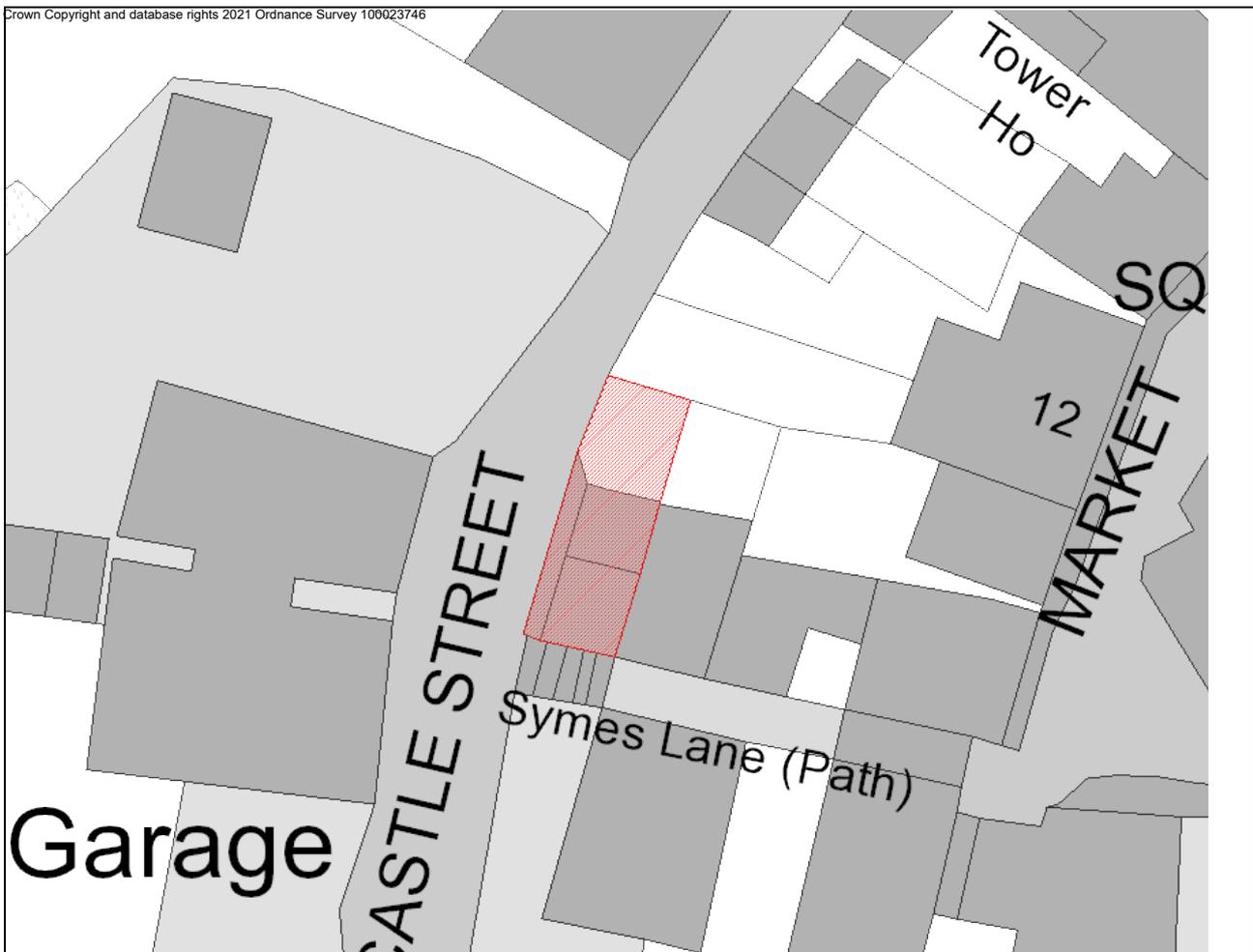
**Location** Old Public Toilets Castle Street Axminster

**Proposal** Conversion of public toilets to dwelling with new first floor/roof.



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 15<sup>th</sup> December 2021</b>
<b>Axminster (Axminster)</b>	<b>21/0768/FUL</b>	<b>Target Date: 20.05.2021</b>
<b>Applicant:</b>	<b>Mr Graham Hudson</b>	
<b>Location:</b>	<b>Old Public Toilets Castle Street</b>	
<b>Proposal:</b>	<b>Conversion of public toilets to dwelling with new first floor/roof.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

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

**The proposal is to convert the former public toilets to a 1-bed dwelling by adding a storey and carrying out a number of external changes. The site is within the town centre conservation area and close to a grade II listed building. It also adjoins a residential property which is at a higher level to the east and is opposite a commercial garage/workshop to the west.**

**The site is in a sensitive location where great care is needed to ensure that the proposal preserves or enhances the character and appearance of the area and respects the listed building. Through negotiation the building has been reduced in scale, the finishes have been improved and the fenestration altered to achieve a more contemporary approach befitting the building and complimenting its surroundings.**

**These changes have also improved the relationship with the neighbouring dwelling, eliminating privacy concerns and reducing the physical dominance.**

**In addition, the applicant has demonstrated that measures can be put in place to limit the impacts of noise from the garage workshop across the road, thereby securing satisfactory living conditions for the future occupants of the dwelling.**

**In summary the proposal would deliver a dwelling in an accessible location and bring a redundant building back into use while preserving the character and appearance of the conservation area and residential amenity. It is therefore recommended for approval subject to conditions.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Axminster - Cllr Andrew Moulding**

I recommend that this application is approved

Further comments:

I retain my view that it is important that this site is developed.

However, in deference to further comments made, additional negotiation with the applicant is required

Further comments:

I agree with the recommendation.

#### **Axminster - Cllr Sarah Jackson**

Castle Street has been subject to numerous small conversions in recent years and I can't help feel that this is overdevelopment given the size of the plot, comments from an adjoining landowner (which has been marked as neutral but i read as an objection) and the complete lack of off-street parking. There is also a query regarding land ownership (the red boundary comprising two separate parcels of land) and, perhaps most seriously, the structural integrity and stability of the party wall to the north, which abuts the highway, and which both the town council and the county council have been made aware of as a potential hazard to pedestrian and road safety.

#### **Parish/Town Council**

Council is happy to support the amended application as submitted but welcomes the suggestion by officers that a Noise Assessment Report be commissioned by the applicant in light of concerns raised by adjoining residents and businesses.

## **Technical Consultations**

### **Conservation**

The proposal has been assessed on the basis of impact in the conservation area and setting of listed buildings.

Comments are as follows;

- The heritage statement is inadequate by virtue of the absence of evidence including no reference to searches of the Devon Historic Environment Record (HER).
- There appears to be a disparity of scale between both ground floor plans. Both drawings are the of the same scale yet appear different in size.
- The historic maps dated 1889-1912 do not show this toilet block, however it appears on the 1951-1992 historic maps. There is a further reference to its existence in the 1950's in "Moulding's Memories". This text identified the existing grassed area to the North as being used as a garden by Herbert Jeffrey (aka "Lord Jeff"), with "...access from above from Market Square".

- The HER identifies a non-designated heritage asset in this same area as being the former Clink or town lock up circa 1600 and 1800. It is referenced as having blocked up openings but it is strongly recommended that should this asset be within the application site and ownership, that it is revealed with a strategy for interpretation and conserving this heritage asset as a basis for heritage gain.
- The proposal - there seems scope for some alteration and use, however the overall scale and massing the excessive ridge height in particular, is unsympathetic to the character of the area and setting of the designated heritage assets. The site and existing building are subservient to the surrounding traditional historic buildings.
- Boundaries - it has a great impact on the historic boundary walls the rear (East) neighbours gable end with garden wall. The plans, although incorrect, show that there will be some demolition of the roadside garden wall. The proposed first floor and roof overhang the rear East wall, with the eaves projecting over. This creates an awkward spatial relationship between the physical structures and the odd space left between them. This will likely hinder any ease of access for future maintenance of both this site and the adjoin neighbour. At present they share a rainwater down pipe on the South-Eastern corner by the steps of Symes Lane.
- The openings are too generic particularly the windows on the (main) West and North elevations. Both of which are prominent in the street and be seen in context to the historic buildings, the grade II listed Old Chapel specifically. They do not respect the local vernacular.
- Roof, this is far too high, an alternative solution should be considered.
- In conclusion, although there is scope for some change the proposal is excessive in scale and massing. It makes no contribution to the character and setting of the designated and non-designated heritage assets. At present the proposal creates less than substantial harm.

#### Further comments:

This application has undergone various changes to its additional floor. These comments are based on the latest changes and are as follows;

- The materials proposed are supported such as the timber windows and doors and the natural slate roof. It is recommended that there is a condition to detail the style of the joinery as well as the finished colour.
- The render finish is fine, however the one colour finish for this unusual building will be crucial in order for it to blend into the street scene and therefore recommend that this is a condition.
- The rooflights should be conservation type and recommend that as a condition.
- This latest design has taken my suggestion to position the first floor window into the North west corner in order benefit from the view and to ease any neighbour overlooking concerns. It is a shame that it is not as dramatic design intervention as a frameless corner window solution would be, but presume this is constricted by budget. The ground floor bathroom window seems to be at a height where the public could assess or look through from the steps in this elevation. It is a shame that there is no window on this elevation at first floor however small, as this would allow natural cross ventilation to this space.

- Doors - it is shame that the existing openings have not been re-used, however the garden access from inside, with the retention of the historic stone boundary wall is a positive gain. It might still be easier and space efficient if the garden door opened outwards.
- Bedroom, there is scope to use the space under the stairs for bedroom storage.
- This is supported, but recommend the details as noted, are conditioned.

### Environmental Health

I have considered the application and I have environmental health concerns in relation to noise.

This application involves the introduction of noise sensitive dwelling in close proximity to an existing industrial/commercial operation (garage workshop). I am concerned that the noise impact from the neighbouring industrial/commercial operation has not been assessed and therefore, no noise mitigation has been taken into consideration during the design phase for the residential unit.

The industrial/commercial operation is likely to generate significant amounts of noise (due its close proximity) and therefore, the impact of this noise is likely to cause significant adverse effects.

I recommend that the applicant undertakes a noise assessment. Prior to the commencement of the development, a scheme to demonstrate that the internal and external noise levels within the residential unit will confirm to be the "good" design range detailed within British Standard BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings shall be submitted to and approved in writing by the Local Planning Authority.

This will help inform the decision making process for the proposed new residential dwelling. If the noise assessment highlights noise as an issue, mitigation will need to be considered and assessed in order to determine if it is at an appropriate level to achieve the good design range for internal and external noise levels.

Further comments:

In response to the applicants questions, I'm happy with the SPL of 93 (LAeq) at 1m, I'd say 5 wheel nuts over 4- worse case of 30 sec and I agree that desk based approach is sufficient in demonstrating that the BS 8233 internal noise levels can be met.

Further comments:

I have reviewed the submitted noise assessment I have no Environmental Health concerns with the application.

### DC Footpath Officer

Regarding the above application the only comment PROW wishes to make is that the Public Footpath Axminster No.92 will need to have a temporary closure on it when works commence. The applicant can apply for this using the forms on our website.

### Other Representations

1 letter of objection and 1 letter of representation have been received (in summary);

#### Objection

- loss of light
- overlooking from balcony
- impact on historic character
- impact on adjacent wall

#### Representation

- limited parking available.
- construction disruption.

### **PLANNING HISTORY**

None.

### **POLICIES**

#### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

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

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

### **Site Location and Description**

The proposal concerns the former public toilets in Castle Street, Axminster which closed around 15 years ago and were sold by the Council to the applicant. Since that time there appears to have been no active use of the building. The site also includes a small parcel of land, known as 'Jeff's Patch', which adjoins the north side of the former toilets; this did not belong to the Council but the applicant registered possession of the land in June 2019 and the Land Registry title document shows that he is now the owner.

The site is located within the centre of Axminster and is in the designated conservation area. On the south side of the building is Symes Lane, a pedestrian path which leads up to Market Square and provides access to a number of residential properties, including the neighbour adjoining the eastern edge of the site, 'Stepsway'. The nearest

building on the south side of the site is The Old Chapel, which is listed grade II. Opposite the site is Castle Garage which provides car repairs and MOTs. To the north of the site is the rear garden of a property on Market Square. The terrain is such that Stepsway, its rear garden, and the garden of the property on Market Square are all at a higher level than the application site.

### **Proposal**

This application seeks planning permission to convert and extend the former public toilets to create a 1-bed dwelling. To achieve this it is proposed to add a storey to the existing single storey building. The new first floor would accommodate an open plan living room, kitchen and dining area. On the ground floor there would be a bedroom, bathroom and hall/study. The total floor area would be 55.4 square metres which is slightly under the Nationally Described Space Standard for a 1-bed, 2-person, 2-storey dwelling such as this but it would still provide adequate indoor space. Outside, bin and bicycle storage would be provided in front of the building and a garden space would be created on 'Jeff's Patch'.

As part of the adaptations, the existing doors would be partially blocked up to create window openings and one of the existing windows would be enlarged to create a front door accessed from a new set of steps rising up from road level.

### **ANALYSIS**

The main issues concerning this proposal are the principle of the development, the impact on the conservation area, and the impact on the occupants of neighbouring properties.

#### **The principle of the development**

The public toilets have been closed for around 15 years but the town centre is also served by public toilets in the West Street car park. Although the Council is currently reviewing public toilet provision in the district, it is not considered likely that there is new demand for the former toilets in Castle Street. The loss of this facility is therefore accepted.

The proposal is situated within the built up area boundary of Axminster and close to the town centre. The occupants of the dwelling would have convenient access to all of the amenities on offer, including public transport in the form of trains and buses. Space to park a car would not be provided for the occupants but there are public car parks nearby should the need arise.

The car repair garage opposite the site is likely to give rise to some noise and disturbance during working hours. The proposed dwelling would have its main outlook towards the garage, as would the garden, although both would be offset from the workshop. Owing to the close proximity between the dwelling and the garage/workshop, advice has been sought from the Council's Environmental Health department. Based on a desktop assessment it has been concluded that noise generating activities would be for a brief duration and would only take place within the workshop. On this basis noise impacts on the occupants of the dwelling can be

managed through design. A noise assessment has subsequently been submitted with Environmental Health concluding that it demonstrates that the site is an appropriate location for a dwelling.

### **Impact on conservation area**

The existing building dates from the mid-twentieth century and is believed to have replaced an earlier building although details of that building are unknown. The site occupies a prominent position at the end of a terrace and is clearly visible across the forecourt of The Old Chapel when approaching from the south. Owing to the curve of the road, the building is less prominent when approaching from the north where the views are dominated by the garages and workshops opposite.

The proposed dwelling would be more prominent than the unobtrusive and recessive toilet block but through negotiation it has been reduced in height by 750mm and the white render has been replaced with 'dark beige' render. As a result it would blend into the streetscene more successfully than the original scheme and compliment rather than draw attention away from the more historic buildings. Subject to securing details of the materials and finishes by condition, the updated palette of materials is an appropriate response to the building's surroundings.

Other changes include a new window treatment, a pitched roof over the bin/bike store and removal of the steps/balcony from the north elevation. The window treatment in particular reflects a more contemporary approach which is considered appropriate for the horizontal proportions of the building and takes advantage of the views to the countryside from the first floor. In conservation terms this is considered preferable to an inauthentic traditional style of fenestration that would not suit the proportions of the building or appropriately reinforce the character of surrounding buildings.

Given the improvements secured through negotiation the proposal would preserve the character and appearance of the conservation area.

### **Amenity**

The eastern edge of the site adjoins Stepsway and its rear garden. Stepsway fronts onto Symes Lane and its rear elevation faces north, overlooking a small garden. Both the house and the garden are elevated relative to the application site and there is a stone wall which separates Stepsway's garden from the site. The wall is about 1.5m high (measured on Stepsway's side) which allows an outlook towards the countryside to the North West. On the rear of Stepsway there is a small glazed extension which is used as a utility/storage area. The roof of the toilet block extends beyond the glazed extension by about one metre and its pitched roof slopes away from the boundary up to a ridge about one metre higher than the garden wall. Currently, therefore, the toilet block is an unobtrusive building which does not negatively impact on the neighbour's enjoyment of their garden.

The proposal would raise the eaves height of the building by about 1.4 metres to a position just above the height of the boundary wall. Whilst this would make the roof of the building more prominent, it would slope away from Stepsway and only extend along a short length of the garden boundary. Consequently it would not appear

dominant or overbearing. With regard to light, there would be some additional shading of the glazed extension and part of the garden in the afternoon and evening but the main amenity area at the end of the garden is unlikely to be adversely affected.

Previous concerns about overlooking from the windows and balcony on the north elevation have been addressed by omitting the balcony, repositioning the window and lowering the height of the building. As a consequence, current privacy levels in the garden of Stepsway would be maintained. A further improvement is the omission of one of the rooflights from the east elevation, thereby presenting a blank roofslope to the garden of Stepsway.

Following negotiations to address concerns about the impact of the development on the occupant of Stepsway the scheme has been substantially altered and now achieves an acceptable relationship.

### **Other matters**

The owners of the garage opposite the site have raised concerns about disruption to their business during construction works. However, works would be for a temporary period and it is not anticipated that any road closure would be required. Whilst there may be occasions when deliveries to the site cause temporary disruption to traffic such occasions would be brief and limited in number.

A concern has been raised about the stability of a wall adjoining the northern edge of the site. However, there is nothing to indicate that the development would adversely affect this wall and the development may lead to any issues being addressed that otherwise might be overlooked.

### **CONCLUSION**

The proposal would deliver a dwelling in an accessible location and bring a redundant building back into use. Following negotiations the design is now sympathetic to the conservation area and the amenities of the occupier of the adjacent dwelling and therefore the proposal is recommended for approval.

### **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. Notwithstanding the approved plans, no development other than demolition (including partial demolition) shall take place until a schedule of materials and finishes (including paint colour) and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls, roofs, windows and doors of the proposed development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - To ensure that the materials are sympathetic to the character and appearance of the conservation area in accordance with Policy EN10 - Conservation Areas of the East Devon Local Plan 2013-2031.)
4. Notwithstanding the approved plans, the rooflights shall be of a 'conservation' type, being flush with the plane of the roof and slim framed. Details of the design and finish shall be submitted to and approved in writing by the local planning authority prior to the commencement of any roof construction works. Thereafter, the development shall be carried out in accordance with the details agreed and so maintained. (Reason - To safeguard the character and appearance of the conservation area in accordance with Policy EN10 - Conservation Areas of the East Devon Local Plan 2013-2031.)
5. Notwithstanding the approved plans, no door or window shall be installed until section drawings at a scale of 1:2/1:5 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 safeguard the character and appearance of the conservation area in accordance with Policy EN10 - Conservation Areas of the East Devon Local Plan 2013-2031.)
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed in any elevation or roof slope of the building without the prior express consent of the Local Planning Authority. (Reason - To protect the privacy of adjoining occupiers and the character and appearance of the conservation area in accordance with Policies D1 - Design and Local Distinctiveness and EN10 - Conservation Areas of the East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

##### Informative:

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

##### Informative:

Should a temporary closure of Public Footpath Axminster No. 92 (Symes Lane) be necessary when works commence the applicant must first apply to Devon County Council: <https://www.devon.gov.uk/prow/change-rights-of-way/apply-for-a-temporary-closure/>.

Plans relating to this application:

0	Location Plan	15.03.21
2158-1-6 G	Proposed roof plans	27.10.21
2158-1-9-2 G	Proposed Combined Plans	27.10.21
2158-1-1 F	Proposed Floor Plans	27.10.21
2158-1-9-1 G	Proposed Elevation	27.10.21
2158-1-0 G	Proposed Floor Plans	27.10.21

List of Background Papers

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

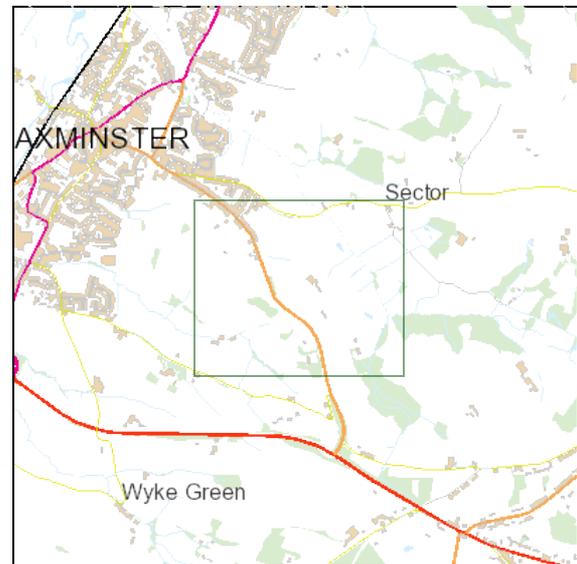
**Ward** Axminster

**Reference** 21/1585/FUL

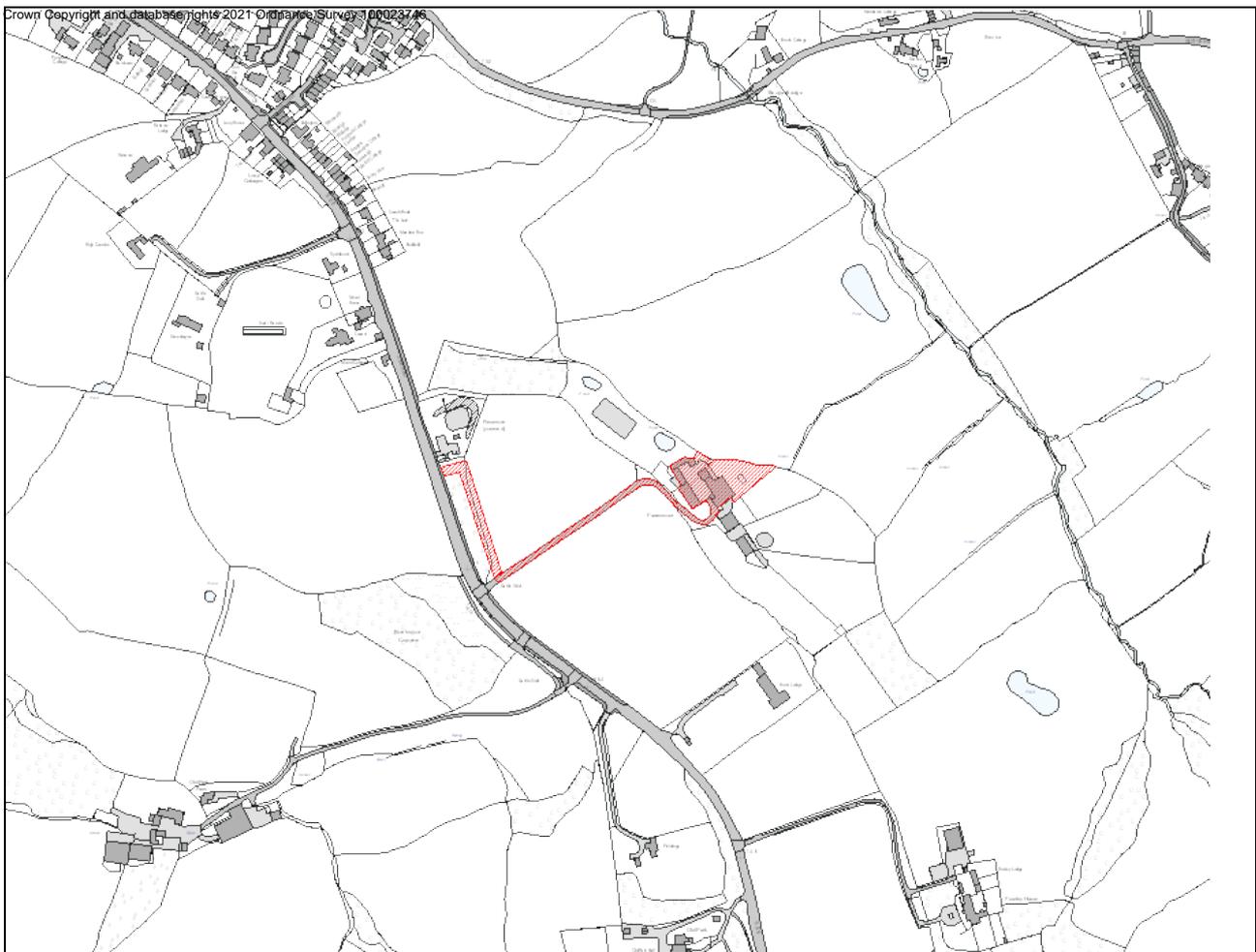
**Applicant** David Douglas-Mort

**Location** Fawnsmoor Farm Lyme Road Axminster  
EX13 5SW

**Proposal** Conversion of barn into a dwelling with  
associated garden and parking area.



**RECOMMENDATION: Refusal**



		<b>Committee Date: 15<sup>th</sup> December 2021</b>
<b>Axminster (Axminster)</b>	<b>21/1585/FUL</b>	<b>Target Date: 12.08.2021</b>
<b>Applicant:</b>	<b>David Douglas-Mort</b>	
<b>Location:</b>	<b>Fawnsmoor Farm Lyme Road</b>	
<b>Proposal:</b>	<b>Conversion of barn into a dwelling with associated garden and parking area.</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

**This application is before the Planning Committee because it is contrary to the view of a Ward Members.**

**The proposal is to convert a traditional stone barn to a dwelling, including replacement of a large modern extension with an extension of the same size. In the process of repairing and restoring the stone fabric the building has been unsympathetically altered in the past and this proposal would fail to secure any improvements to the materials and finishes. Policy D8 and para. 80 of the NPPF also seek enhancements to the setting of buildings, including by way of the removal of modern extensions. This proposal, however, includes a large and unsympathetic extension that would dominate the rear elevation and obscure the traditional barn. On design grounds the proposal is therefore unacceptable.**

**Further concern arises because the building is actively used for a variety of purposes ancillary to the dwelling, as well as to provide stabling for horses. Conversion is therefore likely to result in a need for new buildings, thereby adding to the environmental harm.**

**Conversion would also result in the destruction of bat roosts the loss of which “would probably be significant at the District level”, according to the ecologist. A substantial replacement roost is required to compensate for this loss but has not been proposed in this application and cannot be left to a condition. The proposal is therefore contrary to Policy EN5 and established case law.**

**Given the conflicts with Policies D8 and EN5 and in the absence of any material considerations of sufficient weight to outweigh the harm, the proposal is recommended for refusal.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Axminster - Cllr Sarah Jackson**

I support this application and commend the applicant for retaining the existing stone exterior and including solar panels in their plans.

Further comments:

Following a review of the report, I am inclined to change my position on this application and support officers recommendations for refusal.

#### **Axminster - Cllr Andrew Moulding**

I recommend that this application is approved

Further comments:

I recommend that this application is approved

Further comments:

I retain my original recommendation of APPROVAL

#### **Parish/Town Council**

Axminster Town Council supports this application. The orientation of the barn roof would appear to afford an opportunity for solar panels.

Further comments:

Axminster Town Council notes this additional information.

#### **Other Representations**

None received.

### **Technical Consultations**

None.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
87/P1898	Conversion Of Agric Building Into 3 Units Of Holiday Accommodation.	Refusal	17.06.1988

19/1165/PDQB	Convert 2 redundant barns to 2 single dwellings 180msq and 200msq	PDQB Prior Approval granted	15.07.2019
20/0818/FUL	Conversion of redundant agricultural buildings to market dwelling	Approval with conditions	12.08.2020
21/1237/FUL	Conversion of barn into a dwelling with associated garden and parking area and installation of package treatment plant in the adjacent field	Approval with conditions	11.11.2021

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D8 (Re-use of Rural Buildings Outside of Settlements)

EN5 (Wildlife Habitats and Features)

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 2021)

National Planning Practice Guidance

## **Site Location and Description**

The site lies in open countryside approximately 1 mile southeast of the town centre of Axminster. The application relates to a former farm building located to the east of the main house. The building is two storeys and has a linear plan form with a two storey return at the southern end. On its east elevation there is a modern single storey addition. The main building is used as a store, garage and workshop associated with the dwelling and the northern end of the building houses a small swimming pool. The modern extension on the east elevation is partly used for further storage and partly as stables for the applicant's horses. The southernmost portion of the main barn is used to store hay for the horses.

The application building together with the farm house and a northern range of buildings form an enclosed yard area with access from the south and a further opening in the northeast corner. The buildings on the north side of the yard already have permission to be converted to a dwelling and a separate access has also been granted.

To the east of the building is a triangular parcel of land which slopes away and is bounded by a hedge and trees on the north side and fencing on the south side. Beyond this there are open fields extending down to the Mill Brook.

The site is accessed via the existing drive from the B3261 which also serves two modern former farm buildings that are in the process of being converted to dwellings.

The submitted location plan indicates the applicant owns adjoining land to the northwest and southeast of the buildings.

## **Background**

Prior approval has been granted to convert two modern farm buildings to dwellings to the south east of the site under permitted development rights (19/1165/PDQB). An alternative full planning permission has been granted for the conversion of one of those buildings (21/1237/FUL). In addition permission has been granted to convert the range of buildings on the north side of the yard to a dwelling (20/0818/FUL).

A permission for the construction of a new access and driveway to serve the site has been implemented (18/1403/FUL). A second access has been granted permission to serve the barn conversion on the north side of the yard (21/0531/FUL).

## **Proposal**

The application proposes the alteration and extension of the traditional stone barn to facilitate the change of use to a single dwelling.

The conversion includes a large single storey extension with a roof terrace on the east side of the building replacing a modern extension.

Some of the existing materials and finishes would be retained. These include pvc cladding and concrete roof tiles. However, the fibre cement roof over the main barn would be replaced with graphite grey big six powder coated metal cladding. The drawings also indicate that graphite grey 'velfac' aluminium faced timber windows and doors would be installed but it is not clear whether the existing upvc windows would be replaced as well.

## **ANALYSIS**

The main issues in the determination of the application are considered to be:

- Principle of development
- The design, method of conversion and effect on the character and appearance of the area
- Accessibility of the site
- Ecological Impact
- Critical Drainage Area

### **Principle of development**

The site lies in a rural location outside of the designated built up area boundary for Axminster - which lies approximately 275m away, as the crow flies, to the northwest of the site. The site is therefore considered to fall within open countryside where development is strictly controlled, by Strategy 7 of the Local Plan, unless explicitly permitted by another policy of the Local (or where relevant) Neighbourhood Plan.

The whole of Axminster Parish has been designated as a Neighbourhood Area but to date no draft plan has been produced and there are therefore no policies, draft or otherwise, which might support the development.

In terms of the Local Plan, Policy D8 (Re-use of redundant rural buildings) potentially offers support for such development, subject to a number of criteria. As the proposal does not propose a dwelling to meet the essential need to house a rural worker or to provide affordable housing there are no other policies of the Local Plan that would offer explicit support.

The application therefore needs to be considered against the criteria to Policy D8.

#### The design, method of conversion and effect on the character and appearance of the area

Policy D8 of the Local Plan seeks to support proposals for the re-use of redundant rural buildings where a number of criteria are met. Those criteria are set out below followed by consideration of the proposal against them.

1. The new use is sympathetic to, and will enhance the rural setting and character of the building and surrounding area and is in a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality.
2. The building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting;
3. The form, bulk and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials;
4. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures;
5. The proposal will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function.

In addition, where residential re-use is proposed it must also be established that

- a) the building is no longer required for agricultural or other diversification purposes;
- b) the conversion will enhance its setting; and

c) the development would be located so as to be close to a range of accessible services to meet the everyday needs of residents.

Each of the criteria will be considered in turn.

In the first regard whilst the proposed residential use of the building would represent a change, it would be considered to be in character with the use of the adjacent farmhouse and also the permitted residential use of the barns to the west and the modern agricultural barns just to the south of the site. Whilst the traffic associated with the proposed use is unlikely to be substantial, future residents are likely to rely on the use of private transport for at least some of their journeys. The issue of the site's accessibility is considered separately below.

In terms of the structural condition of the building, the application is accompanied by a limited structural survey report. This report is largely descriptive but concludes that the main building overall is in good structural condition and suitable for conversion. This contrasts with the situation in 1987 when an application for conversion was refused because "In the opinion of the Local Planning Authority the buildings [were] not capable of being converted into holiday units without substantial reconstruction." It appears that substantial works have been undertaken in the meantime to enable the surveyor to reach the conclusion that the building is now capable of conversion. It is also noted that the large modern extension on the rear of the building was only constructed in the last 10-15 years (there is no record of planning permission but the approximate age is evident from aerial photography).

The walls of the original building are of traditional stone construction (although it is not clear how much is original and how much has been rebuilt since 1987) and the building is evident on the oldest available OS map (1888-1890). There is also a building shown in the same position on the 1840 tithe map but it may not be the same one. It therefore has some historic character but this has been spoilt by modern alterations including concrete roof tiles, upvc windows and cladding, painted quoins and an extended canopy at the front. The modern extension at the rear is also a large and unsympathetic addition which dominates the rear elevation and obscures the stone walls and original openings.

Unfortunately it is proposed to keep all of these unsympathetic elements with the exception that the modern extension would be replaced with an even more unsympathetic extension on the same large footprint.

No attempt has been made to restore or reveal the historic character of the building or to reverse the unsympathetic alterations carried out in the past.

Owing to the unsympathetic alterations proposed, the very large extension and the lack of any effort to better reveal the historic character of the building, the proposal would fail to accord with criteria 2 and 3 of policy D8.

It is not considered that the proposal would have any significant impact on the wider landscape as the existing building group is screened by topography and is not visible from Lyme Road. To the east, more distant views of the site from public footpaths and local roads are likely to be possible but, in such views, the site would be seen in

conjunction with the existing building group and against the backdrop of rising land, as such there would be no adverse impact.

In relation to criteria 4 of policy D8, the proposed use would generate a limited amount of traffic but occupiers are likely to rely on private transport for at least some of their journeys. The yard area adjacent to the building offers ample parking and turning space provision.

Although the stone buildings were originally constructed for agricultural use they are no longer in such use and there appears to be limited agricultural land retained in the same ownership, such that the buildings appear superfluous for agricultural purposes. However, the building is actively used for storage and as a workshop and garage. It also provides stabling for horses. Given that the applicant has already gained permission to convert all of the other buildings on his land, it is highly likely that replacement buildings would be necessary for garaging, storage and stabling.

In terms of the additional criteria to be met for residential conversions a) is considered above.

In relation to enhancement of setting, this proposal is at odds with the policy because of the lack of any changes that would lead to an enhancement. In particular the policy mentions "removal of modern extensions and materials" but this proposal retains modern materials and replaces a modern extension with something equally large and more unsympathetic.

Criteria c), relating to the accessibility of the site is considered separately below.

In conclusion, in relation to compliance with the requirements of policy D8, this policy seeks to ensure that proposals for conversion of existing buildings are restricted to just that, conversion. It also seeks to ensure that the changes proposed are sympathetic and that there is an overall enhancement. This is to ensure that the benefits arising from the suitable re-use of redundant rural buildings are not outweighed by harm to their character, or the extent of alteration takes the development beyond what could be considered to represent a conversion.

In this case the application proposes a substantial replacement extension and retention of unsympathetic past alterations and as such conflicts with the requirements of policy D8 and causes harm to the character and appearance of the original building.

### **Accessibility of the site**

Of the additional criteria of policy D8 that applies to residential conversions, criteria c) requires development to be located close to a range of accessible services and facilities to meet the everyday needs of residents. What constitutes 'close' and indeed what at range of accessible services might be is not defined. However, clearly the thrust of the policy is similar to policy TC2 to ensure that development is well located so as to promote alternative modes of transport and reduce reliance on private vehicle use.

The site is located in countryside to the southeast side of Axminster. The proposed access route to the town for all modes of transport would be via the driveway and then via Lyme Road to the town centre. There is a footway alongside Lyme Road (on the same side of the road as the site) from the site entrance all the way to the town centre. The distance from the site to the town centre for pedestrians/cyclists would be just over a mile although certain facilities would be closer including a petrol filling station and primary school.

In terms of public transport provision there are bus stops on Lyme Road to the north and south of the site providing a link to the town centre in one direction and Lyme Regis/Dorchester in the other, the service however is limited. The train station at Axminster provides opportunities for travel further afield but is located beyond the town centre.

Although the distance to the town centre would mean future residents are likely to rely on private car use for some journeys, the distance and ability to walk safely to the town centre via the existing footpath leads to the view that there are reasonable alternatives available to future residents and that on balance the location of the site would meet criteria c) of policy D8.

### **Ecological Impact**

The application is accompanied by a Protected Species Survey Report which has assessed the potential for use of the building by protected species. Bat emergence surveys identified the presence of bat roosts and 'high potential to breach wildlife law' if development is not carried out sensitively and mitigation is not provided. It concludes that "Overall, the complex of buildings is at least of Local or Parish importance for roosting bats and loss of the roost sites, without mitigation or compensation, would probably be significant at the District level."

Owing to the impact of the development on bats a European protected species licence (EPSL) from Natural England would be required. However, no mitigation has been included in the proposed development and therefore it can safely be concluded that a licence would not be granted. According to the protected species report, mitigation in this instance would need to include a dedicated void roost (which could also accommodate crevice dwelling bats) with dimensions of 3m high, 5m long and 4m wide. There is no such provision in the proposed scheme and the ecologist, having not seen the proposed plans at the time of their report, has not been able to suggest where suitable provision could be made in the development.

It would not be appropriate to impose a condition seeking details of mitigation because in this instance the new roost cannot be accommodated in the proposed development and therefore it would have to be within a new building. Such a building would be large and require planning permission in its own right. As a consequence there is no certainty that mitigation can be delivered.

In the absence of any mitigation for the loss of bat roosts and given that there is no potential for provision within the proposed conversion, approval would be contrary to established case law and the advice of Natural England.

## **Critical Drainage Area**

The site lies within the Axminster Critical Drainage Area where all new development must contribute towards reducing current rainfall runoff rates, including development of existing buildings. The guidance states:

"All off-site surface water discharges from development should mimic "Greenfield" performance up to a maximum 1 in 10 year discharge rate. On-site all surface water should be safely managed up to the "1 in 100+climate change" conditions. This will require additional water storage areas to be created thereby contributing to a reduction in flooding downstream."

The drainage infrastructure needed to satisfy this guidance has been calculated and the proposal has been amended to include 36 cubic metres of storage attenuation which would be sited within the proposed garden.

Subject to the drainage scheme being implemented the surface water run-off would be managed appropriately for this location.

## **Other matters**

The applicant proposes a new sewage treatment plant to serve the dwelling and a number of energy saving initiatives, such as the use of a ground source heat pump, are proposed.

The location and orientation of building is such that there is no reason to consider the proposal would result in any harm to residential amenity.

## **Other material considerations**

Whilst the proposal is would fail to accord with the relevant policies of the development plan it is necessary to consider whether any support is found under the National Planning Policy Framework that might otherwise weigh in favour of it and indicate that the application should otherwise be approved. Para. 12 of the NPPF confirms the Development Plan as the starting point for decision making and that development that conflicts with it should not usually be granted. Para. 218 of the NPPF confirms that the policies with the framework (NPPF) are themselves material considerations.

Para. 80 of the NPPF states that decision should avoid the development of isolated homes in the countryside except where one or more exceptions apply. Those exceptions include where the dwelling is required to meet the essential need for a rural worker; where it would represent the optimal viable use of a heritage asset; would reuse a redundant building and enhance its immediate setting; would involve the subdivision of an existing dwelling or represent a design of exceptional quality. Of these circumstances only that relating the re-use of a redundant building appears to be potentially relevant, although it is noted that the building is actively used and is therefore not considered to be redundant. In any case, in assessing the proposal against policy D8 of the Local Plan, it has already been found that no enhancement to the immediate setting has been demonstrated.

Para. 152 states that “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.” It should (amongst other objectives) “help to encourage the reuse of existing resources, including the conversion of existing buildings”. In this case, however, the proposal involves a substantial extension which would be contrary to that objective. Furthermore, para. 126 states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve” but such an outcome would not be achieved with this development.

It is also the case that East Devon is able to demonstrate a five year supply of housing land to meet its identified needs and as such land supply is not constrained.

Consequently, there is no support forthcoming from the NPPF that would outweigh the conflicts with the Local Plan.

## **CONCLUSION**

The application proposes the re-use and extension of a rural building to create an unrestricted residential unit.

Although the site is located outside of the built-up area boundary for Axminster it is considered to be within a reasonable walking/cycling distance to the facilities and services within the town and as such a sensitive conversion of the buildings could be considered to accord in principle with part of policy D8 of the Local Plan.

However, that policy seeks to limit the extent of rebuilding, extension and alteration permitted to ensure that the development secures the fundamental benefits of a conversion and does not instead represent a re-build/new build. In this case the proposal includes a significant extension which goes considerably beyond what the policy seeks to permit and, coupled with other design issues, would result in a development which negatively impacts on the character and appearance of the original building. Furthermore conversion is likely to result in a need for replacement buildings. As such the proposal fails to accord with all of the requirements of that policy and therefore is also found to be contrary to Strategy 7 relating to development in the countryside.

In addition, the proposal would result in serious and significant harm to protected species by way of the destruction of bat roosts and no mitigation has been included in the development. The proposal is therefore contrary to Policy EN5.

The proposal would bring benefits in terms of construction related employment and patronage of local shops and community facilities by future residents. It would also provide some benefits through an increase in housing supply and would have limited wider environmental impact. These benefits however are limited due to the scale of the development and do not outweigh the conflict with adopted policy and as such the proposal is recommended for refusal.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The proposal takes place within an open countryside location where new development is strictly controlled. The development proposes a substantial extension and unsympathetic alterations to facilitate the change of use to a residential dwellinghouse and would fail to deliver any enhancement to the historic character of the building or its setting. The proposal would therefore have a harmful impact on the rural character and appearance of the existing building and would undermine the strong policy presumption against new development in the countryside unless specifically supported by policy. In addition the proposal would be likely to result in a need for replacement buildings which would add to the adverse environmental impact of the development. The proposal therefore fails to accord with Strategy 7 (Development in the Countryside), and policies D1 (Design and Local Distinctiveness) and D8 (Re-use of Rural buildings Outside of Settlements) of the East Devon Local Plan 2013-2031.
2. The proposed development would not deliver the necessary measures to mitigate or compensate for the loss of bat roosts on the site as a result of the conversion of the building to a dwelling. Consequently the proposal is contrary to Policy EN5 - Wildlife Habitats and Features of the East Devon Local Plan 2013-2031, Section 40 of the Natural Environment and Rural Communities Act 2006 and guidance in the National Planning Policy Framework 2021 and Planning Practice Guidance.

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

B196/01 REV B	Location Plan	16.06.21
B196/05 REV B : ground	Proposed Floor Plans	16.06.21
B196/06 REV B : first	Proposed Floor Plans	16.06.21
B196/07 REV B : west	Proposed Elevation	16.06.21

B196/08 REV B :	Proposed Elevation	16.06.21
east		
B196/02 C	Proposed Site Plan	27.10.21

List of Background Papers

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

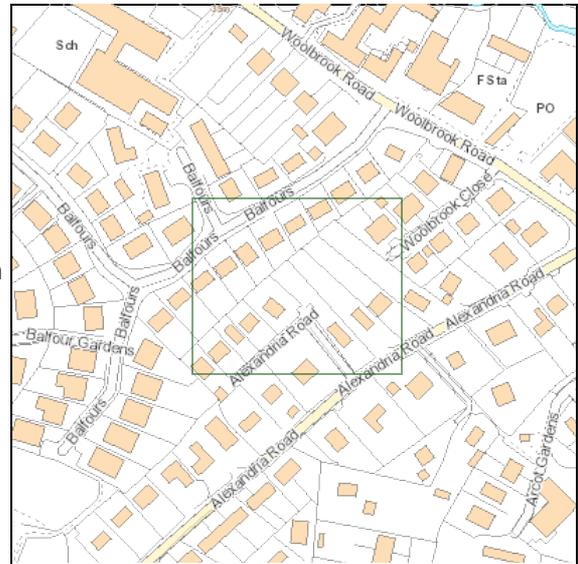
**Ward** Sidmouth Sidford

**Reference** 21/2240/RES

**Applicant** Mrs Amanda Pettit

**Location** Land Adjoining 77 Alexandria Road Sidmouth

**Proposal** Construction of bungalow with garage (application for approval of details of access, appearance, landscaping, layout and scale pursuant to outline planning permission ref. 19/0251/OUT).



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 15th December 2021</b>
<b>Sidmouth Sidford (Sidmouth)</b>	<b>21/2240/RES</b>	<b>Target Date: 14.10.2021</b>
<b>Applicant:</b>	<b>Mrs Amanda Pettit</b>	
<b>Location:</b>	<b>Land Adjoining 77 Alexandria Road</b>	
<b>Proposal:</b>	<b>Construction of bungalow with garage (application for approval of details of access, appearance, landscaping, layout and scale pursuant to outline planning permission ref. 19/0251/OUT)</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

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

**This reserved matters application follows approval of outline consent for the construction of a bungalow, reference 19/0251/OUT.**

**The site comprises of a rectangular plot of land around 0.3 hectares in area that currently forms part of the rear garden of no. 77 Alexandria Road, a detached two storey dwelling located within a mainly residential area around 1km. north of Sidmouth town centre.**

**The submitted details propose the construction of a bungalow with a narrow footprint that reflects the form of the plot. The design of the build incorporates a series of mono pitch roofs resulting in a contemporary form. The exterior would be finished in grey render with stone detailing.**

**The main issues for consideration include the following;**

- Impact of the development on the character and appearance of the area.**
- Impact of the development on the amenity enjoyed at adjacent properties.**

**The application has prompted objections from a Local Ward Member and the Town Council with concerns over the design of the dwelling and the subsequent conflict with Policy 7 (Local Distinctiveness) of the Sid Valley Neighbourhood Plan. Some third parties have also objected for similar reasons. However the street scene along this part of Alexandria Road displays properties of varying scale, form and age and the subsequent character of the road is mixed. Short distance views will**

be available immediately forward of the site's access but views of the dwelling would start to become obscured by boundary hedges as you move along the private road towards 65 Alexandria Road. Although at this point it is still anticipated that the roof would be visible. Glimpsed longer distance views are potentially available along Woolbrook Road, however the land gradually falls away to the east and therefore, where views are available, the upper part of the application building would, if visible, be viewed in the context of no 65, 67, 69, 71 and 73 Alexandria Road that are sited on higher ground.

The proposal details the retention of hedging on the north western and south western boundary which will screen the outlook from windows and mitigate the physical presence of the build from the adjacent properties of 73 Alexandria Road and 50 & 52 Balfours.

The rear garden of No 79 Alexandria Road runs parallel to the north eastern boundary of the application site. Currently a low closed boarded timber fence runs along the boundary with a number of shrubs and trees either side that provide a sense of privacy. However the existing fence is low and the trees and shrubs only intermittently line the boundary. As such there are some filtered views between the respective garden areas.

The submitted Block Plan indicates that a 1.8 metre timber close boarded fence shall be constructed along this boundary. The raising of ground levels and removal of some of the vegetation along the north eastern boundary would result in the upper part of the north east elevation being visible from No 79 and therefore a degree of impact upon the rear garden is inevitable. However this impact would be largely restricted to the north eastern end of the garden which itself is long and narrow. At this point existing vegetation within the neighbouring garden should go some distance to ensure that the presence of the fence and upper part of the north eastern elevation is softened. Additionally the outlook from the two bedrooms and living space would also be screened by the new fence minimising concerns of overlooking. Whilst it is acknowledged that the rear garden space of 79 Alexandria Road shall be impacted, given the reasons above, it is not thought that the harm caused is to a level that would warrant refusal of the application.

The property benefits from adequate amenity space such that it would not represent a cramped form of development or over-development of the site.

In light of the above it is the position of officers that the development should be approved subject to conditions listed at the end of this report.

## **CONSULTATIONS**

### **Local Consultations**

Parish/Town Council

UNABLE TO SUPPORT

The proposed design of the building would not be in keeping with the character of the area and be contrary to Policy 7 (Local Distinctiveness) of the Sid Valley Neighbourhood Plan.

Sidmouth Sidford - Cllr Marianne Rixson

My comments concern application no 21/2240/RES land adjoining 77 Alexandria Road

I object to this application on the following grounds:

The proposed dwelling is very large and almost fills the plot - surely a smaller building would be more suitable?

The design is not in keeping with existing properties and is contrary to Policy 7 of the SVNP (Local distinctiveness).

Concerns have also been raised by neighbours with regard to:

- overlooking and loss of amenity
- the noise potential from the heat pump
- concerns about the potential for surface water flooding emanating from this development

I hope that the committee may consider visiting the site before making a final decision on the scale and design of this proposed development.

**Technical Consultations**

Devon County Highway Authority

**Observations:**

The access has sufficient visibility in a low speed cul-de-sac, the proposed layout allows for off-carriageway turning and parking. Therefore the County Highway Authority (CHA) 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, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT**

Other Representations

10 Objection comments have been received raising concerns over the following:

- Overdevelopment of the site.
- Harmful to the character and appearance of the area.
- Inaccuracies with the red line submitted under the outline.
- Difficulties in understanding the height of the build.
- Insufficient space for the soakaway.
- Contrary to Policy 7 of the Sid Valley Neighbourhood Plan.
- Concerns over loss of Devon Bank.
- Impact on neighbouring amenity.
- Lack of landscaping.

- No certificate ownership submitted with application.
- Issues regarding land ownership.
- Size of bungalow is excessive.
- Gutters overlapping boundary at 79 (Alexandria Road).
- Surface water run off implications.
- Concerns regarding noise pollution caused by the heat pump.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
19/0251/OUT	Construction of bungalow with garage (outline application with all matters reserved).	Approval with conditions	02.05.2019

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

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

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

### Sid Valley Neighbourhood Plan

Policy 1 Sid Valley Development Principles

Policy 6 Infill Development, Extensions and Trees

Policy 7 Local Distinctiveness

Policy 9 Residential Development

## **Site Location and Description**

The site comprises of a rectangular plot of land around 0.3 hectares in area that currently forms part of the rear garden of no. 77 Alexandria Road, a detached two storey dwelling located within a mainly residential area around 1km. north of Sidmouth town centre.

The plot is accessed from a narrow, private off shoot with no footways, off Alexandria Road that provides access to nos. 65, 67, 69, 71 and 73 as well as the rear garden of no. 77 itself. A single storey garage had previously sat where the access to the site is proposed. However upon site visit in September this had been removed.

The site boundaries take the form of a combination of fences, hedges and small trees whilst within there are a number of trees whose major limbs have been cut back. The plot falls gently from north west to south east towards the rear of the host dwelling and from its south western boundary (with no. 73) to the north east (boundary with the rear garden of no. 79).

## **Site History**

Whilst the planning history of the site details the granting, and subsequent renewal, of outline consent for a bungalow, this application appears to be the first attempt at gaining approval for matters previously reserved. The principle of constructing a dwelling at the site has been established through approval of 19/0251/OUT.

## **Proposal**

This is a reserve matters application seeking consent for the details of access, appearance, landscaping, layout and scale.

The applications details the provision of a 3-bed bungalow finished in render and stone.

## **Analysis**

The main issues for consideration as part of this application are as follows;

- The impact of the development on the character and appearance of the area.
- Impact of the development upon the amenity enjoyed at adjoining neighbours.

Each point, in addition to other matters, shall be discussed in further detail below.

## **Impact on the Character and Appearance of the Area**

The dwelling would be single storey in height and consist of a pair mono-pitch roofs with dark grey rendered walls and stone quoins. The build would take on a fairly long and narrow footprint which reflects the shape of the plot. New boundary fences shall be erected along the north eastern and south western boundaries.

The area is defined by the main streets that act as gateways into Sidmouth; Bulverton Road, Woolbrook Road, Manstone Lane and Sidford Road. Like Hillside, its character is informed by the Woolbrook river corridor and by the steep topography of this part of the valley. With more compact terraces to the south the area is mainly suburban in character. Properties are usually detached and semi-detached villas of varying character. The off shoot from Alexandria Road is characterised by a mix of two storey rendered and tile properties and smaller bungalows some of which have converted roof space. Being set back from the main through road between Winslade Road and Woolbrook Road the construction of a bungalow is likely to cause low magnitude of change largely experienced at a localised level. Additionally, due to the variation between property design and age, despite concerns raised by consultees, the contemporary design approach of the proposal is considered to be of minimal concern.

The submitted elevations (DRWG: 1823/5 REV1) are annotated with a ground level of 43.93. When compared with the existing topographic survey it is anticipated that the build would be slightly cut in to the south western half of the site with some filling on the north eastern side.

Despite this, the overall height of the build is still fairly modest with the central ridge having a maximum overall height of 3.9 metres. Short distance views will be available

immediately forward of the site's access but views of the dwelling would start to become obscured by boundary hedges as you move along the private track towards 65 Alexandria Road albeit it is still anticipated that the roof would be visible. Glimpsed longer distance views are potentially available along Woolbrook Road, however the land gradually falls away to the east and therefore, where views are available, the application building would be viewed in the context of no 65, 67, 69, 71 and 73 Alexandria Road that are sited on higher ground. As such, the dwelling is unlikely to appear unduly harmful to the streetscene of Alexandria Road or prominent within the townscape from wider views.

A Local Ward Member, the Town Council and a number of third parties have raised concerns with regards to overdevelopment of the site. In this case, due to the narrow form of the site, any development that comes forward here is likely to propose a build with a footprint that is located in close proximity to existing boundaries. However, it is not necessarily thought that that the development would appear overly cramped. As previously stated, public views of the dwelling would be largely restricted to the off shoot from Alexandria Road. At this point it is only immediately forward of the access where the physical relationship between the side elevations and their respective boundaries would be evident. Even then, the subsequent relationship is not too dissimilar to other properties within the immediate area, the most obvious example being No 69. The dwelling would appear to be a natural continuation to the row of properties that border the private lane to the north and be of a scale and form that would ensure it is viewed as a sympathetic addition to the street scene. As such, it is the view of officers that the development would meet the objectives of Policy D1 (Design and Local Distinctiveness) of the Local Plan and Policy 7 (Local Distinctiveness) of the Sid-Valley Neighbourhood Plan.

### **Impact upon Adjoining Neighbours and Amenity for Prospective Occupiers**

Third party comments and a Local Ward Member have raised concerns over the proposed dwelling's impact upon adjoining neighbours. Due to the immediate area's topography the land slopes gradually from west to east, therefore, the single storey structure would sit at a level slightly below No 73.

The boundary between the site and No 73 is defined by a fairly dense hedge that provides a degree of privacy. The submitted Block Plan indicates that this is to be retained alongside the provision of a timber fence. Despite this, the boundary does open up to the north west of the site where an existing timber post and rail fence then separates the two garden areas. At this point, at the most north western part of No 73's driveway, you can see the existing garden shed in the application site. Upon completion of the build, and anticipated removal of the shed, it would be possible for occupants of No 73 to stand here and look down into the rear garden space of the application site. However, the main outdoor amenity areas of No 73 are located immediately to the front and rear of the property and the area of concern relates to a small gravelled area between a garage and the post and rail fence. The likelihood of neighbours of the adjacent property occupying this small area for any prolonged period of time is unlikely and therefore concerns of overlooking from No 73 upon the rear

amenity space of the proposed dwelling are not considered harmful enough to warrant refusal of the application.

Planning approval 19/1785/FUL granted various external works to 73 Alexandria Road. The permitted works included the provision of a second floor window in the eastern gable of the dwelling. Upon site visit these works were yet to be completed. Despite this, owing to the windows height, it is anticipated that outlook would be largely screened by the existing hedge. In the future, if the hedge were to be reduced in height, then the lower mono pitch roof of the proposal building and the high level glazing between the gap left in-between the mono pitch roofs would be visible. However it is not considered that this would necessarily result in a loss of amenity for either party.

The north western boundary of the application site borders 52 Balfours and to a lesser extent No 50. Whilst the land does fall away towards Balfours the north eastern boundary of the application site is defined by hedging that would screen the outlook from the application building's living room and mitigate the build's physical impact through dominance or overbearing effect.

The rear garden of No 79 Alexandria Road runs parallel to the north eastern boundary of the application site. Currently a closed boarded timber fence runs along the boundary with a number of shrubs and trees either side that provide a sense of privacy. However the existing fence is low and the trees and shrubs only intermittently line the boundary. As such there are some filtered views between the respective garden areas.

The application building would run in close proximity to this boundary and require the removal of a number of small trees and shrubs within the application site. The submitted plans indicate that the ground level on the north eastern side of the site shall need to be raised in order to achieve the level of 43.93 as indicated on the submitted elevation drawings. It is also communicated on the Block Plan that a 1.8 metre timber close boarded fence shall be constructed along this boundary. The raising of ground level and removal of some of the vegetation along the north eastern boundary would result in the new timber fence and upper part of the north east elevation being visible from No 79 and therefore have a degree of impact upon the rear garden. However this impact would be largely restricted to the north eastern end of the garden which itself is long and narrow. The outlook from the two bedrooms and living space would also be screened by the new fence minimising concerns of overlooking. The provision of the new fencing along this boundary would be visible where gaps between existing vegetation allow, however, the resulting physical impact upon the north western section garden of No 79 is considered acceptable and not to a level that could warrant refusal of the application.

### **Appropriate Assessment**

The nature of the application and its location close to the Pebblebed Heaths and their European Habitat designation is such that the proposal requires a Habitat Regulations Assessment. The Appropriate Assessment is required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist

accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of the designation. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

### **Impact on surrounding Highway Network and Parking Provision**

The site is accessed off a private lane. Upon visiting the site on a number of occasions it was noted that the private lane was not being used for any sort of parking for private vehicles. Additionally, it was also noted that the availability of on street parking along Alexandria Road is low. As such, in this instance, it is considered that the development should provide a degree of onsite parking.

The proposal shows an area of hardstanding forward of the dwelling that provides adequate room for parking and turning. Tan additional space is available within the proposed garage. Parking guidelines state that 3-bed properties should provide two parking spaces and as such this application complies with these parking guidelines.

The County Highway Authority have reviewed the application and provided comments of support.

### **Other Matters**

- The development would utilise a soakaway to attenuate any surface water run-off from the development.
- The development would connect to the existing main sewer to deal with foul sewage.
- Third party comments received have raised concerns over the inclusion of third party land included within the red line of the current application's Location Plan. In this case it appears that the Location Plan submitted with 19/0251/OUT may include land within No 73's ownership in addition to the private lane which is also understood to be in their ownership. However the extent of land within the current Location Plan appears to have been reduced to exclude land along the north eastern boundary of No 73. Additionally the application form submitted with the outline consent had a completed Certificate B where the relevant land owners were notified. As such the applicant's would not be required to undertake this again as part of the reserved matters application.

### **Conclusion**

In light of the issues discussed above the application is considered to meet the objectives of policy within the Local Plan and Neighbourhood Plan. In this case particular consideration has been given to the impact of the development on the

character and appearance of the area and the amenity of adjoining residents. Whilst concerns of some neighbouring parties, a Local Ward Member and the Town Council are duly acknowledged, due to the reasons given above it is the view of officers that the development could not be reasonably refused.

Despite this, it is considered that further details with regarding materials and Finished Floor levels (FFL) are to be submitted prior to commencement of the development in order to ensure that the final palette of materials are sympathetic to the character and appearance of the area and the FFL preserve the amenity enjoyed at neighbouring properties. The application is recommended for approval subject to adoption of the Appropriate Assessment and compliance with conditions listed below.

## **RECOMMENDATION**

1. Adopt the Appropriate Assessment
2. 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
- (e) Access

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. No. 19/0251/OUT) granted on 02.05.2019 2nd May 2019.

The following reserved matters have yet to be approved:

None

The following Conditions attached to the Outline Planning Permission (ref. no. 19/0251/OUT) referred to above remain to be complied with where details are required to be submitted prior to the commencement of development in so far as they relate to the site covered by application 21/2240/RES:

3

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. Notwithstanding the submitted details, no development shall take place above foundation level until a schedule of materials, finishes and samples have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031.)
4. Prior to occupation of the hereby approved dwelling, the proposed fence along the north eastern boundary as indicated on the submitted Block Plan, drawing 1823/3 3/REV3, shall be constructed in full.

(Reason: To protect the amenity enjoyed at neighbouring properties in accordance with Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013 - 2031).

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

1823/1	Location Plan	21.09.21
1823/6 Rev 2	Proposed Elevation	16.11.21
1823/3 Rev 3	Proposed Block Plan	07.10.21
1823/4 Rev 1	Proposed Floor Plans	07.10.21
1823/5 Rev 2	Proposed Elevation	16.11.21

##### List of Background Papers

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

**Ward** Dunkeswell And Otterhead

**Reference** 21/2522/FUL

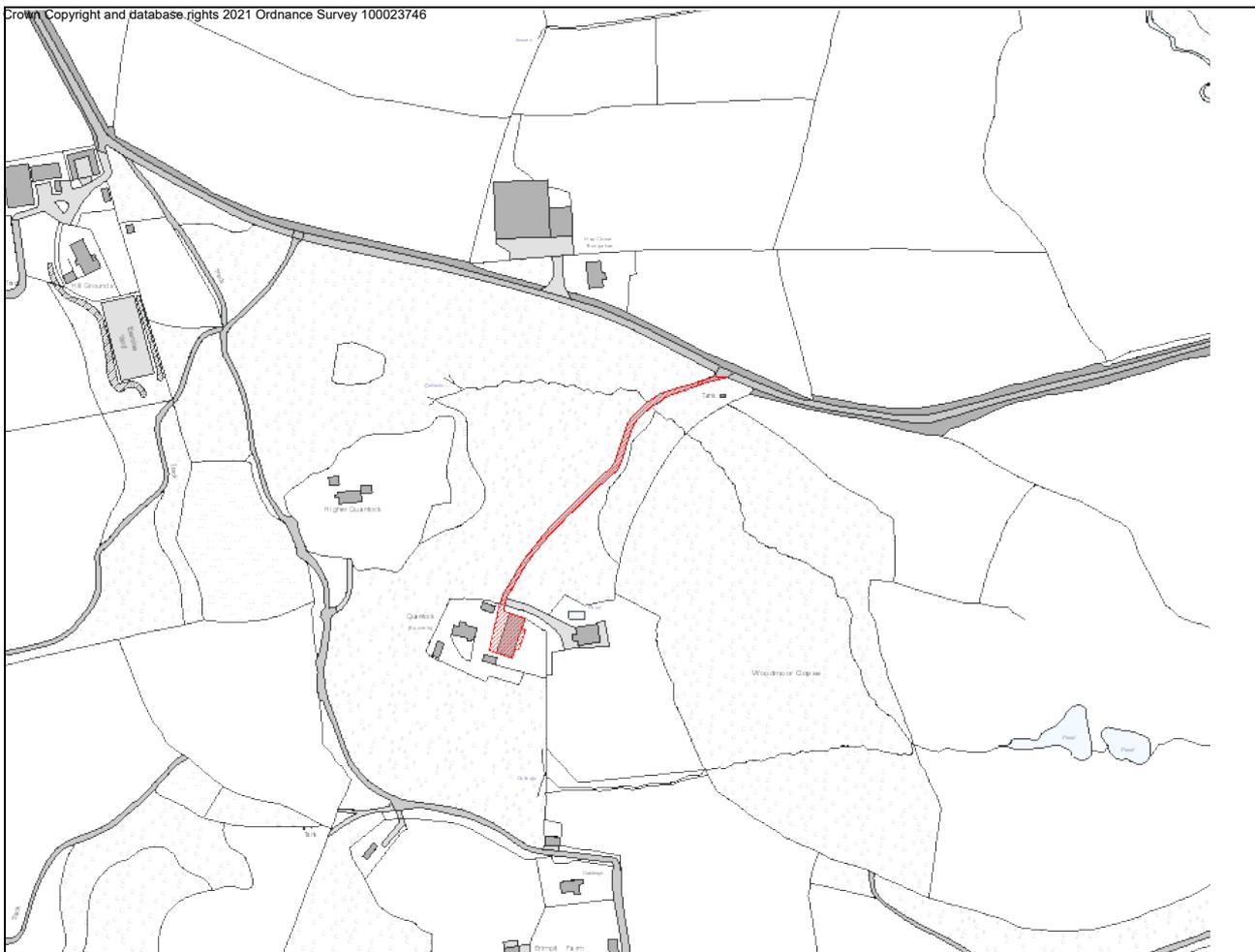
**Applicant** Ian Edwards

**Location** Quantock Stockland Honiton EX14 9DX

**Proposal** Change of use of artist studio/workshop, approved under permission 20/2439/FUL, for use as a dwelling (for holiday accommodation purposes) and associated works.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 15<sup>th</sup> December 2021</b>
<b>Dunkeswell And Otterhead (Stockland)</b>	<b>21/2522/FUL</b>	<b>Target Date: 17.11.2021</b>
<b>Applicant:</b>	<b>Ian Edwards</b>	
<b>Location:</b>	<b>Quantock Stockland</b>	
<b>Proposal:</b>	<b>Change of use of artist studio/workshop, approved under permission 20/2439/FUL, for use as a dwelling (for holiday accommodation purposes) and associated works.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

The application is before committee as it represents a departure from the development plan and has been advertised as such.

The proposal seeks to change the use of an existing and recently constructed building to a large holiday let unit. Planning permission has previously been granted (20/2439/FUL) for the retention of the building, which replaced former dog kennels, and its use as an artist's studio/workshop in connection with the applicant's sculpting business. However, it is advised that the impacts of the Covid-19 pandemic have affected the extent and nature of the applicant's work and that as a result the building is no longer required for these purposes. The applicant already operates another holiday let from the site and has been advised that there is a strong market for large holiday rentals.

The conversion would require very limited external changes to the appearance of the building, these would be limited to fenestration changes and car parking could be contained close to the building where it would be screened from wider view. As a result, in terms of visual and landscape impact the proposal would have a negligible impact conserving the natural beauty of the surrounding Area of Outstanding Natural Beauty.

In addition, the proposed use would be in character with adjoining development and would be acceptable in amenity terms.

The approved use of the building is a sui generis use and whilst such a use has the potential to be 'employment generating', in this instance the applicant was the only person working from the building and its loss is not considered to result in harm to business or employment opportunities in the area, the close relationship

with the main dwelling house and existing holiday let would also reduce the potential for employment re-use.

The site is however poorly located in sustainability terms and users of the holiday let are likely to be reliant on private transport for the vast majority of journeys, this weights against the proposal. Such impacts though need to be considered in light of the traffic generation associated with the former use of the site as a boarding kennel and the benefits to the tourism economy likely to arise from the proposal.

In this instance and weighing all of the issues in the balance it is considered that overall the proposal is acceptable and subject to the conditions set out at the end of the report is recommended for approval.

## **CONSULTATIONS**

### **Local Consultations**

#### Dunkeswell And Otterhead - Cllr David Key

I object to the conversion to a dwelling but would agree to the conversion to a Holiday building tied to the main dwelling and so not for sale as an independent property.

Further comments:  
Nothing further to add.

#### Parish/Town Council

The Council supported this application only for a Holiday Let and on condition that it remains part of the curtilage of the main building and comes under scrutiny of EDDC's Holiday Lets policies.

### **Technical Consultations**

#### Blackdown Hills AONB Project Partnership

Thank you for seeking comments from the Blackdown Hills AONB Partnership on this application.

I can confirm that we do not wish to comment on this occasion; the AONB Partnership supports its local planning authorities in the application of the planning policy framework in order to ensure that any development in the AONB conserves and enhances natural beauty, and as such would look to the planning authority to apply national planning policy and its own development plan policies to the consideration of this proposal.

### **Other Representations**

None received

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
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17/1686/FUL	Change of use of boarding kennels and associated land to domestic use ancillary and incidental to the residential use	Approval with conditions	14.09.2017
18/2398/FUL	Conversion of building to holiday accommodation	Approval with conditions	27.11.2018
20/2439/FUL	Demolition of dog boarding kennels building and construction of artist studio and workshop including raised decking (retrospective application).	Approval with conditions	26.01.2021

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

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

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D8 (Re-use of Rural Buildings Outside of Settlements)

E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Stockland Neighbourhood Plan (Made)

### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

## **Site Location and Description**

Quantock is a detached residential property located on a west facing hillside and largely surrounded by mature tree planting. To the immediate west of the property is a parking area beyond which a single storey timber clad building has been constructed. This building is the subject of the application. Beyond the outbuilding the land slopes away to an adjoining open paddock area. There is a further agricultural style barn, converted to residential use, located at the north-eastern end of the paddock.

There are a number of isolated residential properties and farms in the vicinity of the site which lies in open countryside approximately 1 ¼ mile to the northwest of Stockland.

A public footpath, Stockland footpath No. 16 runs east to west across the adjoining field to the south/southeast of the site.

The site lies within the designated Blackdowns Hills Area of Outstanding Natural Beauty.

### **Proposed development**

The application seeks permission for the change of use of the building from its current permitted use as an artist's studio/workshop (approved under permission 20/2439/FUL) to use as a dwelling (for holiday accommodation purposes) and associated works.

### **Background**

Prior to the construction of the existing building on site, the site previously housed a commercial boarding kennels but permission was granted in 2017 (17/1686//FUL) for the change of use of the kennels and associated land to domestic use. Subsequently in 2018 permission was granted for the conversion of a separate building to holiday accommodation (18/2398/FUL).

Most recently (20/2439/FUL) planning permission was granted for the construction of the existing building on site, in place of the former kennels, and its use as an artist's studio and workshop. At the time, the supporting information advised that the applicant was a professional artist and sculptor and that the application building was constructed to enable him to complete his art works. In addition it was advised that the applicant ran a sculpting academy via online course and that whilst he had previously intended to run art/sculpting courses from the building he had, as a result of the coronavirus pandemic, decided to only run online courses. Conditions on the previous permission restricted the use of the building to an artists/workshop only and prevented public access to the building for the purposes of retail sales or attendance at courses/lessons run from the site. At the time of that application the supporting information indicated that the applicant was the only employee in the business.

The supporting statement with the current application advises that the continued impacts of Covid-19 has led to a reduction in commissions for his work and as a consequence he no longer has a need for a large studio/workshop but does need to

find means of generating additional income. Having given consideration to various options for the re-use of the building, including commercial re-use, long term residential lettings and short term holiday lets the applicant has concluded that short term holiday rentals is likely to provide the best return.

## **ANALYSIS**

The main issues in the determination of the application are as follows:

- Principle and policy compliance
- Design, suitability for conversion and impact on the character and appearance of the area
- Accessibility of the site
- Other Issues

The proposal does not seek to extend the envelope of the building and the design changes relate solely to fenestration changes to the building, as a result it is not considered that the proposal would give rise to any additional landscape changes and as such the natural beauty of the landscape would be conserved and enhanced in accordance with Strategy 46 of the Local Plan.

### **Principle and policy compliance**

The development plan for the area consists of the East Devon Local Plan 2013-2031 (EDLP) and the Stockland Neighbourhood Plan 2014-2031 (SNP).

The site lies in open countryside where Strategy 7 of the EDLP applies. This policy restricts development other than where explicitly permitted by another policy of the Local, or where relevant, neighbourhood plan and where the development is acceptable in other regards.

In terms of the EDLP, Policy D8 (Re-use of redundant rural buildings) potentially offers support for such development, subject to a number of criteria relating to the design and method of conversion; structural condition of the building; impact of traffic movements, parking and storage and on the viability of any existing agricultural enterprise. These details are considered in further detail in the subsequent section of the report.

In relation to proposals for tourism accommodation there is support in principle for sustainable tourism schemes to be found in Strategy 33 of the EDLP and for conversion of buildings into self-catering accommodation, where in close proximity to the main farm/country house, under policy E16 of the Local Plan.

Strategy 32 of the Local Plan is relevant where a proposal involves the loss of sites/buildings used for employment generating or community and social gathering purposes. It states that in such circumstances permission will not be granted where it would harm, in this case, business and employment opportunities in the area unless a number of listed criteria are met, including that options for the retention of the existing/similar use have been fully explored through the appropriate marketing of the site. However, those criteria only need be applied in situations where harm could arise.

The existing building is restricted to a specific use as an artist's studio/workshop and where it is in the same ownership as and physically closely related to the applicant's dwellinghouse. At the time of the previous application the submitted information indicated that the applicant was the only employee. The case is presented that as a result of the ongoing impact of the Covid-19 pandemic that demand for the artist's work has fallen away to the extent that the building is no longer required for that purpose. Given that the proposal would not result in the loss of any 'employment generating' space and that the location of the site and proximity to existing residential uses is likely to preclude uses for alternative business uses it is not considered that the proposal would result in harm and as such there is no need to apply the other criteria listed under Strategy 32.

In terms of the Stockland Neighbourhood Plan this contains a policy, EE2 – Conversion of Agricultural Buildings, that supports the conversion of agricultural buildings to business or business-related purposes where this supports farm diversification. However in this instance the proposal is not a farm diversification project and nor is the building an agricultural building as such the proposal finds no support in this regard.

In relation to national policy paras. 77 - 79 of the NPPF cover rural housing. In this regard paragraph 77 indicates that support should be given to developments that reflect local needs, placing particular emphasis on affordable housing; paragraph 78 states that in rural areas housing should be located where it would enhance and maintain the vitality of rural communities; and paragraph 79 seeks to restrict isolated homes in the countryside, setting out the circumstances in which their provision is acceptable.

As the proposed development would not meet a specified local need, and would not provide affordable housing, it would not help to deliver either of the objectives set out in paragraph 78 of the Framework. In relation to paragraph 79 of the Framework, future occupants of the development would need to travel to Honiton or Axminster as the nearest 'designated' settlements with a range of services and as such would provide little benefit in terms of support of the immediate community. In terms of para. 80 some support could be found under criteria c) as the proposal would include the re-use of a redundant or disused building. Policy D8 however provides a more detailed framework against which to assess such proposals and the proposal is considered against the criteria of that policy below.

The proposed holiday let unit would find some in principle support under para. 84 of the NPPF which seeks to support the sustainable growth and expansion of all types of businesses in rural areas.

On the matter of principle there are policies in the Local Plan that potentially support the principle of development subject to meeting the specific criteria of those policies, these are considered further below.

### **Design, suitability for conversion and impact on the character and appearance of the area**

Policy D8 of the Local Plan provides a framework by which to consider the suitability of the proposed conversion scheme. It seeks to support proposals for the re-use of redundant rural buildings where a number of criteria are met. Those criteria are set out below followed by consideration of the proposal against them and other relevant policies of the development plan where applicable.

1. *The new use is sympathetic to, and will enhance the rural setting and character of the building and surrounding area and is in a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality.*

The proposed use would result in only minor changes to the appearance of the building, mainly through changes to fenestration, these changes together with the use of the building would represent a change to the character of the site but this change would be in keeping with the wider residential use of the site. It is not considered that the proposal would represent any enhancement to the setting of the building but equally no harm to this would arise.

In terms of travel the location of the site is such that future occupiers are likely to be highly reliant on private transport for the vast majority of their journeys. Nonetheless, the existing lawful use of the building and the former use of the site as a dog's kennel would have generated a degree of traffic and the scale of the development and nature of the use is not such to represent significant increased traffic movements or to prejudice village vitality. Further consideration is given to the matter of sustainability and accessibility below.

2. *The building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting;*

The building is only recently constructed as a replacement for the kennels building that were previously on the site and the alterations proposed do not adversely affect its character.

3. *The form, bulk and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials;*

As above.

4. *The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures;*

The proposed use would generate traffic and on-site parking demands, but the site has historically been used as a boarding kennels and therefore traffic levels are likely to be similar and where the access to and approach roads serving the site are capable of accommodating this. The approved use of the building as an artist's workshop/studio would also have generated a certain level of traffic associated with deliveries to and collections from the site. Similarly, parking could be provided immediately adjacent to the building where it would be

viewed in close relation to the building and where the building itself would screen this from any wider range public views.

5. *The proposal will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function.*

There is no agricultural business operated from the site and it is advised that the building is no longer required for its originally intended purpose.

The additional criteria of policy D8 relating to residential proposals require that a) the building is no longer required for agricultural use or diversification purposes, b) that the conversion would enhance its setting, and; c) the site is located close to a range of accessible services and facilities to meet the everyday needs of residents.

In relation to a) this is discussed above, with regards b) it is considered that the proposal would have a neutral impact on the building's setting. Criteria c) of policy D8 is also reflected in criteria 4 of policy E16, which requires that the proposal is accessible on foot, by bicycle and public transport and will not impair road safety or the free flow of traffic. Policy TC2 and Strategy 5B of the EDLP have similar aims and the accessibility of the site is discussed separately below. In relation to the other criteria of policy E16 these are considered to be met.

### **Accessibility of development**

The site is located where it is remote from services and facilities likely to be required in association with the residential use of the site. In addition there are no public transport services serving the site. Whilst the A30/A303 and strategic road network are within 1 ½ miles of the site options to access it by alternative modes of transport are extremely limited. Although the site can physically be accessed via foot, or cycle, the distances to the nearest settlements with any level of shops or services that might serve the proposed use (Honiton 10 km, Chard and Axminster approximately 12 km) are such that these modes are largely unfeasible for the vast majority of journeys.

In determining the earlier application it was recognised that the former use of the site as a kennels would have generated a degree of traffic but no details of the type and volume of traffic were provided, at the time. Equally, no details were provided of envisaged traffic movements likely to arise from the proposed artist's studio/workshop use. However, supporting information with application 18/ 2398/FUL suggested the kennel licence had permitted up to 40 dogs on site for both long and short term (including daily) boarding. It was concluded on the most recent application for the studio/workshop that with courses restricted to online only and no on-site attendance that the artist's studio/workshop would be unlikely to result in any significant traffic implications which would warrant objection to the proposal.

In relation to the current application, again there are no details provided of the likely traffic movements associated with the proposed use, however it is noted that this is a large holiday let unit and would be capable of accommodating up to 12 people at a time. Although there are options for shared journeys there is the potential for 6+ cars per booking, as the principle means of accessing the site. As a result the site is not considered to be sustainable in accessibility terms, or to meet the requirements of

criteria 4 of policy E16, criteria c) of policy D8, or Strategy 5B and policy TC2 of the EDLP insofar as they variously seek to promote sustainable modes of transport, minimise the need to travel by private car and ensure that development is located close to a range of accessible services and facilities to meet the everyday needs of residents. In this regard the proposal is contrary to policies of the development plan. Whilst para. 84 of the NPPF recognises that sites to meet local business needs may have to be found in locations that are not well served by public transport it remains the case that this is not considered to be a sustainable location in accessibility terms and this weighs against the proposal. Nonetheless it is acknowledged that taking into account the historical use of the site as kennels that traffic movements associated with the proposed use are likely to be similar to/or less than the former use as a kennels and this reduces the degree of harm likely to result from the site's location.

### **Economic Benefits**

The proposal would result in the creation of 1 no. new holiday unit where it is recognised that the Covid-19 pandemic has significantly suppressed the international tourism market and led to a growth in demand for holiday stays within the UK. There is also an acknowledged market for larger holiday units capable of accommodating extended families or larger groups of friends.

The proposal would therefore be likely to find a market and to give rise to some economic benefits to the wider rural economy through increased visitor spend on tourism related businesses in the local area and beyond.

The application form confirms that the proposal would not result in creation of any specific jobs for local people, however, there would be some limited benefits to the construction industry associated with employment involved in the conversion of the building. Whilst such benefits are recognised and weigh in favour of the scheme they would be small in scale and temporary in nature.

### **Other Issues**

The site is located where the nearest unrelated neighbouring residential property is located approximately 125 metres away, with the existing dwelling house and established woodland planting in between. There is no reason to consider that the use of the building would generate a level of noise/activity that would make it unacceptable in terms of amenity impact.

In terms of drainage the application form indicates that a new non-mains drainage system in the form of a package treatment plant is proposed. No details of this have been included with the application but a non-mains drainage form has been completed. There is sufficient land associated within the applicant's control to provide drainage for a new system the details of which would be required under building regulations. With regards to surface water run-off no additional impermeable areas are proposed. The proposal is therefore considered to be acceptable in relation to the requirements of policies EN19 and EN22 of the Local Plan.

There is adequate space available within the site to provide parking provision to serve the proposed holiday let unit to accord with policy TC9 of the Local Plan. In relation to

site access this would be via private access road which is lightly trafficked and where turning provision is afforded so that vehicles joining the public highway could do so in forward gear. Visibility at the junction of the access track with the public highway is reasonable and the proposal is unlikely to result in an unacceptable impact on highway safety, particularly taking into account historic use of the site, as such the requirements of policy TC7 of the Local Plan would be met.

Refuse and recycling storage could be provided on site and left out for collection in a pre-arranged location on the allotted day, such arrangements are common for rural properties.

One of the ward members has indicated that they would object to the use of the building as an independent dwelling but not to use as a holiday let, provided this was not sold off separately to the main house. The supporting information indicates that the intention is to retain ownership of the building in association with the main house although there is no policy requirement for this, or reason why the same restricted use in a different ownership would not be acceptable, as such a condition requiring this is not proposed.

## **CONCLUSION**

The proposal would involve the conversion of a redundant rural building resulting in limited external change to the building and where the building is structurally capable of such conversion without substantial alteration or reconstruction. In this regard the proposal finds some support under policy D8 of the Local Plan and therefore also Strategy 7. However, the proposal needs to be considered against all the criteria of that policy and against its accordance with other policies of the plan and their conformity with the NPPF.

In relation to the three dimensions of sustainable development the proposal would provide some limited economic benefit relating to the conversion works themselves and following this support of the rural economy through visitor spend. Such benefits would be limited by the scale of the development and it is noted that the proposal would not result in any direct job creation. There are also limited shops, businesses in the immediate locality that visitors might help sustain through their patronage, although local hostelrys in surrounding villages, Stockland, Rawridge, Dalwood etc. may see some benefit. The proposals would also result in some limited harm due to the loss of, or at least the reduction in scale of, the applicant's sculpture business, although this, it is advised, has been brought on by external factors. Overall on this issue, the benefits are considered to outweigh the harm as the proposal provides a viable re-use for the building where opportunities for other business re-uses, given the location of the site and proximity to other residential properties, are likely to be limited.

Weighed against the limited economic benefits are the environmental impacts that would result from the development. In this respect there are very limited changes to the buildings appearance and setting and the proposal would have a very limited impact outside the immediate site. In terms of accessibility though, the location of the site is such that the occupiers of the building would be likely to be almost entirely reliant on private transport to access services, shops, tourist attractions etc. This reliance on private transport, notwithstanding the holiday nature of the residential use and the

economic benefits arising, would weigh against the proposal and is contrary to specific criteria in development plan policies.

In this case the harm arising from the site's unsustainable location needs to be balanced against the limited economic benefits of the proposal. However, it is also relevant to take into account the traffic movements likely to arise from the historic and lawful use of the site and to recognise that alternative economic re-uses of the building are likely to be limited due to the close relationship with the main dwelling house and existing holiday let on the site. Taking all of these issues into account, and very much on balance, it is considered that in this instance the harm that would arise would be outweighed by the benefits of finding a suitable re-use for the building.

## **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 unit of accommodation hereby approved:
  - (i) shall be occupied for holiday purposes only;
  - (ii) shall not be occupied as a person's sole, or main place of residence;
  - (iii) occupation of the unit must not exceed 60 consecutive days and there must be a minimum gap of 30 days before the units can be re-occupied by the same visitors.
  - (iv) the owners/operators shall maintain an up-to-date register of the names of all occupiers of the holiday accommodation and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.  
(Reason - To ensure that the accommodation hereby permitted may not be used as a separate dwelling where occupiers of the site would be divorced from the services and facilities needed to support day to day living and where the development is only permitted for holiday use as the benefits of such use are considered to outweigh the harm arising from the unsustainable location of the site, in accordance with Strategies 3 - Sustainable Development, 5B - Sustainable Transport & 7 - Development in the Countryside and policy TC2 - Accessibility of New Development of the Adopted East Devon Local Plan 2013-2031.)
4. Prior to the initial occupation of the holiday let unit hereby approved, the operator/owner of the site shall prepare and submit for the written approval of

the Local Planning Authority a Travel Plan setting out the means by which sustainable modes of transport (including public transport, cycling and walking) will be promoted and occupiers of the holiday let unit actively encouraged to make use of such. Development shall proceed in accordance with the details as agreed and the Plan maintained and developed thereafter.

(Reason - In the interests of the promotion of sustainable means of transport in accordance with Strategy 5B- Sustainable Transport of the East Devon Local Plan and guidance in the National Planning Policy Framework and accompanying Planning Practice Guidance)

#### NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

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

Any queries regarding CIL, please telephone 01395 571585 or email [cil@eastdevon.gov.uk](mailto:cil@eastdevon.gov.uk).

Informative:

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

#### Plans relating to this application:

	Location Plan	22.09.21
EDWARDSSP50 0	Proposed Site Plan	22.09.21
EDWARDSPRO 3	Proposed Floor Plans	22.09.21
EDWARDSPRO 2	Proposed Combined Plans	22.09.21
EDWARDSPRO	Proposed Elevation	22.09.21

#### List of Background Papers

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