

**Agenda for Planning Committee  
Tuesday, 31st January, 2023, 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, E Rylance, P Skinner and T Woodward

East Devon District Council  
Blackdown House  
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Honiton  
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**Venue:** Council Chamber, Blackdown House, Honiton

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(or group number 01395 517546)

Issued: Friday, 20 January 2023

**[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 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) on the Friday before the meeting. 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, 23 January 2023 up until 12 noon on Thursday, 26 January 2023 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.

#### 1 **Speakers' list and revised running order for applications**

Speakers' list removed.

#### 2 **Minutes of the previous meeting** (Pages 4 - 7)

Minutes of the Planning Committee meeting held on 20 December 2022.

#### 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 8 - 16)

Update from the Assistant Director – Planning Strategy and Development Management.

### **Applications for Determination**

#### 8 **21/1546/FUL (Minor) EXMOUTH LITTLEHAM** (Pages 17 - 28)

British Red Cross Society, South Street, Exmouth, EX8 2SA.

#### 9 **21/3235/MFUL (Major) BROADCLYST** (Pages 29 - 76)

Land adjacent to Sandycote, Blackhorse, Honiton Road, Exeter.

#### 10 **21/3148/MOUT (Major) BROADCLYST** (Pages 77 - 116)

Land to the east of Anning Road/Tithebarn Way, Redhayes, Exeter.

- 11 **22/1168/FUL (Minor) BROADCLYST** (Pages 117 - 143)  
Barn at Ratchlyffe Farm, Clyst Hydon, EX15 2NQ.
- 12 **22/2115/OUT (Minor) DUNKESWELL & OTTERHEAD** (Pages 144 - 154)  
The Store, Mill Lane, Awliscombe.
- 13 **22/2030/FUL (Minor) EXMOUTH LITTLEHAM** (Pages 155 - 171)  
Exmouth Beach, Queens Drive, Exmouth, EX8 2GD.
- 14 **22/1322/MOUT (Major) FENITON** (Pages 172 - 202)  
Land at Hayne Farm, Hayne Lane, Gittisham, EX14 3PD.
- 15 **22/1622/FUL (Minor) FENITON** (Pages 203 - 214)  
Kings Arms Farm, Nags Head Road, Gittisham, EX14 3AP.
- 16 **22/1386/OUT (Minor) SEATON** (Pages 215 - 228)  
15 Townsend Road, Seaton, EX12 2AY.

Under the Openness of Local Government Bodies Regulations 2014, members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

[Decision making and equalities](#)

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

**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 20 December 2022****Attendance list at end of document**

The meeting started at 1.00 pm and ended at 5.04 pm. The meeting was adjourned at 3.10 pm and reconvened at 3.22 pm.

In the absence of the Chair, Councillor Eileen Wragg, the Committee agreed to Councillor Sarah Chamberlain being the Chair and to Councillor Olly Davey being Vice Chair for this meeting.

**75 Minutes of the previous meeting**

The minutes of the Planning Committee held on 29 November 2022 were confirmed as a true record.

**76 Declarations of interest**

Minute 78. 22/0990/MFUL (Major) WHIMPLE & ROCKBEARE

In accordance with the code of good practice for Councillor and Officers dealing with planning matters as set out in the constitution it was advised all Committee Members had been lobbied in respect of this planning application.

Minute 79. 22/0873/FUL (Minor) EXMOUTH WITHYCOMBE RALEIGH.

Councillor Steve Gazzard, Affects Non-registerable Interest, Exmouth Town Councillor and as a Ward Member had commented on the application but advised he had come to the meeting with an open mind.

Minute 81. 21/1546/FUL (Minor) EXMOUTH LITTLEHAM

In accordance with the code of good practice for Councillor and Officers dealing with planning matters as set out in the constitution Councillor Bruce De Saram advised lobbying in respect of this application.

Minute 82. 22/1197/FUL (Minor) FENITON

In accordance with the code of good practice for Councillor and Officers dealing with planning matters as set out in the constitution Councillor Bruce De Saram advised lobbying in respect of this application.

**77 Planning appeal statistics**

In the absence of the Service Lead – Planning Strategy and Development Management there was no planning appeal statistics update.

**78 22/0990/MFUL (Major) WHIMPLE & ROCKBEARE****Applicant:**

Mr Phil Cookson (Low Carbon Alliance)

**Location:**

Land at Marsh Green Farm, Marsh Green, EX5 2EU.

**Proposal:**

Construction and operation of a ground mounted solar farm and associated landscaping and ecological habitat, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment and associated development; temporary change of use of land for construction compound (off-site).

**RESOLVED:**

Refused contrary to officer recommendation for two reasons.

Members considered that the proposal was contrary to:

1. Strategy 39 as the proposal was likely to lead to increased flooding in the area, it would have a harmful impact on heritage assets that was not outweighed by public benefits and would have a landscape and visual impact such that the location of development was not correct;
2. Insufficient information had been submitted to indicate whether the proposal would lead to a substantial loss of best and most versatile (BMV) agricultural land contrary to Policy EN13 of the EDDC Local Plan.

79 **22/0873/FUL (Minor) EXMOUTH WITHYCOMBE RALEIGH**

**Applicant:**

Mr Eric Biddulph.

**Location:**

Olleston, St Johns Road, Exmouth, EX8 5EG.

**Proposal:**

Erection of a detached dwelling with associated parking and amenity space, vehicular access and landscaping.

**RESOLVED:**

Approved contrary to officer recommendation.

Members considered that the proposed development satisfied Policies D1 and D3 of the EDDC Local Plan and that the trees surrounding the site would work in harmony with the development rather than the development causing harm to them. Conditions were delegated to officers to draft in consultation with the Chair, Vice Chair and Ward Members.

80 **21/1990/FUL (Minor) BUDLEIGH & RALEIGH**

**Applicant:**

C J Wyatt & Son Richard Wyatt.

**Location:**

Higher Hawkerland Farm, Sidmouth Road, Aylesbeare, EX5 2JW.

**Proposal:**

Retention of one bedroom mobile home dwelling for farm worker (retrospective).

**RESOLVED:**

Approved temporary permission for three years contrary to officer recommendation.

Members considered that the agricultural activities associated with the breeding ewes and other agricultural activities that take place on the holding are sufficient to justify the provision of a mobile home for an initial three years to provide the applicants with an opportunity to demonstrate that it is needed on a permanent basis to facilitate the functional requirements of a full time agricultural business on the land. Conditions were delegated to officers to draft in consultation with the Chair, Vice Chair and Ward Members.

The Committee were advised that information had been provided by the applicants that indicated that one of the partners in the business had become incapacitated very recently and that this was key to their request for the mobile home to be sited on the land for an initial three year period.

81 **21/1546/FUL (Minor) EXMOUTH LITTLEHAM**

**Applicant:**

Mr Loveridge.

**Location:**

British Red Cross Society, South Street, Exmouth, EX8 2SA.

**Proposal:**

Erection of a three storey building to include four two bed flats, office suite and two front dormers with associated parking and amenity space including demolition of existing hall.

**RESOLVED:**

Deferred for a site inspection so that Members could consider the relationship between the proposed building and neighbouring properties.

82 **22/1197/FUL (Minor) FENITON**

**Applicant:**

Mr Robin Hutson.

**Location:**

Curlditch House, Gittisham, EX14 3AE.

**Proposal:**

Proposed siting of five shepherds huts in the field southeast of Curlditch House.

**RESOLVED:**

Approved as per officer recommendation.

83 **22/1547/FUL (Minor) DUNKESWELL & OTTERHEAD**

**Applicant:**

Mr Kevin Crudge.

**Location:**

Turbury Farm, Stamps Coaches, Dunkeswell, EX14 4QN.

**Proposal:**

Static home to provide managers accommodation.

**RESOLVED:**

Approved contrary to officer recommendation.

Members considered that as there was a fall-back position of siting the annexe (in the form of a mobile home) in the garden of the existing dwelling without requiring planning permission, the proposed location would better serve the business and have no greater impact on its surroundings providing it was conditioned to be used ancillary to the use of the main dwelling on site representing a departure from Policy H4. Conditions were delegated to officers in consultation with the Chair, Vice Chair and Ward Members.

**Attendance List**

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

S Chamberlain (Vice-Chair)  
C Brown  
A Colman  
O Davey  
B De Saram  
S Gazzard  
D Key  
R Lawrence  
G Pratt  
E Rylance  
P Skinner  
T Woodward

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

P Faithfull  
N Hookway  
G Jung  
B Taylor

**Officers in attendance:**

Gavin Spiller, Principal Planning Officer (West)  
Damian Hunter, Planning Solicitor  
Wendy Harris, Democratic Services Officer

**Councillor apologies:**

E Wragg  
K Bloxham  
M Howe

Chairman .....

Date: .....

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

**Ref:** 22/1584/FUL                      **Date Received** 21.12.2022  
**Appellant:** Mr James Brennan  
**Appeal Site:** Mount Houlditch Farm Toadpit Lane West Hill Devon  
EX11 1LQ  
**Proposal:** Demolition of two barns and three outbuildings and the  
construction of a residential annexe ancillary to the main  
dwelling house, a pool house also ancillary to the main  
dwelling house and an extension to the house for a home  
office.  
**Planning** APP/U1105/W/22/3313627  
**Inspectorate Ref:**

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**Ref:** 22/1600/FUL                      **Date Received** 03.01.2023  
**Appellant:** Mr G Braddick  
**Appeal Site:** Land Adjacent To Hamlet House Nags Head Road  
Gittisham  
**Proposal:** Extension of an existing commercial building on the land  
north of Hamlet House  
**Planning** APP/U1105/W/23/3314033  
**Inspectorate Ref:**

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

**Ref:** 21/1512/FUL                      **Appeal Ref:** 22/00020/REF  
**Appellant:** Mr and Mrs Rob and Claire Hilton  
**Appeal Site:** Land North East Of Atlantis Sowden Lane Exmouth  
**Proposal:** Erection of a sustainable zero carbon live/work development to include creation of a productive landscape rich in biodiversity.  
**Decision:** **Appeal Dismissed**    **Date:** 13.12.2022  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, accessibility, countryside and green wedge protection reasons upheld (EDLP Strategies 7 & 8 and Policy TC2, Lympstone NP Policies 2 & 3).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/22/3296441  
**Inspectorate Ref:**

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**Ref:** 22/0276/FUL                      **Appeal Ref:** 22/00038/REF  
**Appellant:** Mr Simon Lancaster  
**Appeal Site:** 18 Minifie Road Honiton EX14 1NF  
**Proposal:** Erection of a semi-detached dwelling  
**Decision:** **Appeal Dismissed**    **Date:** 14.12.2022  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, off street parking provision reasons upheld (EDLP Policy TC9).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/22/3303968  
**Inspectorate Ref:**

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**Ref:** 22/0318/FUL                      **Appeal Ref:** 22/00030/REF  
**Appellant:** Mr Andrew Vickery  
**Appeal Site:** Oak Tree House Old Ebford Lane Ebford Exeter EX3 0QR  
**Proposal:** Erection of replacement dwelling.  
**Decision:** **Appeal Dismissed**    **Date:** 19.12.2022  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, conservation, ecology and amenity reasons upheld (EDLP Policies D1, EN5 & EN9 and CSG NP Policies 8 & 9).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/22/3301884  
**Inspectorate Ref:**

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**Ref:** 21/1837/FUL **Appeal Ref:** 22/00033/REF  
**Appellant:** Russell and Julie Payne  
**Appeal Site:** Lucehayne Cottage Widworthy Honiton EX14 9JS  
**Proposal:** Change of use of annexe building, approved under permission 18/2546/FUL, for use as either an annexe and/or for holiday accommodation purposes  
**Decision:** **Appeal Dismissed** **Date:** 19.12.2022  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, accessibility reasons upheld (EDLP Policies D8, E16 & TC2 and Strategies 5B & 7).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/22/3302272  
**Inspectorate Ref:**

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**Ref:** 22/0262/FUL **Appeal Ref:** 22/00031/REF  
**Appellant:** Gerry Bird  
**Appeal Site:** Stanzita King Edward Road Axminster EX13 5PP  
**Proposal:** Formation, laying out and construction of a means of access to a highway.  
**Decision:** **Appeal Dismissed** **Date:** 28.12.2022  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, highway safety reasons upheld (EDLP Policy TC7 & Strategy 6).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/22/3301943  
**Inspectorate Ref:**

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**Ref:** 21/2531/FUL **Appeal Ref:** 22/00036/REF  
**Appellant:** Mr Michael Huxtable  
**Appeal Site:** Land South Of Treetops Toadpit Lane West Hill  
**Proposal:** Two storey detached dwelling, and change of use of land to residential curtilage.  
**Decision:** **Appeal Dismissed** **Date:** 28.12.2022  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, accessibility reasons upheld (EDLP Strategies 5B, 7 & 27 and Policy TC2).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/22/3303671  
**Inspectorate Ref:**

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**Ref:** 21/2781/FUL      **Appeal Ref:** 22/00035/REF  
**Appellant:** Mr. D Brazendale  
**Appeal Site:** Sceat Cottage Colyton EX24 6DP  
**Proposal:** Change of use from holiday cottage to unrestricted residential dwelling (Use Class C3)  
**Decision:** **Appeal Allowed**      **Date:** 04.01.2023  
**(no conditions)**  
**Procedure:** Written representations  
**Remarks:** Officer recommendation to refuse, Committee refusal. Accessibility reasons overruled (EDLP Policies D8 & TC2 and Strategies 5B & 7).

The Inspector considered that although the nature of the local road network is likely to limit the practicality of walking and cycling to access services and facilities, there would be some opportunity to use the bus. The appeal building is subject of a condition that limits its use as holiday accommodation, however, the condition does not limit the period(s) when the dwelling can be occupied. As it already exists, the broad acceptability of both its location and any travel-related environmental impacts arising from its residential use have already been established and there is no substantive evidence that any increase in travel from an unrestricted residential use would be significant.

The Inspector concluded that the site would provide a suitable location for an unrestricted residential dwelling, with particular regard to access to services and facilities and found no conflict with the provisions of Strategies 5B and 7 or Policies TC2 and D8 of the Local Plan. The proposal also complies with the general thrust of paragraph 105 of the Framework.

**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/22/3303190  
**Inspectorate Ref:**

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**Ref:** 21/0293/TRE **Appeal Ref:** 22/00050/TRE  
**Appellant:** Mrs Elaine Bancroft  
**Appeal Site:** 22 Highbury Park Exmouth EX8 3EJ  
**Proposal:** Lime - Fell to ground level.  
**Decision:** **Appeal Allowed (with conditions)** **Date:** 05.01.2023  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, amenity reasons overruled.

The Inspector considered that the Lime tree has some amenity value as a maturing specimen at the end of the estate road. Its amenity value is however limited by its constrained position close to the rear of the dwelling and in most views it is significantly obscured by the dwelling. Its value is also lessened by the attractive and more easily appreciated group of open grown trees to the south that stand prominently to either side of the road and are not partly obscured by buildings.

The Inspector also noted that the Lime tree has caused some damage to the adjacent area of paving where slabs have lifted. The low brick wall that contains the bed that the Lime grows within has also broken up near the trunk.

The Inspector concluded that there would be some modest harm from the loss of the Lime. However, the reasons given for felling, in combination with the benefit of planting a replacement tree in a more prominent location were sufficient to outweigh the harm caused by the felling of the tree, sufficient to justify the works.

**BVPI 204:** **No**  
**Planning** APP/TPO/U1105/8517  
**Inspectorate Ref:**

**Ref:** 22/0758/FUL **Appeal Ref:** 22/00053/HH  
**Appellant:** Mr Barnaby Griffith  
**Appeal Site:** 43 Halsdon Avenue Exmouth Devon EX8 3DW  
**Proposal:** Single storey front extension, single storey rear extension and first floor extension with rear balcony with alteration to fenestration.  
**Decision:** **Appeal Dismissed** **Date:** 13.01.2023  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, amenity reasons upheld (EDLP Policy D1 & Strategy 6 and ENP Policy EB2).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/D/22/3307905  
**Inspectorate Ref:**

## East Devon District Council List of Appeals in Progress

**App.No:** 21/F0364  
**Appeal Ref:** APP/U1105/C/22/3295011  
**Appellant:** Stuart Partners Ltd  
**Address:** Land at Hill Barton, Sidmouth Road, Clyst St Mary, EX5 1DR  
**Proposal;** Appeal against enforcement notice served in respect of the change of use of the land from agriculture to a mixed use of agriculture and commercial parking area used by lorries, commercial vehicles, cars, plant and machinery and the siting of skips and shipping containers.

**Start Date:** 29 March 2022  
**Procedure:** Written Reps.

**Questionnaire Due Date:** 12 April 2022  
**Statement Due Date:** 10 May 2022

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**App.No:** 21/0876/FUL  
**Appeal Ref:** APP/U1105/W/22/3295861  
**Appellant:** Mr Barnes  
**Address:** Stopgate Farm Yarcombe Honiton EX14 9NB  
**Proposal;** Retention of a cement silo, water silo, site office and additional concrete area.

**Start Date:** 27 May 2022  
**Procedure:** Hearing

**Questionnaire Due Date:** 10 June 2022  
**Statement Due Date:** 8 July 2022  
**Hearing Date:** 7 February 2023

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**App.No:** 20/F0319  
**Appeal Ref:** APP/U1105/C/22/3298710  
**Appellant:** Mr & Mrs Barnes And Operators  
**Address:** Stopgate Farm Yarcombe Honiton EX14 9NB  
**Proposal;** Appeal against enforcement notice served in respect of the construction of a cement silo, water silo, site office and additional concrete area.

**Start Date:** 27 May 2022  
**Procedure:** Hearing

**Questionnaire Due Date:** 10 June 2022  
**Statement Due Date:** 8 July 2022  
**Hearing Date:** 7 February 2023

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**App.No:** 21/3265/FUL  
**Appeal Ref:** APP/U1105/W/22/3301525  
**Appellant:** Singleton & Manning  
**Address:** Land Adjacent To Leighton Cottage Longmeadow Road  
Lympstone  
**Proposal;** Erection of a two-bedroom semi-detached cottage.  
**Start Date:** 26 September 2022  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 3 October 2022  
**Statement Due Date:** 31 October 2022

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**App.No:** 21/0103/FUL  
**Appeal Ref:** APP/U1105/W/22/3303990  
**Appellant:** Mr D Crocker  
**Address:** Chestnuts 65 Salterton Road Exmouth EX8 2EJ  
**Proposal;** Demolition of existing buildings and construction of 9 no.  
apartments with associated parking, cycle and bin stores and  
creation of new vehicular access onto Salterton Road.  
**Start Date:** 6 October 2022  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 13 October 2022  
**Statement Due Date:** 10 November 2022

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**App.No:** 22/0352/OUT  
**Appeal Ref:** APP/U1105/W/22/3304675  
**Appellant:** Mr and Mrs Mears  
**Address:** 77 Seaton Down Road Seaton EX12 2HA  
**Proposal;** Construction of a single storey dwelling accessed from Marlpit  
Lane following demolition of an existing car port; and  
construction of a parking bay accessed from Seaton Down  
Road. (Outline application with all matters reserved.)  
**Start Date:** 6 October 2022  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 13 October 2022  
**Statement Due Date:** 10 November 2022

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**App.No:** 22/0817/FUL  
**Appeal Ref:** APP/U1105/W/22/3303809  
**Appellant:** Mr & Mrs R & H Bennett  
**Address:** Land At SY 22647 92588 Colyton Hill Colyton (Landfill Site  
At Whitwell Farm, Seaton)  
**Proposal;** Siting of shepherd's hut for holiday accommodation.  
**Start Date:** 11 October 2022  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 18 October 2022  
**Statement Due Date:** 15 November 2022

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**App.No:** 21/2332/FUL  
**Appeal Ref:** APP/U1105/W/22/3308364  
**Appellant:** A & S Barnes Sons  
**Address:** Stopgate Farm Yarcombe Honiton EX14 9NB  
**Proposal;** New farm access  
**Start Date:** 2 November 2022  
**Procedure:**  
**Hearing**  
**Questionnaire Due Date:** 9 November 2022  
**Statement Due Date:** 7 December 2022  
**Hearing Date:** 7 February 2023

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**App.No:** 22/0721/FUL  
**Appeal Ref:** APP/U1105/D/22/3309277  
**Appellant:** Mr Michael Anaman  
**Address:** 16 Windsor Square Exmouth Devon EX8 1JX  
**Proposal;** Removal of garden wall to rear garden, creation of off street  
parking with electric charging points, replacement of  
outbuilding, restoration of steps to rear door and associated  
landscaping.  
**Start Date:** 11 November 2022  
**Procedure:**  
**Householder**  
**Questionnaire Due Date:** 18 November 2022

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**App.No:** 22/0961/FUL  
**Appeal Ref:** APP/U1105/W/22/3307458  
**Appellant:** Russell and Helen Hayman  
**Address:** Land West Of 8 Mill Lane Alfington  
**Proposal;** Erection of 2no. two storey 3-bed detached dwellings,  
erection of 2no. detached single garages, means of access  
and associated works  
**Start Date:** 21 December 2022  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 28 December 2022  
**Statement Due Date:** 25 January 2023

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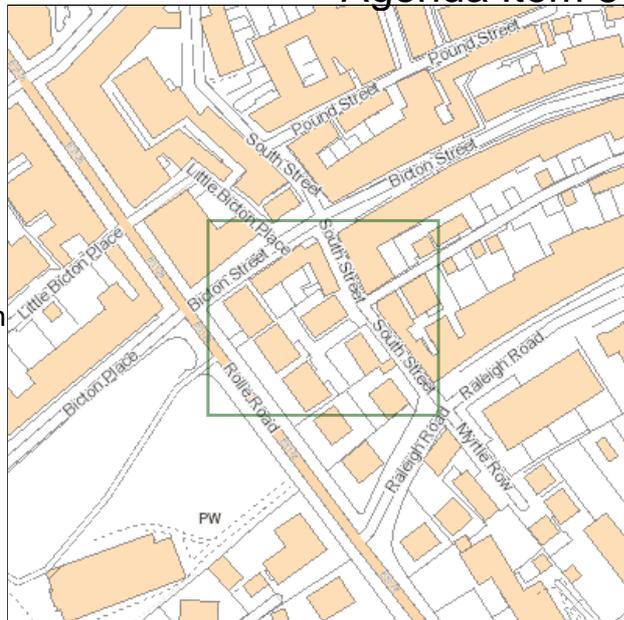
**Ward** Exmouth Littleham

**Reference** 21/1546/FUL

**Applicant** Mr Loveridge

**Location** British Red Cross Society South Street Exmouth EX8 2SA

**Proposal** Erection of a three storey building to include 4 x 2 bed flats, office suite, and 2 x front dormers with associated parking and amenity space including demolition of existing hall.



**RECOMMENDATION: Refusal**



		<b>Committee Date: 20 December 2022</b>
<b>Exmouth Littleham (Exmouth)</b>	<b>21/1546/FUL</b>	<b>Target Date: 15.11.2021</b>
<b>Applicant:</b>	<b>Mr Loveridge</b>	
<b>Location:</b>	<b>British Red Cross Society, South Street, Exmouth</b>	
<b>Proposal:</b>	<b>Erection of a three storey building to include 4 x 2 bed flats, office suite, and 2 x front dormers with associated parking and amenity space including demolition of existing hall</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

**This application was originally deferred by Members at the Planning Committee in March to allow further negotiation by officers to seek changes to reduce the bulk of the building, and to amend its design and position to address the concerns raised regarding the impact upon neighbour amenity and the size of the parking spaces.**

**Since this time further discussion has taken place regarding the design, scale and bulk of the building and its position within the site, however whilst some changes have been made, namely the reduction in the overall height of the building to the same as the neighbouring properties, and the redesign of the second floor elevation and internal room configuration, the position and footprint of the building remains as previously considered. Other amendments include additional solar panels on the roof of the building and the provision of three parking spaces and electric charging points to the front of the building.**

**Whilst the proposed changes are noted, Officer opinion remains that the building is too large for the site and that the development would still have a detrimental impact on the residential amenity of the occupiers of neighbouring properties.**

**This report has been amended to reflect the alterations which have been made, and updated with amended consultation responses and additional representations received.**

**It is before Planning Committee because the Officer recommendation is contrary to Ward Members and Exmouth Town Council.**

**The brownfield site occupies a sustainable position close to Exmouth town centre and adjacent to the Conservation Area.**

**There is no objection raised to the principle of development in this location and the retention of a business use within the proposal is welcomed and considered to weigh in favour of the development.**

**However there is significant concern regarding the scale and form of the proposal which is considered to be too large for the site. Whilst the design details of the frontage of the building is generally reflective of that existing in the immediate vicinity, and the overall height of the building has been reduced by 0.5m, its depth, bulk and overall scale would result in an incongruous and inappropriate development.**

**The size and layout of the building would have a detrimental impact on the residential amenity presently enjoyed by neighbouring residents in terms of loss of outlook, visual intrusion and loss of privacy.**

**The proposals would result in less than substantial harm to the character of the Conservation Area and there would be some public benefits, in terms of new office accommodation, relatively affordable new sustainable homes and construction jobs during the building of the development.**

**However, whilst the benefits of the proposed development are recognised it is not consider that these would outweigh the harm to the character and appearance of the area or the residential amenities of the occupiers of surrounding properties, and the application is consequently recommended for refusal.**

## **CONSULTATIONS**

### **Local Consultations**

Exmouth Littleham - Cllr Bruce De Saram (amended plans)

I am able to continue to support these amended plans in principle following various emails with the Team and so I feel it may have to come back to Committee to reach a decision. I remain impartial and will keep an open mind on this matter

Ward Member Cllr Bruce De Saram (original plans)

So my initial observation is that I have No objection to this development but I will await the Officer Report as the Chair has indicated to add in any comments, I make based on the report. I will of course keep an open mind on it and be impartial.

Ward Member Cllr Chris Wright (original plans)

Thank you for the clarification, I do support the application having also visited the site and do believe that it requires further discussion at committee level. As Cllr De Saram was a little clearer in his email this is of course somewhat academic.

Parish/Town Council (amended plans)

No objection to amended plans

Parish/Town Council (original plans)

No objection

### **Technical Consultations**

Environmental Health (amended plans)

As per my previous comments.

Environmental Health (original plans)

The applicant must ensure that sound insulation works are carried out in all adjoining walls & ceilings between the office space and residential units in order to ensure that noise (including low frequency noise) generated within the offices does not disturb the occupiers of the associated residential premises.

Reason: To protect the future residents from excessive noise.

Other Representations (amended plans)

Six additional representations have been received raising objections, summarised below

- Overshadowing and loss of sunlight
- Building is still too high
- Additional traffic
- Parking problems exacerbated
- Proposed building too large
- Too close to properties to the rear
- Loss of privacy
- Lounge and kitchens will overlook houses in South Street
- Density too great

Other Representations (original plans)

Five representations have been received, 1 in support, 3 raising objections and 1 neutral; summarised below

Support

- Proposal will maintain office presence in the building
- Existing building tired and in need of updating
- Will provide much needed affordable housing
- Will provide space for business
- Public parking is available nearby
- Suitable area for mixed use

Objection

- Building too high blocking sunlight to garden and property

- Potential loss of light to rear of building
- New building closer than existing to the rear of existing property
- New building shouldn't be taller than the existing
- Increase in noise nuisance
- Soundproofing will not stop noise from open windows
- Insufficient parking
- Overdevelopment of the site
- Overlooking and loss of privacy

Neutral

- Potential increase in traffic
- Potential loss of light/sunlight

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
18/2596/FUL	Demolition of existing hall and construction of 5 no. flats	Withdrawn	18.04.2019

## **POLICIES**

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

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

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

D1 (Design and Local Distinctiveness)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

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)

### Exmouth Neighbourhood Plan 2018-2031 Policies

EB1 Heritage Assets

EB2 Design

EB3 Loss of Employment Space

### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

## Site Location and Description

The application site comprises a former British Red Cross Society building located within the built-up area boundary of Exmouth. The building is of single storey construction, with a gable fronted elevation onto South Street, and extending to virtually the full depth of the site. A lean-to extension has been constructed towards the rear of the building on its north-eastern side which accommodates a store and WC facilities. The main body of the building comprises a meeting hall, with office and a kitchen located at the front of the building. Informal parking is provided on a forecourt adjacent to South Street.

The building has residential properties to the north, south and west, with a small theatre located to the north east. The properties to the west comprise a number of flats which front onto Rolle Road, but which have rear access and garages served by a driveway to the immediate south of the Red Cross building, beyond which is a detached bungalow. Other residential properties front onto South Street, with integral garaging on the ground floor with residential accommodation above.

The boundary of the Exmouth Conservation Area lies on the opposite side of South Street.

## Proposed Development

Planning permission is sought for the demolition of the existing building on the site and the construction of a three storey development. The submitted layout provides an office suite and a two bedroom flat on the ground floor, 2 two bedroom flats on the first floor with a further 2 bedroom flat on the second floor.

The latest plans indicate parking for 4 vehicles, although the supporting information suggests that parking for 3 vehicles with electric charging points is proposed to the front of the development, together with a bin store, with a side access leading to a rear garden area and a secure cycle store.

The proposed frontage design and materials are generally reflective of the area, using facing brick under a slate roof, with brick soldier course detailing above and below the front windows.

The design of the rear of the building now indicates the second floor having a double gable design, instead of the hipped roof previously proposed.

Internally the layout has been amended with the first and second floor accommodation being switched with the lounge/kitchen areas now at the front of the building with bedrooms to the rear.

## **ANALYSIS**

Having regard to the strategic and management policies in the East Devon Local Plan (Local Plan) and the made Exmouth Neighbourhood Plan (Neighbourhood Plan), the main issues to be considered in the determination of this application are as follows:

- Principle of Development
- Design and Impact on the Character and Appearance of the Area
- Heritage Impact
- Residential Amenity
- Highway Safety and Parking Provision

### Principle of Development

The application site is located within Exmouth which is considered to be a sustainable location for new development and where Strategy 6 (Development within Built-Up Area Boundaries) and Strategy 22 (Development at Exmouth) support appropriate additional growth and development, subject to appropriate design and amenity considerations.

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

The site is located relatively close to the centre of Exmouth in a reasonably sustainable location with access to shops, services and everyday facilities which are accessible on foot as well as public transport links again accessible on foot. The principle of development in location terms is considered to be acceptable and in compliance with the Strategic policies within the Local Plan and the Neighbourhood Plan.

Since the former use of the building by the Red Cross Society ceased there have been a variety of commercial and business occupants of the building, with the current occupiers using the building for office and storage purposes. Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the Local Plan and Policy EE3 of the Neighbourhood Plan seek to resist the loss of employment sites and uses unless they are no longer economically viable and have been fully marketed. The previous application for the redevelopment of the site was withdrawn partly due to the loss of a viable employment use. This application seeks to retain an employment use through the inclusion of an office suite, and whilst this would have a reduced floor area it would provide far better quality accommodation than that existing. On this basis, as an employment use is being retained with the benefit of improved facilities, it is considered that the proposed development would be policy compliant.

### Design and Character of the Area

The front of the building takes design references from the neighbouring properties, using similar materials, window styles and dormer windows. It is now of the same height as the modern terrace to the north, and other development in South Street, and lower than the properties to the west fronting Rolle Road due to falling ground levels. It has been set back from the rear of the pavement to provide some parking to the front of the building.

The position, scale and bulk of the building with parking to the front is not reflective of that to which it is most closely visually related, namely the northern part of South Street and Bicton Street, much of which is within the Bicton Street Conservation Area.

Neither is it reflective of that to the south, where there are two detached bungalows which sit somewhat awkwardly amidst the other edge of pavement development found within South Street.

It is considered that, despite being set back from the road, the building would appear prominent within the streetscene due to its depth and bulky roof form, and whilst it is appreciated that the full south eastern elevation would only be seen from limited vantage points, the scale is such that it would appear visually intrusive and incongruous within this context. As a result the development would be detrimental to the character and appearance of the area and on this basis the proposal would fail to comply with Policy D1 (Design and Local Distinctiveness) of the Local Plan and EB2 of the Neighbourhood Plan

### Heritage Impact

Exmouth Conservation Area lies to the north east of the site, with the Blackmore Theatre on the opposite side of South Street forming the southern boundary of this part of the conservation area.

The site is not prominent within the setting of the conservation area, and the theatre building opposite is actually considered to be a detracting feature within it, although occupying a corner location the frontage is recognised as a key building. The side elevation of the theatre is functional.

Within the context of the conservation area, it is not considered that the position of the building being set back from the proposed pavement and with parking to the front would have any positive impact on its setting. It is, however, recognised that the site is not within the conservation area, and whilst the proposal is considered to have a visually intrusive impact on the immediate character of the area, and this part of South Street, it is considered that overall this would result in less than substantial harm to conservation area itself.

When considering the impacts of a proposed development on the significance of a designated heritage asset paragraph 199 of the NPPF states that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

In these circumstances under the provisions of paragraph 202 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

There are public benefits arising from the proposal including the provision of new housing, and modern purpose-built office accommodation, which weigh in favour of the development, however the design and position of the building is such that it would not make a positive contribution to the setting of the conservation area.

## Residential Amenity

The proposed building is significantly larger than the existing single storey structure on the site, although the site coverage is less. Whilst the design has been amended and the overall roof height lowered the proposed floorspace remains as that previously considered. The alterations to the design of the south western elevation, changing from a hipped roof to gables, have the further effect of increasing the mass of the building at the rear.

It is the relationship between the proposed building and the neighbouring properties that remains the most significant concern, with various aspects of the design, position and layout of the building considered to result in a loss of amenity for neighbouring residents.

The distance of 11m between habitable rooms of the proposed flats and the properties in Rolle Road is not considered to be acceptable. This relationship is considered to be inappropriate in this location, resulting in a significant loss of outlook and visual intrusion for the occupiers of the existing flats in Rolle Road, particularly emphasised by the increase in bulk of the proposed building created by the raising of the eaves and alteration to the hipped roof on this elevation.

It is also considered that the relationship between the buildings and layout of the proposed flats would further result in mutual overlooking between the existing and proposed dwellings. The introduction of bedroom windows, rather than the roof lights previously proposed at the second floor level is of particular concern, although there is some improvement at first floor due to the lounges being relocated to the front of the building.

Concerns were previously raised in respect of the loss of amenity in terms of overlooking, loss of privacy and over shadowing for the occupiers of the dwellings whose rear gardens abut the north western boundary of the site. The reduction in size, rearrangement of the internal layout, and use of obscure glazing are now considered to be appropriate to mitigate any potential overlooking. However there remains concerns regarding the increased bulk of the development on the site that will, due to the orientation and size of the building, result in a loss of sunlight to these gardens.

Given the proposed office/business use within the building and its relationship with the residential accommodation, the Council's Environmental Health Officer had suggested an appropriate condition be applied to any grant of permission to ensure that noise generated within the offices does not disturb the occupiers of the associated residential premises.

It is considered that whilst any amenity issues arising from the use of the proposed office can be conditioned, the proposed development, as amended would still have a harmful and detrimental impact on the residential amenity of the occupiers of neighbouring dwellings, and on future occupiers of the proposed flats, and as such the proposal would fail to accord with Policy D1 (Design and Local Distinctiveness) of the Local Plan.

## Highway Safety and Parking

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

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

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

The development proposes the creation of a pavement across the road frontage, which is currently lacking, which is welcomed. It also now suggests that 3 off road parking spaces will be created. Whilst this is below that normally required for a development of this nature, it is considered that the location is such that it could be considered for a parking free development. There is a full range of services and facilities readily accessible on foot together with good public transport links within easy walking distances.

Overall, and despite the practicalities and restricted parking proposed, and subject to a condition that requires the installation of the cycle storage prior to occupation of the residential units the location of the site is such that no objections are raised in terms of highway safety or parking provision.

## Habitats Mitigation

The nature of this application and its location close to the Exe Estuary and Pebblebed Heaths and their European Habitat designations 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 Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. 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.

## **CONCLUSION**

The proposed re-development of this site would introduce new residential development on a brownfield site close to the town centre in a sustainable location.

However the design, form, height and scale of the proposed building is considered to be excessive for its location, resulting in a development which would be overbearing within its context and which would have a detrimental impact on the amenities of neighbouring residents. It is therefore recommended that the application is refused.

## **RECOMMENDATION**

REFUSE for the following reasons

1. The proposed development, by reason of its scale, massing and design, would constitute an incongruous and visually intrusive form of development that would be contrary to the character and appearance of the area. The proposal is considered to be contrary to Strategy 6 (Development within Built-Up Area Boundaries) and Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031 and Policy EB2 of the Exmouth Neighbourhood Plan and paragraphs 130 and 134 of the National Planning Policy Framework.
2. The proposed development by reason of scale, bulk, form and proximity to the boundaries of the site would be visually intrusive and overbearing, resulting in a loss of outlook and consequent amenity for the occupiers of properties to the south west of the site. It would further result in a loss of amenity in terms of visual intrusion and overshadowing for the occupiers of properties to the north of the site. The proposal would therefore be contrary to Policy D1- Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031 which seeks to ensure the amenities of adjoining residents are not adversely affected by development and paragraph 130 (f) of the National Planning Policy Framework.

## 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 proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

Location Plan

24.06.21

R11820-1D      Proposed      Combined      17.10.22  
Plans

List of Background Papers

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

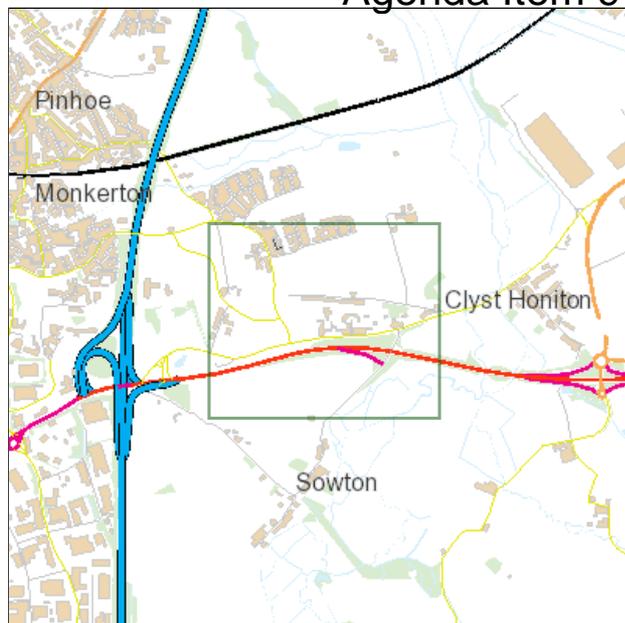
**Ward** Broadclyst

**Reference** 21/3235/MFUL

**Applicant** Theo Gloyens

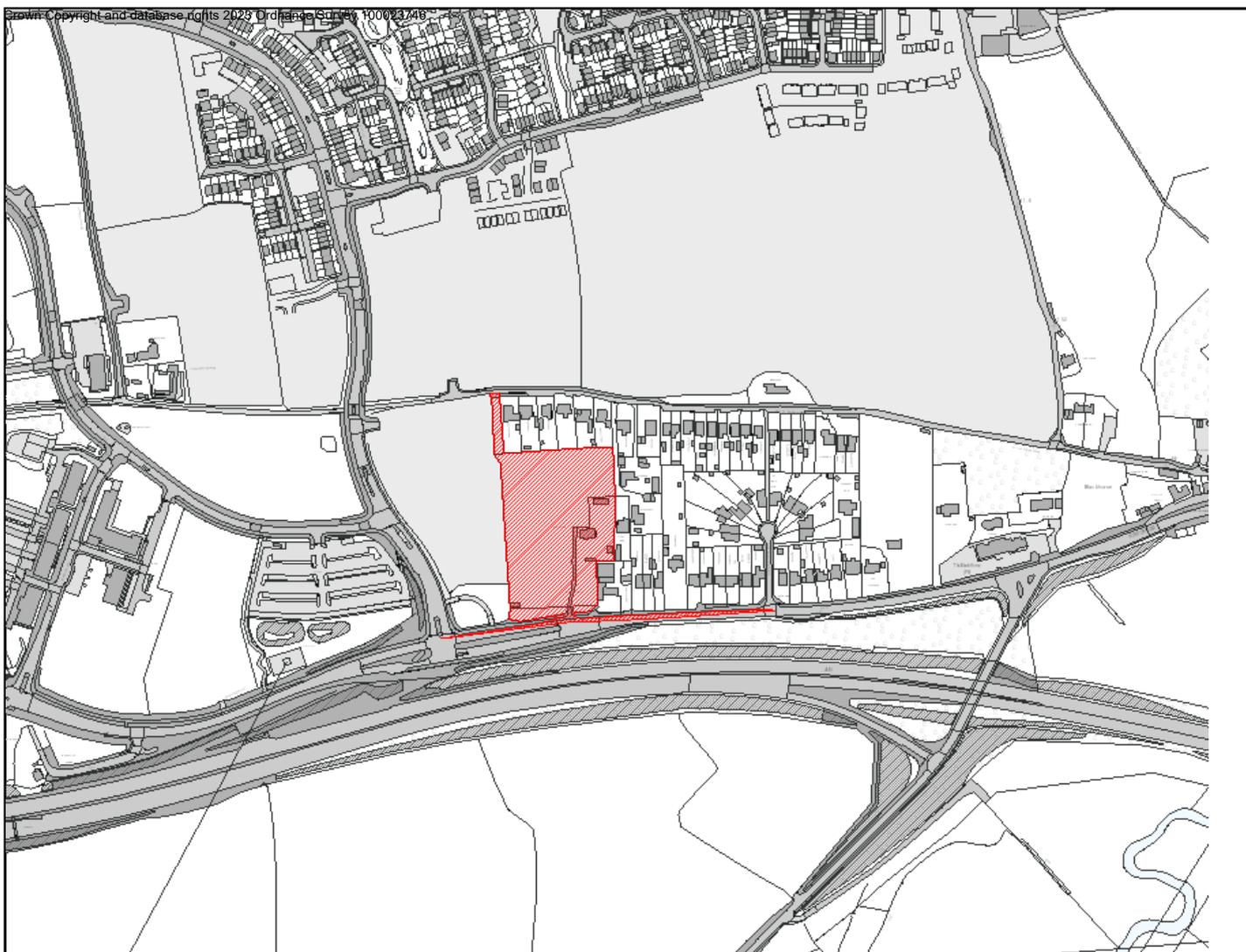
**Location** Land Adjacent To Sandycote Blackhorse Honiton Road Exeter EX5 2FT

**Proposal** Demolition of existing dwelling and outbuildings, and construction of 44 no. dwellings (22 no. affordable), means of access and associated works



**RECOMMENDATION:**

1. Adopt the appropriate assessment forming part of the report
2. Approve subject to a legal agreement and conditions



		<b>Committee Date: 31<sup>st</sup> January 2023</b>
<b>Broadclyst (Broadclyst)</b>	<b>21/3235/MFUL</b>	<b>Target Date: 20.04.2022</b>
<b>Applicant:</b>	<b>Theo Gloyens</b>	
<b>Location:</b>	<b>Land Adjacent To Sandycote Blackhorse</b>	
<b>Proposal:</b>	<b>Demolition of existing dwelling and outbuildings, and construction of 44 no. dwellings (22 no. affordable), means of access and associated works</b>	

**RECOMMENDATION:**

- 1. Adopt the appropriate assessment forming part of the report**
- 2. Approve subject to a legal agreement and conditions**

**EXECUTIVE SUMMARY**

**This application is before members as the officer recommendation is contrary to the views of the parish council and the proposal represents a departure from the development plan.**

**The site is currently an extended garden area around the existing, now derelict, dwelling known as Sandycote, located in defined open countryside between existing homes at Blackhorse to the north and east, with the Exeter Science Park and development at Tithebarn Green to the west.**

**This application seeks full planning permission for the construction of 44 no. dwellings (22 no. affordable), to facilitate the proposed development the existing dwelling and associated outbuildings on site would need to be demolished, together with the removal of the conifer hedge on the western boundary of the site.**

**Planning law requires that planning applications must be determined in accordance with the development plan unless other material considerations indicate otherwise. Local Planning Authorities should apply the presumption in favour of sustainable development which is at the heart of the NPPF and is the golden thread running through decision-taking subject to complying with paragraph 11 of the NPPF. Whilst the site is strictly speaking contrary to policy (Strategy 7 - Development in the countryside), it is considered that the circumstances of the huge changes that will be happening to the locality, together with the increasing levels of sustainability, could constitute a material consideration that should be given significant weight in the determination of this application.**

Furthermore, at the time of writing this report the Council cannot demonstrate a 5 year housing land supply. The development is considered to be deliverable and any permission granted would assist in the Council's supply of housing within the District. The NPPF advises that relevant policies for the supply of housing should not be considered up to date if a Council cannot demonstrate a five year supply of deliverable housing sites. The fact that the Council cannot demonstrate an adequate housing supply within the District is a significant factor and weighs heavily in favour of permission.

Concerns have been raised by the Council's Urban Designer in terms of the suitability of the design to this site and that it does not respond well to its immediate context. Overall he considers the design of the units to be good, but he questions the approach taken. The design philosophy for the site is intended to give a village character and pick up on architectural features in the wider Exeter area rather than the immediately surrounding area. The surrounding context is mixed, as mentioned there is a wealth of housing growth to the north of the site that is typified by largely standard modern house types. The housing to the east of the site is more traditional and arranged in a ribbon fashion fronting onto the main highway. Whilst the proposal site creates its own character area it is not considered to be one that would jar against the existing developments, furthermore, there is a pending application for an office development immediately to the west of the site which is likely to be of a larger scale and the character would be enhanced against the commercial backdrop.

The houses would connect to the district heating system (if viable and a connection point is existing when the development is built out) and 50% of the houses would be affordable.

The groundwater monitoring for the drainage is currently being investigated but positive results over 10 months monitoring have been provided, a further two months are required to justify the use of soakaways. Ecological mitigation and compensation measures would be provided for on-site protected species (bats, reptiles, amphibians etc)

## **CONSULTATIONS**

### **Local Consultations**

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

Thank you for consulting Broadclyst Parish Council

#### **SANDYCOTE BLACKHORSE 21/3235/MFUL**

Broadclyst Parish Council agree with East Devon's view that this site is unsuitable for development due to its proximity with how it lies with the airport noise contours.

The planning proposal is not in conformity with the following policies of the Broadclyst emerging Neighbourhood Plan.

Policies

' D1, and Appendix 14 Design Codes 1,2,3,4,5,6,

- ' DC2
- ' DC3
- ' DC4
- ' T3
- ' NE4
- ' NE5

#### HOUSING DENSITY:

This is a very high-density development adjacent to the Blackhorse development. This density of 33 buildings per 1 ha is in stark contrast with residential developments in the NP where the community requested a lower density of 21 dwellings per hectare. The density of dwellings per hectare in the present settlement of Black horse is much lower than the level set in the NP.

' The layout does duplicate to some extent a design layout which is seen in the existing Blackhorse settlement: a cul de sac road leading to a turning point.

' However, the four roads off this main road results in a much higher density of housing. Without these four extra roads, the housing density would be lowered and more in keeping with the Blackhorse settlement character in Appendix 14. There is no evidence that the local settlement character presented in Broadclyst NP appendix 14 has been used to inform the Design and Access Statement.

' The present layout is not in Conformity with Policy D1 points 1,4,8,10 11. Code 2 and 3 are also not addressed in the Layout.

#### ACCESS

' The Priority order in the Broadclyst NP for access is, pedestrian, cyclist, and vehicles. This is not in place within the design. For residents to access the central green area there are no structures in the design which provide pedestrians as a priority over vehicles.

' The Green Triangle at the centre of the site layout is also a designated parking space for 8 vehicles to the north of the Green, with no design in place to ensure that no further vehicular access is used on this green space. This multi space provision undermines the priority order access.

' On street parking close to the green compromises safety make it difficult for both pedestrians and drivers as it enforces people to step onto the road from behind / in front of parked cars to get to the central green

#### PARKING:

Provision of parking on the green space is not supported despite it being 'grasscrete' in design. This should be a bespoke open green space for the large residential community. There are also 6 parking spaces in the orchard, which take up most of the orchard frontage alongside the entrance road.

In Policy T3: Parking has to be provided on semi permeable surfaces. Parking surfaces are presented in 3 of the proposals appendices and the surface provision is not consistent across these appendices. Parking provision must be semi permeable even on street parking.

It is good to see provision of a cycling route onto an existing local cycle route. There are concerns that cars will be parked on the cycle path outside the houses along this route as the car parking provision for these houses, is located on North Court Road.

Provision of car charging facilities are clearly specified within the Design and Access Statement but there only 7 charging units provided for the 22 parking spaces utilising 'on street parking'. Electric point provision in the orchard and on The Green will mean that these spaces will be fully utilised and be deemed as permanent parking locations. There are concerns about payment for charging and long-term maintenance of these charging units.

Parking for Cycles is to be located in dedicated storage and with good connectivity, but provision of these is for all plots at the far end of gardens and not close to the access gate. This means that large swathes of lawn are lost to patio a route to the garden shed. This results in excessive paved area to ensure good connectivity for cycles.

Policy DC4 needs to be in provided in full.

### NET BIODIVERSITY

As published in the Governments new reforms to the Planning System, all new development should create a net gain to areas appearance and 10% gain in biodiversity.

Loss of green space in gardens is excessive, due to the extent of patio areas and paved route to sheds designated in every garden. Patio is in most cases 50% of the space available. To gain a net biodiversity of 10% required in Policy NE5 is going to require extensive mitigation and is not likely to be gained on site.

### ENERGY EFFICIENT PROVISION

It has been stated that PV slates are to be provided on all South facing buildings, this is not evident in application. Not in conformity with Policy DC1.

### HOUSING

Affordable Housing are supposed to be pepper potted throughout the layout. However, it is evident in the Masterplan showing affordable housing that these are provided in isolated blocks of 3 ' 5 houses within the masterplan.

The location of accessible and adaptable units are not optimum 'safe locations' for such residents being positioned:

1. With no close parking provision in west court
2. Located on the main access route close to Honiton Road
3. Close to where the road narrows on a bend beside the Green 41/A1.2
4. Houses along the cycle path have no designated parking

### DESIGN

Design of housing is not in line with a village/ settlement feel.

The housing design is more of 'the same' urban design and needs to consider designs along the lines of those that have been provided locally in Clyst St George, Seaward development, which are varied, distinctive and use local materials and adding value and quality to the settlement.

The Character assessment of Blackhorse in APP 14 provides a design backdrop for development which are to be used for developments that are adjacent to a settlement. A key design feature in Blackhorse is that pairs of houses share a housing design and that no more than 5 houses in the settlement are of a uniform house design. The present proposal in contrast provides all houses which are very

uniform in design see below. There is a need for less uniformity and more variety in the design of properties.

Not in conformity with aspects of Design Code 2,3 4 and 5

EXTRA

Although not within the NP. The location of space allocated for refuse/ recycling on collection day in the Masterplan showing Parking refuse 2139891 is of concern

' Location on a cycle path,

' Infront of parking spaces e.g., 14 09

At locations where the lorry cannot get to: along access paths, at end of shared driveways and on footways.

TRAFFIC

Concerns about the junction have been raised with crossing two lanes of traffic and the reservoir capacity for inbound traffic. These traffic concerns have been brought up by County Highway Authority on the last planning application for this site 14/2195/MOUT. These traffic concerns are more relevant now with all the development in the surrounding areas and the increase in traffic.

### **Technical Consultations**

Devon County Highway Authority

Addendum 27/11/2022

The County Highway Authority has reviewed the amended plans and is happy with the amended Design and Access statement together with the revised Highway long section.

Recommendation:

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

1. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with the East Devon Local Plan 2013-2031

Devon County Highway Authority

Observations:

The County Highway Authority (CHA) have reviewed the planning application and is happy with the cross-sections, Long-sections, swept path analysis, along with the provision of electric charging points for vehicles.

Some public comments have been noted on this planning application regarding the speed of London Road, the down change to 30mph is coming, with the a consultant employed to seek how best to street design London Road before the speed change comes.

Details on bin collection points to avoid the uphold of traffic flow will be required. The parking geometry is also acceptable. The Tithebarn area as a whole is delivering greater infrastructure to support this development including a new primary school, a park and change and cycle infrastructure. This this mind, the development will require secure cycle storage for each dwelling.

Recommendation:

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

1. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with the East Devon Local Plan 2013-2031.

Police Architectural Liaison Officer - Kris Calderhead

I would greatly appreciate your consideration of my comments as there are aspects of the design that I cannot support and I have some queries with regards to the proposed lighting scheme.

1. Excessive permeability / paths not overlooked / Plots lacking defensible space – For a relatively small area, West Court appears to have an excessive number of routes through it, some of which compromise the security of dwellings, as they are not well overlooked, not lit and provide access to the rear of plots. Additionally, some plots are not afforded defensible space as they immediately abut public space. Paragraph 8.3 of Secured by Design Homes 2019 states, ‘the designer must ensure that the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings, or by providing too many or unnecessary segregated footpaths’. Paragraph 8.1 states, ‘vehicular and pedestrian routes should be designed to ensure that they are visually open, direct, well used and should not undermine the defensible space of neighbourhoods’.

2. Rear access footpaths - Whilst I appreciate this rear access path is gated, it serves

8 plots which is excessive, is devoid of surveillance, poorly lit, one of the entrances is not in clear view of the street and the path is not direct. Such features increase the risk and fear of crime and ASB.

Paragraph 13.2 of Secured by Design Homes 2019 states, ‘it is preferable that footpaths are not placed to the back of properties. If they are essential to give access

to the rear of properties they must be gated....and serve the minimum number of homes, usually four or less’.

The 2 issues above are my biggest concerns from a designing out crime perspective. However, there are further comments I would like to make.

- Lighting – Can it be confirmed that the lighting scheme for the development will meet BS5489-1:2020?

I note that the ‘external lighting associated with the development will be based on a Passive Infrared Sensor (PIR) system (being motion-sensitive only to large objects) and on a short timer (no longer than 1 minute)’. Can it be confirmed if this is the case for all of the lighting throughout the development?

An effective lighting scheme affects 6 out of the 7 Crime Prevention Through Environmental Design principles<sup>1</sup>. For crime prevention measures, lighting should provide good levels of uniformity, with dedicated routes being well lit, as well as parking areas, gates etc. Bollard lighting should be used for demarcation of routes only or supplementary as part of a general design.

Additionally, Secured by Design guidance (note 25.1) ‘has not specified PIR activated security lighting for a number of years following advice from the ILP and police concern regarding the increase in the fear of crime (particularly amongst older people) due to repeated PIR lamp activations. Research has proven that a constant level of illumination is more effective at controlling the night environment’.

- Boundaries - Areas identified as public open space should have appropriate boundary treatments that prevent vehicle access and clearly define the space.

Hedgerow - Any existing or new hedgerow that is likely to comprise new rear garden boundaries must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.

### EDDC Trees

Overall I have no objection with the proposal. The trees on site are generally of mainly low value, the majority being conifer which have been reduced and managed as hedgerow. The only two trees of any significance T9 and T10 (note off site tree but overhangs) are being retained which is appropriate. My only concern / issue is the felling of G1, a mix of approximately 12 Apple and Plum which as a group have been categorised as B3. It is considered that ideally these trees could be retained in a revised scheme. However, the proposed replacement planting of an orchard and nuttree is considered appropriate and will mitigate the loss of G1.

### Environmental Health

As per my comments made in Feb 2022 Plus:

Generally for traditional external amenity space, such as gardens, it's recommended that the external noise level does not exceed 50 - 55 dB LAeq 16hr. With this development the external amenity areas are considered to be an intrinsic part of the overall design but as detailed applicants noise assessment the site lies on the 60 LAeq 16hr 2030 Contour.

Despite following a good acoustic design process to meet with the recommended internal noise levels, adverse noise impacts still remain within the developments external amenity space.

However, it is also recognized that these guideline values are not always achievable in all circumstances particularly where the development of the site now proves more desirable. In this higher noise area, a compromise between the elevated external noise levels and other factors, such as the convenience of living in this location or making efficient use of land resources can be met. ProPG details that if a relatively quiet, protected, nearby, external amenity space for sole use by a limited group of residents as part of the amenity of their dwellings and/or a relatively quiet, protected, publically accessible, external amenity space (e.g. a public park or a local green space) that is nearby (e.g. within a 5 minutes walking distance) is provided then this may be regarded as a mitigating factor for when considering such developments with higher than recommended external noise levels.

### Environmental Health

I recommend approval with conditions:

1 In order to meet with the internal noise levels as specified in BS8233: 2014 the following noise condition is recommended for the acoustic envelope of the residential buildings:

a) Glazing

The  $R_w + C_{tr}$  dB reduction required by the glazing is 28dB.

b) Ventilation

Where a closed window is required for internal noise level limits to be achieved, alternative ventilation (to an open window), must be provided. The alternative must comply with the requirements of the Building Regulations Approved Document F and the required  $D_{n,e,w}$  ( $C_{tr}$  value) dB value of the open ventilator is the façade value plus 6dB, i.e. 34dB.

2 External noise levels

An acoustic barrier of solid construction with no air gaps of at least 2m in height with a minimum surface mass of 15 kg/m<sup>2</sup> should be installed covering the amenity areas southern boundary (facing onto Honiton Road) for plots 1, 7 and 45.

During the construction Phase

3 A Construction and Environment Management Plan (CEMP) 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. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in

compliance with the approved CEMP. 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 and 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.

#### Housing Strategy/Enabling Officer - Jo Garfoot

This site is not allocated for development in the Local Plan and will therefore will be required to provide 50% affordable housing. The proposal is for 45 dwellings of which there is a net gain of 44 units so there would be a requirement for 22 units for affordable housing.

The proposal is for 22 units for affordable housing of which 11 are for shared ownership and 11 for rented accommodation. This is a tenure split of 50/50. Strategy 34 sets a target of 70% for rent and 30% for affordable home ownership however in times of depressed markets an alternative mix can be negotiated to reflect viability and help deliver schemes. The applicant has not submitted any evidence to justify the reason for the tenure mix proposed. As the site is within the Broadclyst parish neighbourhood plan area, due to transitional arrangements it would not be required to provide First Homes.

The proposal for the affordable units is a mix of both 2 and 3 bedroom properties with more 2 bedroom units which will meet housing need. To meet the high need in the district for smaller properties and to ensure a good mix of unit types a few 1 bedroom units would have been nice. The property sizes are good and they all have at least one allocated parking space. The inclusion of electric charging points in welcomed. The affordable units are reasonably well dispersed.

The south facing market houses are to have PV panels and this should be extended to the affordable units as well.

The plans show a number of the affordable units are to be built to M4(2). Strategy 36 states that on schemes of 10 or more all the affordable units should meet M4(2) not just 20%.

The affordable units should be transferred to a registered provider.

#### Natural England

Planning consultation: Demolition of existing dwelling and outbuildings, and construction of 45 no. dwellings (22 no. affordable), means of access and associated works Location: Land Adjacent To Sandycote Blackhorse Honiton Road Exeter EX5 2FT

Thank you for your consultation on the above dated 25 January 2022 which was received by Natural England on 25 January 2022

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

#### SUMMARY OF NATURAL ENGLAND'S ADVICE

## DESIGNATED SITES [EUROPEAN] – FURTHER INFORMATION REQUIRED

### Habitats Regulations Assessment - Recreational Impacts on European Sites

This development falls within the 'zone of influence' for the East Devon Pebblebed Heaths SAC,

East Devon Heaths SPA & Exe Estuary SPA as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development.

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

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

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context. Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

### Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](https://data.gov.uk) website. Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

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

### DCC Flood Risk Management Team

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

#### **Observations:**

The applicant has submitted the revised Sandycote, Blackhorse, Exeter Flood Risk Assessment & Drainage Strategy (Report Ref. 1769w001, Rev. P06, dated 05th August 2022). The applicant has included Option B, an alternative attenuation option.

For Option A - Infiltration, the applicant mentioned that soakaway testing to BRE Digest 365 gave positive soil infiltration rates. The attached results in Appendix B of the report indicated that the testing was carried out at depths ranging from 1.55 to 2.60m but the proposed individual soakaway was at a depth of 0.4m.

The testing must be conducted on the locations and depths of potential infiltration devices. A cross section showing the ultimate depth of the soakaway would be useful.

For Plot 1 to 5 Soakway, the Drainage Strategy Option A Infiltration (Drawing No. 0500, Rev. P7, dated 05th August 2022) indicated a dimension of 15m x 2m x 0.4m but the model output indicated an area of 60m<sup>2</sup>.

It was acknowledged that the twelve month groundwater monitoring is currently being undertaken and the first few months results indicated positive outcome. For Option B - Attenuation, underground systems cannot be considered as truly sustainable means of drainage because they do not provide the required water quality, public amenity and biodiversity benefits, which are some of the underpinning principles of SuDS. Consequently, above-ground SuDS components should be utilised unless the applicant can robustly demonstrate that they are not feasible; in almost all cases, above- and below-ground components can be used in combination where development area is limited.

We would be happy to provide a further response if additional information is submitted to the local planning authority.

#### Devon County Archaeologist

The proposed development site lies within an area of known archaeological potential and the geophysical survey undertaken of this area, and submitted in support of this planning application has identified anomalies that may be of archaeological interest. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological

resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

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

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 205 of the National Planning Policy Framework (2021) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

#### Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development'

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

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

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

The Historic Environment Team have received the report setting out the results of the archaeological investigations undertaken here. These have demonstrated that the majority of the archaeological features within the site are likely to be of post-medieval date. A single find of a flint artefact indicates a low level of human activity within the site during the prehistoric period but no archaeological features from the prehistoric period were identified by these investigations.

In the light of the results of the archaeological investigations here I do not consider that any further archaeological mitigation is required and I would like to withdraw the Historic Environment Team's previous comments, and instead offer no comments on this planning application.

Please do contact me if you need any additional information.

#### National Highways

Referring to the notification of a planning application referenced above, for the demolition of existing dwelling and outbuildings, and construction of 45 no. dwellings (22 no. affordable), means of access and associated works, at land adjacent to Sandycote, Blackhorse, Honiton Road, Exeter, EX5 2FT, notice is hereby given that National Highways' formal recommendation is that we:

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

Highways Act 1980 Section 175B is/is not relevant to this application.<sup>1</sup>

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

<sup>1</sup> Where relevant, further information will be provided within Annex A.

#### Annex A National Highways recommended No Objections

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England was renamed National Highways in August 2021. Prior to April 2015 the organisation was known as the Highways Agency. National Highways is a government owned company responsible for operating, maintaining and improving the SRN.

## Statement of Reasons

The application seeks full permission for the demolition of existing dwelling and outbuildings, and construction of 45 dwellings (22 affordable), means of access and associated works, at land adjacent to Sandycote, Blackhorse, Honiton Road, Exeter. The 1.4ha site is located approximately 50m north of the A30 trunk road and 500m east of M5 Junction 29.

## Planning Context and History

Outline permission for up to 34 dwellings on the site was granted in November 2018 under application 14/2195/MOUT, which lapsed recently in November 2021. The principle of residential development on the site, albeit for a lesser quantum, has therefore been previously accepted.

## Impact on the Strategic Road Network

### Traffic Impact

The Transport Statement (TS) considers trip rates previously accepted for the consented Tithebarn Green application (12/0802/01) immediately west of the development site. Noting these trip rates are now over a decade old, the TS makes reference to trip rates derived from TRICS although no trip rate outputs are provided. For the application the TS adopts a trip rate of 0.600 for both the AM (0800-0900) and PM (1700-1800) network peak hours, which is considered acceptable by National Highways. Based on a quantum of 45 dwellings this results in approximately 27 two-way trips in both the AM and PM peaks, which is 6 additional two-way trips over the recently expired consent for 34 dwellings, and less than one vehicle movement every two minutes in the AM and PM peak hours.

On the basis of the above forecast traffic impact, National Highways does not consider the development is likely to result in an unacceptable impact on the safe operation of the strategic road network, as defined by NPPF.

### Acoustic Mitigation

Given the proximity of the proposed development from the A30 and M5 the developer must ensure that noise arising from the operation of the trunk road is adequately mitigated. Noise levels in outdoor amenity areas should conform to thresholds specified in British Standard 8233:2014 and World Health Organisation (WHO) Environmental Noise Guidelines, so that indoor and outdoor spaces can be utilised as intended.

British Standard BS8233:2014 states that it is desirable that the external noise level does not exceed 50dB LAeq, with an upper guideline value of 55dB LAeq. The WHO Environmental Noise Guidelines, which are congruent with BS 8233:2014, set out that 'To protect the majority of people from being seriously annoyed during the daytime, it is recommended that the sound pressure level on balconies, terraces, and outdoor living areas should not exceed 55dB LAeq for a steady continuous noise. To protect the majority of people from being moderately annoyed during the daytime, the outdoor noise level should not exceed 50dB LAeq.'

Paragraph 6.7.9 of the Planning Statement sets out that 'with the proximity of Exeter Airport, it is not possible to achieve the recommended noise levels for outdoor

amenity areas. However, BS8233:2014 states that: "In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces but should not be prohibited."

National Highways does not consider the site to be located in either a city centre or an urban area, and as such should the development propose any exceedance of the above levels, the justification for such should be clearly evidenced including why the recommended levels cannot be achieved and how the 'desirability' of the development offsets any likely adverse noise impact upon the intended site users. We therefore strongly advise that the Local Planning Authority satisfies itself that the development will deliver measures which adequately mitigate noise to levels as set out in British Standard BS8233:2014 and WHO guidelines. National Highways will not be held liable for any adverse noise impact arising from the operation of the A30 or M5 should the development fail to deliver measures which adequately mitigate noise to levels as set out in British Standard BS8233:2014 and WHO guidelines.

It must be emphasised that the National Highways soft estate should not be relied upon in respect of contributing any perceived benefits of either visual or acoustic mitigation. We are required to maintain our soft estate which may result in the removal or amendment of our soft estate at any time. The applicant is therefore required to ensure that appropriate and sufficient visual and acoustic mitigation is provided as part of the development, and in addition to any National Highways estate that may be present. Should it be determined that any acoustic measures are necessary to mitigate the impact of traffic noise from the A30 or M5, any fences, screening and other structures must be erected on the developer's land, and far enough within the developer's land to enable maintenance to take place without encroachment onto highway land, as set out in Annex A, paragraph A1, of DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development". To ensure compliance with the above, we would request that we are consulted on the proposed design, construction and future maintenance requirements of any such measures.

#### Recommendation

National Highways has no objections to application 21/3235/MFUL.

#### Exeter & Devon Airport - Airfield Operations+Safeguarding

I acknowledge receipt of the above planning application for the proposed development at the above location.

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

In terms of the Air Navigation Order, it is an offence to endanger an aircraft or its occupants by any means. In view of this I have included, as attachments, some

safeguarding notes which all developers and contractors must abide by during construction and commissioning.

These include: Airport Operators Association (AOA) Advice notes:  
Lighting near Aerodromes.

Wildlife Hazards around Aerodromes  
Cranes and other Construction Issues.

And, Civil Aviation Authority (CAA) CAP1096 Guidance to crane users on crane notification process and obstacle lighting and marking.

Accordingly, Exeter Airport have no safeguarding objections to this development provided that all safeguarding criteria are met, as stipulated in the AOA and CAA Advice Notes, and there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

### NHS Local

On 1 April 2022, our client merged with Northern Devon NHS Trust to form the Royal Devon University Healthcare NHS Foundation Trust.

Please find attached updated consultation reports reflecting this change for the following planning application 21/3235/MFUL.

This is a consultation response to the planning Land Adjacent To Sandycote Blackhorse Honiton Road Exeter EX5 2FT at NGR 298976 112882 (Hartnoll Farm) Tiverton Devon

### Introduction

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The creation and maintenance of healthy communities is an essential component of sustainability as articulated in the Government's National Planning Policy Framework, which is a significant material consideration. Development plans have to be in conformity with the NPPF and less weight should be given to policies that are not consistent with the NPPF.

Consequently, local planning policies along with development management decisions also have to be formulated with a view to securing sustainable healthy communities. Access to health services is a fundamental part of sustainable healthy community.

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

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

The Trust's funding is based on previous year's activity it has delivered subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality

requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients.

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

#### CIL Regulation 122

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

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

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

#### S 106

S 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the impact it creates on the services. The contribution in the amount £27,778.00 sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculation are provided within the attached document.

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

#### EDDC Landscape Architect

This report forms the EDDC's landscape response to the full application for the above site. The proposed scheme has been revised from the original submission. The number of proposed dwellings have been reduced by two and minor adjustments made to the previous layout. The architectural style remains as previously submitted.

The report provides a review of revised layout and 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 REVIEW OF SUBMITTED DETAILS**

### **2.1 Pavings and roads layout**

There are contradictions in proposed pavings as shown on the Hardworks plan, dwg. no. 796/01 rev F and Internal highway strategy, dwg. no. 0700 rev P3. The latter shows all parking areas including private drives being block paved whereas the Hardworks plan shows a mix of block paving, grass-crete and bound gravel. There is a difference in detail to the west of plot 13 where a paved sitting area is shown on the Hardworks plan but not on the highway layout. As noted in previous comments the seat should be removed as in that location it is likely to be of little benefit. There are also a number of minor layout differences in parking arrangements. The two drawings should be checked and any conflicts/ differences resolved. Both the above drawings should show the full extent of the northern access path up to and including the junction with Blackhorse Lane.

The road layout at the first junction north of the main site access should be adjusted to reduce the corner radii of the western side road to 1m. This will help to slow traffic speeds at this transition point to shared surface and increase the extent of soft landscape areas. The need for a tarmac pavement along the frontage to plot 45 is also questioned and this should also be replaced with soft landscape treatment – see over-marked plan extract below:

Bollards should be provided at the edge of the wide footway across the frontage to plot 6 to prevent cars parking on it.

Occupants of plots 21 to 25 are unlikely to be satisfied with the proposed compacted gravel access drive to the frontage of their properties as this is likely to result in clayey mud being picked up on shoes and carried into homes. There is also a risk of surface ponding or erosion/ rutting if it is not laid or maintained correctly. It would be better to extend block paving northwards to the end of the house frontages and change to compacted gravel surface beyond that.

Rear gardens should be provided with paved patio areas.

Details of proposed kerbs and edgings should be provided.

Construction details and aggregate source/ specification should be provided for proposed compacted self-binding gravel.

Proposed granite chippings for bonded gravel surface are indicated as silver granite. As this is not a granite area alternative stone sources should be considered such as Westleigh Quarry nr. Tiverton.

## 2.2 Boundary and gate details

A boundaries plan should be provided showing the locations and types of all boundary treatments. This should be accompanied by relevant construction details for walls fences, gates and gateways.

Sources and specification of stone for masonry gateways should be confirmed.

## Access

The pedestrian/ cycle access to Blackhorse Lane should be lit with column lights. Bollards should be provided at the northern end and to the north of the side access to the garden of plot 23 to prevent vehicular access to/ from Blackhorse Lane. At its northern end the proposed access path to Blackhorse Lane encroaches into the construction exclusion zone indicated on the tree protection plan. The alignment of the path should be adjusted to avoid this.

#### Drainage

The proposed drainage scheme is reliant on underground crating. Surface SuDS provision should be considered or reasons provided as to why it is unsuitable.

#### Soft landscape

The planting plan should be extended to include the access path junction with Blackhorse Lane.

Native hedge planting should be provided to the east side of the Blackhorse Lane access in front of the timber boundary fence to the adjoining property.

The proposed native hedge to the western boundary should be set on a 1.2m high Devon hedgebank.

Other minor amendments to the soft landscape proposals are required in respect of layout changes noted above.

Soil volume calculations and tree pit details should be provided for trees in areas of hard landscape particularly the oak to the west of plot 13, liquidamber to the front of plots 8/9, koelreuteria to side plot 9.

#### Other matters

Water butts should be provided to all rear gardens to collect roof rain water. Locations should be indicated on the drainage drawings.

Arrangements for bicycle storage should be confirmed. Although the DAS states that sheds will be provided in each garden only one is indicated on the site plans.

Arrangements and locations for e charging points for vehicles should be confirmed.

### **3 CONCLUSIONS AND RECOMMENDATIONS**

#### **3.1 Acceptability of proposals**

The reduction in the number of units creates a better layout, that overall is well conceived and provides interesting spaces. It is a pity that surface SuDS features have not been used more extensively, which could add considerable additional biodiversity and amenity value.

There are still some issues with the layout and associated details as noted above which require amendment. The following items should be satisfactorily addressed prior to determination:

Amendments to all site and landscape plans to include the end of the northern access path up to and including the junction with Blackhorse Lane.

- Proper co-ordination of Hardworks plan and Internal highways strategy drawings.
  - Boundaries plan and accompanying details of boundary and gate types.
  - Inclusion of Devon hedge bank to western site boundary.
  - Reduction in junction radii at first cross roads north of site entrance and associated paving changes.
  - Changes to paving to frontages plots 21-25.
  - Amendments to access path to Blackhorse Lane to include realignment of path to avoid arb. exclusion zone, change from bollard lighting to column lighting and provision of vehicle bollards at each end.
  - Details of proposed kerbs and edgings.
  - Addition of sheds, patio areas and water butts to rear gardens.
- Other items noted at section 2 above could be subject to condition should the application be approved.

### 3.2 Conditions

Should the application be approved the following conditions should be imposed:

1) No development work shall commence on site until the following information has been submitted and approved:

a) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation. External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011.

b) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by at least two sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.

c) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.

d) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites – DEFRA September 2009, which should include:

- a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.*
- methods for stripping, stockpiling, re-spreading and ameliorating the soils.*
- location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- schedules of volumes for each material.
- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.*
- identification of person responsible for supervising soil management.

e) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.

3) No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 20 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance.

- Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
- A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- Landscape and ecological aims and objectives for the site.
- Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
  - o Existing trees, woodland and hedgerows.
  - o New trees, woodland areas, hedges and amenity planting areas.
  - o Grass and wildflower areas.
  - o Biodiversity features - hibernaculae, bat/ bird boxes etc.
  - o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- Arrangements for Inspection and monitoring of the site and maintenance practices.
- Arrangements for periodic review of the plan.

Management, maintenance and monitoring shall be carried out in accordance with the approved plan.

4) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.

5) Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

### Urban Designer

#### Site context

The existing site and context

The existing Sandycote site has one house and two outbuildings within it. The remainder of the site has trees, including old fruit trees, but is largely open grassland.

Immediately west of the site is an undeveloped part of the Exeter Science Park that itself is next to Anning Road, the main entrance to the Science Park from the B3174. Beyond are some of the buildings that have been completed at the Science Park, which are all explicitly modern in design and appearance in line with the nature and ambitions of the Science Park itself. An established hedge with trees runs along the boundary between the Science Park and the site.

Adjacent to the Science Park, North West of the site, are large housing developments by national house builders. These have modern detailing and finishes with a material palette of white render, grey weatherboarding, smooth-faced brickwork and slate roofs throughout. They are a mixture of standard housing forms

with peaked roofs, and others that are a mix of mono-pitch and peaked, but all have a relatively modern aesthetic. This choice by the house builders reflects the location of the housing close to the modern Science Park buildings which would be regarded as their context.

The rear gardens of neighbouring houses forms the northern boundary of the site but from the northwest corner of the site an access path runs alongside the westernmost of these neighbouring properties and opens onto Blackhorse Lane and the cycle-route into Exeter to the west, and the Sky Park business park and Cranbrook to the east. The south of the site opens onto the B3174 Honiton Road and the western boundary sits alongside the Clyst Honiton Garage, the access drive to a residential property and the side elevation of another residential property.

The houses around the site appear largely post-war with those next to it along the Honiton Road being semi-detached interwar houses. Further along are detached two-storey houses with a relatively small footprint. None hold any particular design value though a pair of the semi-detached homes appears to have been extended to replicate a 1930's era arts-and-crafts front elevation.

The houses along Blackhorse Lane are nearly all identical bungalows with a square footprint. All are modest in size and design and look to have been built in the 1960's or 70's. These are all brick or painted render with a mix of clay pantiles and slates on shallow hipped roofs.

#### Understanding of the site and context

The introduction to the Design and Access Statement (DAS) sets the design intent for Sandycote as a traditional village but without explaining why. The context analysis does not help as it does not analyse the site context. Instead it gives examples of windows, doors, streets and spaces from villages (and Exeter) that are either far away or in settlements with a very distinct and unique development history, such as Topsham. Topsham is the nearest context referenced, is 3 miles away as the crow flies and spent most of its very long history as a busy port with connections to the Netherlands which resulted in the distinctive architecture seen there. The furthest, Sampford Peverell, is over 17 miles away in a different district and landscape area. Nearby villages such as Clyst Honiton, Broadclyst, Rockbeare, Whimble share a similar geography to the site and all have examples of windows, doors, streets and spaces. Referencing Exeter as part of the context study is difficult to reconcile as Exeter is a city.

The areas of greatest contextual relevance are the 21<sup>st</sup> century Science Park buildings to the west; the 1930's and 1960-70's housing immediately north and east; new developments taking place along Tythebarne Lane, in Pinhoe or in Cranbrook. This list is not exhaustive. These places also have windows, doors, streets and spaces but are not mentioned. The nearby small towns and villages that represent relevant traditional built context have an architecture and form that is different from those in the DAS and therefore different from the resulting design response. There is no reason given why any nearby context has been ignored in favour of settlements that are distant and in many ways different. Somewhere else, whether it is attractive or not, is not the context because it is somewhere else, and is therefore out of context.

Where the analysis focusses mainly on architectural details and appearance of places it seems not to note the nature of the buildings themselves, how the villages

they form developed or how their spaces were / are used. The villages included in the DAS as well as those nearby the site have homes that seldom go above 2 storey. There are occasional 3 storey buildings but these are generally a set-piece rarity. This, combined with their looser arrangement of buildings and even rarer occurrence of 3 storey buildings, gives the villages that are closest to the site but not included in the DAS analysis, their more open, modest and rural feel.

The images of squares and spaces show relatively formal arrangements of buildings around the spaces they define. In nearby villages the houses tend to be arranged less formally, either opening directly onto narrow streets or, reflecting the ad hoc way these villages grew, set back from a road behind a pebble wall and garden or a line of trees. As a result, a well-defined green surrounded by houses as depicted in the DAS seldom occurs in traditional local village forms. Well defined green spaces do occur in Cranbrook. This new town is not as explicitly modern in its design approach as the new housing along the Tythebarn Way, but as the closest neighbouring settlement is a valid place to look at as precedent and context. However, for consistency of argument, the DAS concentrates on a study of traditional village form to learn from the way these create places people enjoy. This is entirely valid and would be a valuable exercise but it does not explain the form or structure of the spaces in the photos, why they are that form, how they are used, or how they are defined by the structures or natural features around them. It simply looks at them and describes an aesthetic. An analysis of these spaces in plan would be helpful to understand the relationship of buildings to the spaces they enclose. If applied to more local villages it could help form the basis of an informal and contextually appropriate layout that forms a well-designed, attractive space that can perform a pro-social function.

## Design response

### Layout and massing

The layout and parking make a welcome change from normal housing layouts. It avoids a suburban feel by following Prince's Foundation principles and creates a legible layout where parking does not dominate the immediate views within the site as it is placed away from the main spaces and street fronts in parking areas that are well overlooked and designed to feel more like spaces that happen to have cars in rather than spaces designed for cars. This comes about through good use of shared surfaces and being fairly organic in its approach to the site rather than rectilinear. Having a significant proportion of unallocated spaces allows more efficient use. The density is much higher than the existing housing west of the site. As the site will form a transition between the existing housing and the development taking place in the adjacent Science Park this is not a bad thing. The site is elevated relative to the existing housing so risks being overbearing. The revised arrangement brings homes away from the eastern boundary and the more broken elevation along this eastern edge helps mitigate the impact but a section east-west through the site and nearest existing homes, particularly at Clyst End and Tinklers, would be helpful to better understand this relationship.

There is no birds-eye perspective drawing of the revised proposal but the revisions are relatively minor overall so the birds-eye perspective of the previous layout can be used to gain an impression of the development and, to a certain extent, how it sits within its context. This shows the proposal contrasts with its surroundings not just because of its density, but also the scale and design of the houses. The houses are

all 2-3 storey rather than the 1.5-2 storey found in local villages, and this combined with the relative formality of the layout make it appear like the centre of a large village or small town without the rest of the village around it. A looser, less formal arrangement around 'The Green' would help with this, as would reducing the scale of the housing. However, the design of the houses themselves adds to feeling that this development is out of place.

### Design of homes

The houses are based on a narrower footprint than most modern homes which is a welcome change. It allows good daylight penetration into rooms and roofs can have a relatively steep pitch while remaining in proportion, avoiding the 'boxy' look that mass housing can have. To gain the desired internal space the choice has been to extend the homes upwards. This sets the proposed development apart from surrounding housing and the scale and design of the 3 storey houses makes them appear quite civic, more town than village. The mix of designs on the site is good and does not have the homogeneity seen in typical housing developments.

Unfortunately, the design language chosen for the homes is out of place and of another time. The surrounding built context is overwhelmingly modern, and the contrast makes the development look thoroughly out of place, especially as the aesthetic chosen is not typical of local villages. The rigorous adherence to this design language extends to doors and windows whose small window-panes and glazing bars are only used to fit with a Georgian fiction while reducing light transmission by around 15% and increasing maintenance over more modern material equivalents. The use of timber for window frames wouldn't normally be called for outside listed buildings and some conservation areas. Their advantages are mainly around aesthetics and sustainability but their maintenance issues mean they are often replaced relatively quickly by uPVC equivalents anyway, eliminating any advantages they could confer.

A modern aesthetic would be far more suitable here. Even applied to the same general building form it could be very successful and would allow windows with large panes and modern materials without looking incongruous. Timber/aluminium composite windows are a good compromise with a structural timber frame protected externally by aluminium to provide good thermal performance with longevity typically higher than uPVC and with very low maintenance.

### Access and Connectivity

The access to the site and through the site is well designed. There are no connections through to the neighbouring Science Park this would be largely unnecessary as there are relatively direct connections for pedestrian and bicycles from the link north to the cycle route that links onwards to Exeter to the east and Cranbrook to the west.

Connections within the site follow desire-lines and are not led by vehicle movement. Links and spaces appear more natural and welcoming as a result. The pedestrian and cycle link to the north is well framed by the houses on either side and aligns visually with the elevations along the western side of the Green to help draw people through the site onto the east-west cycle path.

There are a couple of areas that have been picked up as potential risk to security, particularly the pedestrian link between North and West Courts and the link from West Court to The Green. These could be left out without a great deal of impact to

the function of the development overall and would need to be quite well tended to remain attractive though I can see them adding an informality to the layout that could be welcome.

### Conclusion

Context starts with the area immediately around the site. It is the immediate context that development proposals must primarily work with. The proposed design, being based on places that are out of context, looks out of place, and having looked only at the details and not the buildings and places the design response also does not much resemble the referenced villages.

Proposals can deviate from or contrast with their context but a design narrative is needed that explains why this is appropriate and how it works as part of the area's build history. Going backwards does not seem like the right answer, especially when on the boundary of the Science Park. Learning from the past is entirely different. Understanding the context, the correct context, rather than copying the aesthetic results of what was at the time the latest technology, would yield a better considered and more sensitive proposal as the designers are clearly capable.

The design and layout otherwise work well. Slackening the formality of the layout would help this achieve a rural village feel but with modern design. The valuable and intelligent lessons from the Princes Foundation are there in the layouts but are lost behind the aesthetic red-herrings of the architecture.

### Other Representations

Six letters of objection have been submitted raising the following concerns:

- 2.5 storey house will shadow my garden
- Access needs improvement as have been incidents nearby
- Design is based on villages 6-10 miles away
- Not enough car parking provided
- Orchard and nuttery should be located elsewhere
- Overdevelopment of the site
- East Devon is becoming a concrete jungle
- Houses should be reduced in height

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
14/2195/MOUT	Outline application for the construction of up to 34 no. dwellings, access and open space (with all matters reserved)	Approval with conditions	20.11.2018

## **POLICIES**

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

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN14 (Control of Pollution)

TC2 (Accessibility of New Development)

EN5 (Wildlife Habitats and Features)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

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

Strategy 40 (Decentralised Energy Networks)

### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

### Relevant Planning History

14/2195/MOUT - Outline application for the construction of up to 34 no. dwellings, access and open space (with all matters reserved) - Approved

On the land to the west and north there is an outline planning permission 12/1291/MOUT (Tithebarn Green) for a mixed use development of up to 580 houses, employment area, local centre, park and ride, new link road and leisure facilities. Some reserved matters applications have already been approved.

The result of this is that in the immediate locality of the site, planning permissions have been granted for about 1500 houses: both Tithebarn Green and Mosshayne are allocations in the local plan.

The approved land use parameter plan indicates that there would be office development directly to the west of the site, a further outline application reference 21/3148/MOUT is currently under consideration for the following:

21/3148/MOUT - Outline application for up to 6,000 sqm GIA (6,350 sqm GEA) of office development with associated infrastructure (all matters reserved except access)

### Site Location and Description

The site is currently an extended garden area around the existing, now derelict, dwelling known as Sandycote, located in defined open countryside between existing homes at Blackhorse to the north and east, with the Exeter Science Park and development at Tithebarn Green to the west. The land is reasonably level but rises gently in a roughly westerly direction. The site is enclosed within a coniferous hedge along the western boundary, with hedges to the north and east of more traditional species. To the north and east neighbouring homes are found, together with the premises of a motor repair business, to the east close to the route of the former A30,

now the A3015. The area to the west of the site is currently an agricultural field, but is approved for office development within the overall Tithebarn Green planning permission ref: 12/1291/MOUT and application 21/3148/MOUT which is currently under consideration and considered elsewhere on this agenda. The area to the east and immediate north is formed of a mixture of detached and semi-detached homes some with access to Endsleigh Crescent and some to Blackhorse Lane.

The site lies within 10km of both the Exe Estuary and Pebblebed Heaths European sites; the site is included within an area designated as Grade 1 agricultural land and Flood Zone 1 according to the latest Environment Agency mapping.

### Proposed development

This application seeks full planning permission for the construction of 44 no. dwellings (22 no. affordable), to facilitate the proposed development the existing dwelling and associated outbuildings on site would need to be demolished.

The means of access onto the highway is existing, however, to create a suitably sized junction for the increase in dwellings and to create appropriate visibility, works of widening and creating visibility spays would be required at its junction with the main highway.

The conifer hedge on the western boundary would be removed together with the existing orchard trees in the south west corner of the site.

## **ANALYSIS**

The main considerations in the determination of this application relate to:

- The principle and policy context;
- Affordable housing;
- District heating;
- Design and layout;
- Impact on highway safety;
- Impact on trees;
- Impact on ecology;
- Drainage;
- Landscaping
- Parish Council comments; and
- Other matters

### **Principle and Policy Context**

The site lies in defined open countryside where, under Strategy 7 of the East Devon Local Plan, the principle of residential development would not usually be supported, however, development has been approved on this site before and its position in relation to appropriate services/infrastructure needs to be considered in light of Paragraph 11 of the NPPF. The adopted local plan includes specific policies for Major Development at East Devon's West End (Strategy 9) and Development North of Blackhorse/Redhayes (Strategy 13) which are only considered to be of limited

relevance to the consideration of this proposal as this site is not allocated. However, whilst the site at Sandycote lies outside of the area covered by Strategy 13, mixed use development in the Blackhorse / Redhayes / Mosshayne area has already been approved in outline format, some commercial development is already being constructed at the Science Park.

The West End is the focus of considerable growth centred on Strategy 9 to provide homes close to jobs and other facilities/services with high quality walking/cycle connections, enhanced bus and rail services and improved highway provision. Bearing in mind the existing planning permissions/allocations in the locality, there are proposals for the following close (within walking/cycling distance) to the site:

- 1) Employment opportunities at the Science Park and adjacent office development.
- 2) Park and ride linking to bus services.
- 3) Local Centre providing a range of facilities - e.g. shop, PH, restaurant, health care facility.
- 4) Primary school.
- 5) Sports, play and leisure facilities.
- 6) Walking and cycle links.
- 7) New bus links.

Planning law requires that planning applications must be determined in accordance with the development plan unless other material considerations indicate otherwise. Local Planning Authorities should apply the presumption in favour of sustainable development which is at the heart of the NPPF and is the golden thread running through decision-taking subject to complying with paragraph 11 of the NPPF. In time the facilities listed above would add up to a comprehensive list of facilities/services available within walking and cycling distance together with good access to non-car modes of transport. Therefore, whilst the site is strictly speaking contrary to policy (Strategy 7 - Development in the countryside), it is considered that the circumstances of the huge changes that will be happening to the locality, together with the increasing levels of sustainability, could constitute a material consideration that should be given significant weight in the determination of this application.

Furthermore, at the time of writing this report the Council cannot demonstrate a 5 year housing land supply. The development is considered to be deliverable and any permission granted would assist in the Council's supply of housing within the District. The NPPF advises that relevant policies for the supply of housing should not be considered up to date if a Council cannot demonstrate a five year supply of deliverable housing sites. The fact that the Council cannot demonstrate an adequate housing supply within the District is a significant factor and weighs heavily in favour of permission with the emphasis on an early commencement.

Accordingly, the principle of development is considered acceptable providing the impacts of the development are acceptable in relation to other policies contained in the development plan together with any other relevant material considerations.

## **Affordable housing**

The site is not recognised, in the adopted Local Plan, as one of those which would benefit from a reduced level of affordable housing, and the site does not form part of an affordable housing rural exemption scheme, therefore the Local Plan under Strategy 34 envisages that the site should provide 50% affordable housing.

The Housing Projects Officer would expect to see a tenure mix of 70% as rented accommodation and 30% as shared ownership or similar affordable housing products.

The 50/50 split offered in the draft heads of terms has been discussed with the applicant's agent and concerns raised given that the adopted policy and accompanying SPD requires a 70/30 split as detailed above. The applicant's agent has raised viability concerns with a 70/30 split but has not provided any evidence to support that it would be unviable. Given that the policy acceptable level is based on market evidence and the needs of the district are taken into account, it is considered appropriate to insist on a 70/30 split. This will be carried forward and secured through a legal agreement.

The affordable units are split across the site in a series of clusters which enables efficient management of the units for a registered provider while also integrating it with the market units to create a mixed community. The Parish Council have commented that they are not sufficiently pepper potted, however given that the site is quite small and trying to accommodate 50% affordable units it is considered that the distribution of the affordable units is acceptable.

Heads of terms have been received indicating that 22 of the houses would be for affordable occupation. In light of the above, it is considered that the proposed development would be in accordance with the Council's adopted Planning Obligations SPD and Strategy 50 of the East Devon Local Plan together with guidance in the NPPF and NPPG.

## **District Heating and sustainable design**

Strategy 38 of the East Devon Local Plan 2013-2031 (adopted 2016) (EDLP) encourages development to provide for sustainable design and construction solutions including the use of renewable energy technology. To this end, Strategy 40 of the EDLP requires schemes for ten houses or more to connect to existing or proposed Decentralised Energy Networks (DENs) in the locality to bring forward low and zero carbon energy supply and distribution. However, this is only where it is viable to do so, which is an approach consistent with Paragraph 153 of the National Planning Policy Framework (the Framework).

The original submission of this application proposed dwellings that were not designed to connect to the district heating network, with the agent stating the following:

*'The development at Sandycote will be constructed using Latis's factory manufactured volumetric modular housing types. The house types have been specifically designed for precision manufacture and are 'all electric' both for heating and hot water requirements. They do not include 'wet' heating systems and will not benefit from the*

*use of a district heating system. As the grid de-carbonises and the use of modular housing increases we expect that all electric systems for off-site, precision manufactured housing will become the national standard. In the meantime the insulation standards and efficiencies of a Latis manufactured home will deliver far beyond the performance of a conventionally built home, saving future occupants considerable fuel economies.'*

However, officer's reminded the agent that the Local Plan requires all houses to connect to the district heating system unless it can be proven that it would be unviable to connect to the system, or there would no system in place for the houses to connect to at the time of their construction. No viability information was forthcoming, instead, the agent has submitted revised heads of terms indicating that the proposal would connect to the district heating system on the basis that it remain financially viable to connect to the system at the time of construction and that there is a connection point available.

The proposal is therefore considered to be acceptable in relation to Strategy 40 of the EDDC Local Plan and the connection can be secured through a legal agreement with appropriate wording to cover off any viability discussions and provisions in the event that viability means that it cannot connect to the network.

In terms of other sustainable design measures the submitted application details a number of sustainable design features such as solar PV slates on south facing roofslopes, water butts, low flow rate showers and basins, water saving WC's, LED lights, sustainably sourced timber for construction etc. These measures are welcomed and help to satisfy the requirements of Strategy 38 – Sustainable Design and Construction of the Local Plan albeit there is some confusion within their requirements which refer to both efficient boilers and air source heat pumps when as explained elsewhere in this report the requirement is to connect to the district heat network. It is however considered that details of these sustainability can be sought by condition in the event that consent is to be granted.

## **Design and layout**

The application site lies on the periphery of a large urban extension to Exeter, which has been approved in many phases and leads to a considerable increase in housing numbers in the area. The design and layout of the residential elements of the urban extension are relatively simple in their approach with either rendered elevations or brick elevations producing largely generic house types. This application, on a much smaller scale of 44 units, proposes a bespoke design approach creating spaces and buildings of much more individuality and interest.

Concerns have been raised by the Council's Urban Designer in terms of the suitability of the design to this site and that it does not respond well to its immediate context, while overall he considers the design of the units to be good, he does not feel they suit this site. The surrounding context is mixed, as mentioned there is a wealth of housing growth to the north of the site of standard house types, the housing to the east of the site is more traditional and arranged in a ribbon fashion fronting onto the main highway. Whilst the proposal site creates its own character area it is not considered to be one that would jar against the existing developments, furthermore, there is a pending

application for an office development immediately to the west of the site which is likely to be of a larger scale and the character would be enhanced against the commercial backdrop.

Officers also raised concerns regarding the number of properties proposed (originally 45) and their scale/massing having a negative impact on the living conditions of the occupiers immediately adjoining the site to the east and north. Amended plans have been received re-orientating plots 34 and 35 so that the overlooking potential is reduced and their relative height in relation to the surrounding properties has been reduced, furthermore the long terrace of properties on the eastern boundary (plots 36-43 inclusive) has been broken up into smaller groups of houses and one property has been removed to create an improved living environment for the occupiers of the property known as Clyst End, enhanced landscaping would also be conditioned in this area on any approval. The remainder of the plots would not have a negative impact on the living conditions of existing properties with separation distances in excess of 20 metres window to window.

The majority of the plot boundaries adjacent to the public realm would be walls formed in either brick or painted render, in some cases gardens would be enclosed by hedges, gates would be timber and either be close boarded or open rail, internal plot boundaries would be close boarded fences.

The Police Architectural Liaison Officer has raised some concerns with the layout principally the excessive permeability of the areas shown as "West Court" and "South Court" on the submitted masterplan and the rear access to plots 36 to 44. There is always a balance in design terms between good permeability that enables people to move around the space easily through walking and cycling to get to where they need to go easily and directly and the danger of making a space so permeable and lacking in surveillance that it can enable criminal activity.

Some of the routes are clearly necessary and have natural surveillance such as the main route into West Court which is overlooked by a ground floor side facing window to plot 6 and both ground and first floor windows to plot 13. Similarly plot 1 and plot 7 would provide some natural surveillance to the footpath along the southern boundary. Other routes however have limited surveillance such as the route between plots 14 and 15 which beyond the windows in the side elevation of plot 15 has no natural surveillance and likewise the path to the side of 10/rear of plots 19 and 20 has no surveillance past the side of plot 10. These routes should be re considered and likewise how bin storage is dealt with and collections needs further consideration to make this as convenient as possible for residents and refuse collectors. Amended plans are being sought to address these issues and Members will be updated verbally on this issue at the committee meeting.

The layout has been conceived around a central green which would act as a play space for occupiers of the houses (although significantly greater equipped areas exist in the new housing areas to the north) with strong sight lines guiding occupiers down a new footpath link to the pedestrian cycle path to the north of the site with green travel links through to Exeter.

The houses would follow the overall village design approach with angled roofs and chimneys. The materials would be coloured render with long multi pane windows giving a nod to the Georgian era and creating a uniformity of design around the central green.

The Council's Environmental Health Officer recommends conditions to ensure the living conditions of the occupiers, in close proximity to Exeter International Airport and its associated flight paths are maintained. The outside amenity spaces would be impacted, however, as there are a wealth of outdoor public spaces nearby there is a choice for the occupiers as to where they would spend their leisure time.

Overall, the design concept and amendments that have been made is seen as a positive contribution to the local area where inhabitants would unite around a central green and feel a sense of place whilst having good green travel links to the wider area and onward travel in to Exeter by bicycle. The proposal is therefore considered to be acceptable in relation to Policy D1 of the EDDC Local Plan.

### **Impact on highway safety**

There is an existing vehicular access from the public highway which currently serves a single dwelling, the site access to the A3015 is located close to the junction to the Science Park and there is some concern about reservoir capacity. However, with proper modelling of this junction, the highway authority considers that a safe and suitable access can be gained from the A3015. There is suitable visibility in both directions as there is a wide verge on this section of the highway.

The highway authority supports the access to Blackhorse Lane in the North West corner of the site but only for pedestrians and cyclists - not emergency vehicles. This link is important to the sustainability credentials of the development as this would allow a convenient and safe access for non-car users to the facilities to be provided at the Tithebarn Green development e.g. local centre.

National Highways have considered the application and the potential to impact upon the capacity of the strategic road network, specifically junction 29/30, they raise no objections.

The proposed visibility splay as provided on the long section on the amended plans is considered acceptable to the Highway Authority, as such the proposal is considered to be in accordance with Policy TC7 of the EDDC Local Plan.

The proposed parking would be mainly on plot for each dwelling with two spaces. Where on plot parking is not possible it would be within the street and there would be cycle parking within sheds in each of the rear gardens. The proposal is therefore considered to be acceptable in relation to Policy TC9 of the EDDC Local Plan.

### **Impact on trees**

The trees on site are generally of mainly low value, the majority being conifers which have been reduced and managed as hedgerow along the western boundary of the site and appears out of place in the local context. The only two trees of any significance

T9 and T10 (note off site tree but overhangs) are being retained which is appropriate, T9 would provide a focal point in the middle of the development being located at the southern end of the proposed green. The Tree Officer raises concerns / issue with the felling of G1, a mix of approximately 12 Apple and Plum trees which as a group have been categorised as B3 (not particularly high quality). He considers that ideally these trees could be retained in a revised scheme. However, given the previous approval on site; the proposed replacement planting of an orchard and nuttury is considered appropriate and will mitigate the loss of G1.

Accordingly, and subject to appropriate conditions, the loss of the low grade trees on site is considered acceptable together with the removal of the conifer hedge to be replaced by a more appropriate native mix of hedge and tree species in accordance with Policies D2 and D3 of the EDDC Local Plan.

### **Impact on ecology**

There are a number of existing structures on site/features which have the potential to house/attract protected species which need to be taken account of in any redevelopment of the site, these include:

- Priority habitat types - orchard and native hedgerows
- Amphibians - the semi improved grassland, tall ruderal vegetation, bracken and hedgerows provide suitable habitats for amphibian species
- Badger - the site includes former badger setts (not currently occupied) and foraging and dispersal habitats for badgers
- Bats - the existing dwelling supports long eared and common pipistrelle summer day roosts together with feeding and dispersal habitat for at least nine species of bats
- Dormouse - the southern and western hedgerows provide a limited foraging habitat for dormouse
- Reptiles - the semi improved grassland, tall ruderal vegetation, bracken and hedgerows provide suitable habitats for slow worms.

In demolishing the existing dwelling, removal of some of the grassland, orchard and native/non-native hedgerows would disturb/destroy the aforementioned habitats, it is proposed that the following mitigation measures will aid in reducing/removing the potential for disturbance/harm:

- Reptile and amphibian translocation prior to commencement of works
- Retained extents of the southern and western hedgerows to be protected with tree protection fencing
- A sensitive lighting plan to avoid illuminating retained and created habitats
- Vegetation removal to comply with restrictions for amphibians, reptiles dormouse etc and be informed by a CEMP.

There should also be the following compensation measures:

- introduction of a LEMP with appropriate timetable for actions
- Bat and invertebrate boxes to be installed on each dwelling
- Creation of habitat piles within the site

Whilst these measures are likely to have an initial negative impact, in the long term the habitats created would enhance the site/local area. The proposal is therefore considered acceptable, subject to securing the mitigation and compensation measures detailed above, in accordance with Policy EN5 of the EDDC Local Plan.

## **Drainage**

It is proposed to use soakaways as the primary method for drainage on site and that attenuation features are not required, however, the use of soakaways requires testing of ground conditions for a minimum period of 12 months to ensure year round acceptable condition, because there is not 12 months' worth of testing on site, DCC Flood Risk raise concerns about the use of soakaways and require a detailed 'backup' drainage solution for if the soakaway test provide negative results. The applicant is aware of the situation and has so far carried out 10 months' worth of testing which, at the time of writing this report, is providing positive results. They are willing to accept a condition requiring a full 12 months of groundwater testing and if results are negative will submit an alternative drainage design. These are the comments from DCC Flood Risk:

*The applicant has submitted the revised Sandycote, Blackhorse, Exeter Flood Risk Assessment & Drainage Strategy (Report Ref. 1769w001, Rev. P06, dated 05th August 2022). The applicant has included Option B, an alternative attenuation option.*

*For Option A - Infiltration, the applicant mentioned that soakaway testing to BRE Digest 365 gave positive soil infiltration rates. The attached results in Appendix B of the report indicated that the testing was carried out at depths ranging from 1.55 to 2.60m but the proposed individual soakaway was at a depth of 0.4m. The testing must be conducted on the locations and depths of potential infiltration devices. A cross section showing the ultimate depth of the soakaway would be useful.*

*For Plot 1 to 5 Soakaway, the Drainage Strategy Option A Infiltration (Drawing No. 0500, Rev. P7, dated 05th August 2022) indicated a dimension of 15m x 2m x 0.4m but the model output indicated an area of 60m<sup>2</sup>.*

*It was acknowledged that the twelve month groundwater monitoring is currently being undertaken and the first few months results indicated positive outcome, this has continued on site and it is understood that 10 months of positive data is available.*

Subject to positive results to ensure that the use of a soakaway is suitable, and to comply with the provisions of Policy EN22 of the East Devon Local Plan as well as guidance contained within the National Planning Policy Framework the proposal is considered acceptable. The applicant has indicated that they would seek an alternative drainage solution should the results not be positive, through an alternative application.

## **Landscaping**

There have been many amendments made through the course of the determination of the application to the proposed landscaping on site, chiefly in response to the

Landscape Architect's comments but also in response to officer concerns regarding the western boundary of the site.

The western boundary was proposed to retain the conifer, non-native, hedge and replace it in a phased approach during and after completion of the development, officers were concerned that this would not be completed successfully and instead recommended that the whole hedge was removed and replaced by a Devon Bank hedge with new planting on top of it, some details of this have been provided, however additional details would be required by condition on any approval to ensure its long term success and ensure appropriate planting is provided.

Other details as requested by the Landscape Architect that have been included in the scheme and he welcomes the removal of one plot to create a more well-conceived scheme creating some interesting spaces, some of the other comments he has made have not be addressed in the amendments, however, it is considered that much of this information can be secured through appropriately worded conditions with the finer details being provided once the design of the spaces evolves during the construction period.

Overall, the proposed landscaping is considered to be acceptable, through appropriate conditioning the long term management and maintenance of spaces and biodiversity features can be achieved and therefore the proposal is considered acceptable in relation to Policy D2 of the EDDC Local Plan.

### **Parish Council comments**

The parish council have raised a number of concerns based around the emerging Broadclyst Neighbourhood Plan, at this point in time no significant weight can be afforded to these policies as the plan has yet to be reviewed by an appointed inspector, however, the comments of the parish council will be addressed below.

The density of housing on site is not considered to be unacceptable, a ratio of less than 33 dwellings per hectare is in keeping with other new build housing estates to the north and the layout is considered appropriate and has been discussed elsewhere in the report. A lower density of 21 dwellings per hectare may be more appropriate in rural parts of the parish but not on the fringes of Exeter where surrounding densities are higher.

The access and parking is considered to be appropriate given the location of the development close to a large city and the good transport links available. Each dwelling would be served by bicycle parking and there are good transport links into the city and to further afield settlements. Additional parking could have been requested, however the scheme has been conceived around a central green and this would have been lost to provide additional parking. Links to the adjacent cycle way would be formed and the shared surfaces with the development provide indications of shared priorities between vehicles and pedestrians. Concerns regarding exiting the site have been addressed by DCC Highways Engineer.

The design of the development has been commented on at length in this report, the design and access statement provides clarity on producing a development that seeks

to be inclusive and using quality materials that have been picked up in local villages using a Georgian approach which creates its own character rather than following the volume house builders where often cheaper materials are used that do not reflect the local vernacular.

The biodiversity on site is currently transitory with protected species using it to forage and commute to other sites although given the amount of development around the site these sites are reducing. The on-site mitigation and compensation measures in the reports submitted with the application are considered appropriate to provide enhanced environments for protected species and by translocating some protected species to more appropriate sites will ensue their longer term futures. The replanting of the western boundary with a native hedgerow, rather than conifers, would also encourage other species to the site.

## **Other matters**

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

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

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

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

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

The delivery of the mitigation strategy is overseen by the South East Devon Habitat Regulations Partnership which includes representatives from East Devon, Exeter and Teignbridge Councils. Significant progress is being made with delivery of the first two of these spaces with monies having been identified for purchase of these sites and in the case of the Dawlish Warren SANGS work is understood to be underway for its delivery. The Council has recently acquired land to deliver a first SANGS at Cranbrook with further areas to be delivered as part of the expansion areas. This just leaves the Exmouth SANGS, however Natural England are content that the required mitigation is being delivered across the wider area through the partnership and acknowledge that the Exmouth SANGS can come forward later in the plan period. It is considered to be the least significant of the 4 in mitigation terms because of the relatively modest levels of housing development proposed in the Local Plan for Exmouth compared to the other

areas where SANGS are required. This is not however to diminish its importance in terms of delivery of the overall strategy.

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

Given that SANGS is being provided within the District to mitigate development, and given that the development will contribute financially to the provision of these areas through CIL payments and a financial contribution that can be secured off the back of this application, it is considered that the proposal adequately mitigates any impacts upon the Pebblebed Heaths and Exe Estuary and will not result in any likely significant effects.

Natural England have advised that, on the basis of the appropriate financial contributions being secured to the South-east Devon European Sites Mitigation Strategy (SEDESMS), they concur with the conclusion that the proposed development will not have an adverse effect on the integrity of Dawlish Warren SAC, the Exe Estuary SPA and Exe Estuary RAMSAR site.

Subject therefore to securing the necessary financial contribution through a S.106 Agreement, the proposal will not have any likely significant effects and is acceptable in this regard.

## **Health**

The NHS clinical commissioning group (CCG) have request a contribution form the development towards a local surgery which is already over capacity, they consider that the development will produce additional residents that will cause the surgery to be further oversubscribed and seek funds to enlarge the surgery. However, whilst it is appreciated that the proposed development would add to the number of people on roll it would not be the only development in the area that would affect numbers of people on roll or to have caused it to be oversubscribed in the first place. The appropriate funding stream for matters such as this is through the CIL process where the surgery would need to bid for funding once it has a project to enlarge the surgery in pace.

However, the NHS have submitted a bid for gap funding for the RD&E which has been found to be acceptable by inspectors, the NHS do not provide funding for increase in population until dwellings have been occupied for 1 year, the gap funding, following a recognised methodology, of £617 per dwelling (£27,148 overall) provides essential funding to the RD&E for potential patients created by the proposed development, this will be secured through a legal agreement.

## **Archaeology**

The DCC Archaeologist was consulted on the application who advised that the site was located in an area of high archaeological interest with prehistoric and Romano-British activity. Therefore, an objection was raised until additional information was submitted to show the results of a geophysical survey and a programme of excavations to investigate any anomalies identified.

Accordingly, a geophysical survey was undertaken which identified a number of anomalies but not of sufficient significance that would prevent development of the site or require preservation in situ. As such, a condition was recommended on the planning permission by the DCC Archaeology to secure a programme of archaeological work in accordance with a written scheme of investigation.

### **Accessible and adaptable housing**

Strategy 36 of the EDDC Local Plan requires the following:

On residential development schemes for 10 dwellings or more developers should demonstrate that all of the affordable housing and around 20% of market units will meet part M4 (2) of the Building Regulations, Category 2: accessible and adaptable dwellings (or any comparable updated nationally set standards) unless viability evidence indicates it is not possible.

The proposal provides 22 no. affordable houses, the accessibility requirements are confirmed to meet the accessible and adaptable standards. Of the open market dwellings it is confirmed that 4 units would be designed to meet the accessible and adaptable homes standard.

### **Conclusions**

Whilst the site lies outside any defined built up area boundary, its proximity to newly constructed residential areas, services and infrastructure mean that it lies in a sustainable location with good transport links (bus, walking and cycling) into Exeter such that development of the site is considered acceptable as a departure from adopted development plan policies. Furthermore, at the time of writing this report the Council cannot demonstrate a 5 year housing land supply. The development is considered to be deliverable and any permission granted would assist in the Council's supply of housing within the District. The NPPF advises that relevant policies for the supply of housing should not be considered up to date if a Council cannot demonstrate a five year supply of deliverable housing sites. The fact that the Council cannot demonstrate an adequate housing supply within the District is a significant factor and weighs heavily in favour of permission with the emphasis on an early commencement.

The development would provide 50% affordable housing and connect to the district heating network (subject to viability).

Concerns regarding the design of the development have been considered and found to be acceptable together with impacts on ecology (with mitigation and compensation measures included in the Ecological Impact Assessment), trees, highway safety and drainage (subject to conditions).

Accordingly, the development, which would benefit the 5 years supply of housing, is considered to be acceptable subject to the prior signing of a legal agreement and appropriate safeguarding conditions.

## **RECOMMENDATION**

1. **Adopt the appropriate assessment**
2. **APPROVE subject to a legal agreement securing the following matters:**
  - **Habitat mitigation contribution of £354 per residential unit**
  - **Connection to the district heating system (subject to viability and if a connection point is available at the time of construction. If not connecting then a clause should be inserted that a scheme of equivalent carbon savings is agreed.**
  - **50% affordable housing to be 70% rented and 30% shared ownership**
  - **NHS contribution of £27,148 (44x£617) to fund the gap of 1 year from when the houses are occupied.**

And the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved. (Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice. (Reason - For the avoidance of doubt.)
3. Prior to the commencement of the development hereby approved, the following information shall be submitted to, and approved in writing by, the Local Planning Authority:
  - o Details to demonstrate how surface water will be managed for the 1 in 100 year (+40% climate change) event, to demonstrate that no buildings will be flooded during this event.
  - o Details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.
  - o Details of previous ground investigation works undertaken.
  - o The results of a 12 month programme of ground water monitoring. The works shall be undertaken in accordance with the agreed details.(Reason - To ensure that the development does not result in an increased flood risk, to ensure that the use of a soakaway is suitable, and to comply with the provisions of Policy EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework).
4. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other

details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development

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

5. Prior to occupation of the first dwelling house hereby approved the pedestrian and cycle link from the development to Blackhorse Lane, shall have been provided and capable of use. The link shall thereafter be set aside for such purposes only and maintained to ensure it is capable of use.  
(Reason - to ensure that a suitable and convenient pedestrian and cycle link is provided to allow access to existing and future transport routes, services and facilities in the interests of sustainability in accordance with policies D1 (Design and Local Distinctiveness), TC4 (Footpaths, Bridleways and Cycleways), Strategy 9 (Major Development at East Devon's West End) and Strategy 11 (Integrated Transport and Infrastructure Provision at East Devon's West End) of the East Devon Local Plan 2013 to 2031).
6. Prior to any occupation of the development hereby permitted, details of the exterior lighting and management shall be submitted to and approved in writing by the Local Planning Authority. The exterior lighting shall be provided and managed in accordance with the approved details.  
(Reason - to prevent light pollution and to ensure continued use of the site by protected species in accordance with policies EN14 (Control of Pollution) and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 to 2031).
7. A Construction and Environment Management Plan (CEMP) shall be submitted to and approved in writing 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 the following matters:
  - 1) Air Quality,
  - 2) Dust,
  - 3) Water Quality,
  - 4) Lighting,
  - 5) Noise and Vibration,
  - 6) Pollution Prevention and Control,
  - 7) Monitoring Arrangements,
  - 8) Details of the timing and method for the clearance of outbuildings, conifer hedge, hedge adjacent to the driveway, scrub and introduced garden shrubs, and
  - 9) Methods for covering or fencing of any excavations deeper than 1m or large pipework which are to remain open overnight.

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 and in the interests of ecology in accordance with policy EN14 (Control of Pollution) and policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 to 2031. The CEMP needs to be approved before development commences as it will control construction from the start of development).

8. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority shall 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 by the Local Planning Authority.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated in accordance with policy EN16 (Contaminated Land) of the East Devon Local Plan 2013 to 2031).

9. No part of the development hereby approved, except for the construction the access road as specified below, shall be commenced until:

The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway and that there is adequate turning space for construction vehicles. The ironwork has been set to base course level and the visibility splays required by this permission laid out. The footway crossing on the public highway frontage required by this permission has been constructed up to base course level. A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.

(Reason - To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents to accord with policies D1 (Design and Local Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 to 2031).

10. 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), the walls and/or fences hereby approved shall not thereafter be altered, removed or replaced without the prior written approval of the Local Planning Authority.

(Reason - in the interests of preserving and enhancing the appearance of the area and/or protecting the privacy of local residents, in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

11. Prior to commencement of the construction of any of the residential units hereby permitted, details of a scheme of sound insulation shall be submitted to

and approved in writing by the Local Planning Authority. The scheme shall specify the sound insulation, including to windows and roof spaces, to be provided in all properties which will ensure that the internal noise level in any habitable room does not exceed 35dBa LAeq, 1 Hour at any time. Where fixed glazing with trickle vents is recommended the scheme shall include details of mechanical ventilation to be provided in order to comply with Building Regulation requirements for internal air quality. The approved scheme shall be implemented in full for each dwelling prior to its first occupation.

(Reason: to protect the amenity of future occupiers from overhead aircraft noise in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 to 2031.)

12. No development above foundation level shall take place until details of electric vehicle charging points and secure cycle/scooter storage facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.  
Reason: To promote sustainable travel in accordance with Policy TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013-2031.
13. Development shall be carried out in accordance with the mitigation and compensation measures at outlined in the Ecological Impact Assessment reference 210514 rev02 carried out by Eco Logic dated October 2021. The mitigation and compensation measures shall be installed on site prior to first occupation of any dwelling.  
Reason: To ensure that appropriate measures are in place for any protected species that have the potential to be impacted upon as a result of this development in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan
14. Notwithstanding the details provided, no development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031
15. Notwithstanding the details provided no construction above foundation level shall commence on site until the following information has been submitted and approved:
  - a) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation. External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011.
  - b) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by at least two sections through the site at a scale of 1:200 or greater clearly showing

existing and proposed ground level profiles across the site and relationship to surroundings.

c) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.

d) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:

- a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
- methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- schedules of volumes for each material.
- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.

- identification of person responsible for supervising soil management.

e) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving. (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), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

16. No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 20 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance.
- Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
- A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- Landscape and ecological aims and objectives for the site.
- Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
  - Existing trees, woodland and hedgerows.
  - New trees, woodland areas, hedges and amenity planting areas.
  - Grass and wildflower areas.
  - Biodiversity features - hibernacula, bat/ bird boxes etc.
- Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- Arrangements for Inspection and monitoring of the site and maintenance practices.
- Arrangements for periodic review of the plan.

Management, maintenance and monitoring shall be carried out in accordance with the approved plan.

The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.

Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

17. In order to meet with the internal noise levels as specified in BS8233: 2014 the following features to reduce internal noise level from overhead aircraft are required:

a) Glazing

The  $R_w + C_{tr}$  dB reduction required by the glazing is 28dB.

b) Ventilation

Where a closed window is required for internal noise level limits to be achieved, alternative ventilation (to an open window), must be provided. The alternative must comply with the requirements of the Building Regulations Approved Document F and the required  $D_{n,e,w}$  ( $C_{tr}$  value) dB value of the open ventilator is the façade value plus 6dB, i.e. 34dB.

Reason: To ensure the living conditions of future occupiers of all plots are upheld in accordance with Policies EN14 (Control of Pollution) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan

18. Prior to occupation of plots 1, 7 and 44 hereby approved, an acoustic barrier of solid construction with no air gaps of at least 2m in height with a minimum surface mass of 15 kg/m<sup>2</sup> should be installed covering the amenity areas southern boundary (facing onto Honiton Road) for plots 1, 7 and 44.

Reason: To ensure the living conditions of future occupiers of plots 1, 7 and 44 are upheld in accordance with Policies EN14 (Control of Pollution) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

19. Notwithstanding the details provided no construction above foundation level shall commence on site until full details of the sustainable design and construction measures detailed under the heading "Sustainability" on page 18 of the submitted Design and Access Statement (with the exception of heating

and hot water requirements which shall be dealt with through the Section 106 legal agreement) have been agreed in writing with the Local Planning Authority. The agreed measures shall thereafter be installed/undertaken in accordance with the agreed details and shall be retained thereafter.

Reason: To ensure that the development incorporates suitable sustainable design and construction measures in accordance with Strategy 38 (Sustainable Design and Construction) 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:

796_01 F : hardworks	Landscaping	20.09.22
796_02 F : planting	Landscaping	20.09.22
796_03 E : planting schedule	Landscaping	20.09.22
796_04 B : details and notes	Landscaping	20.09.22
1769_0120 P4 : impermeable area	Other Plans	20.09.22
1769_0500 P7 : drainage strategy option A	Other Plans	20.09.22
1769_0505 P2 : drainage strategy option 2	Other Plans	20.09.22
1769_0720 P3 : internal highway strategy	Other Plans	20.09.22
1769_0730 P3 : highways long sections	Sections	20.09.22

1769_0731 P2 : highways long sections	Sections	20.09.22
SCE PL-03 A : house types	Proposed Combined Plans	20.09.22
SCE PL-02 A : masterplan	Other Plans	20.09.22
SCE PL-04 A : affordable housing	Proposed Combined Plans	20.09.22
SCE PL-05 A : parking/refuse	Proposed Combined Plans	20.09.22
SCE PL-17 A : plots 27-31	Proposed Combined Plans	20.09.22
SCE PL-18 A : plots 27-31	Proposed Combined Plans	20.09.22
SCE PL-19 A : plots 32-35	Proposed Combined Plans	20.09.22
SCE PL-20 A : plots 32-35	Proposed Combined Plans	20.09.22
SCE PL-21 A : plots 36-39	Proposed Combined Plans	20.09.22
SCE PL-22 A : plots 36-39	Proposed Combined Plans	20.09.22
SCE PL-23 A : plots 40-43	Proposed Combined Plans	20.09.22
SCE PL-24 A :plots 40-43	Proposed Combined Plans	20.09.22
SCE PL-25 A : plot 44	Proposed Combined Plans	20.09.22
SCE PL-09 : plots 7-9	Proposed Combined Plans	13.12.21
SCE PL-13 : plots 15-20	Proposed Combined Plans	13.12.21

landscape specification	General Correspondence	13.12.21
SCE PL-01	Location Plan	19.01.22

List of Background Papers

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

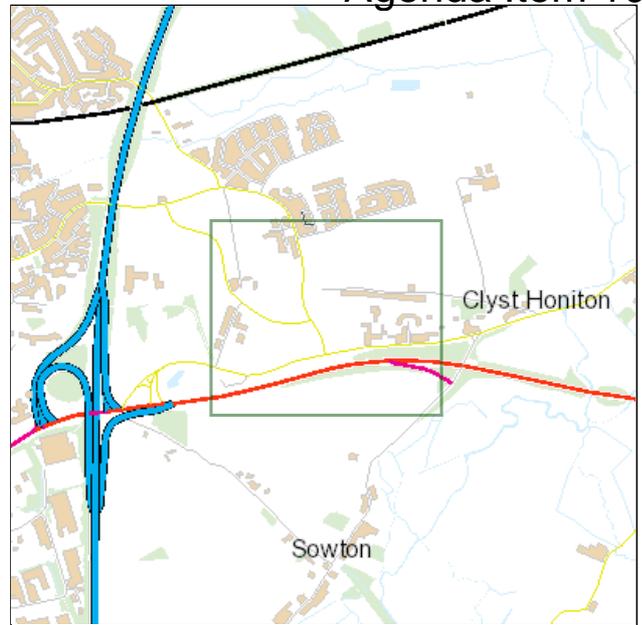
**Ward** Broadclyst

**Reference** 21/3148/MOUT

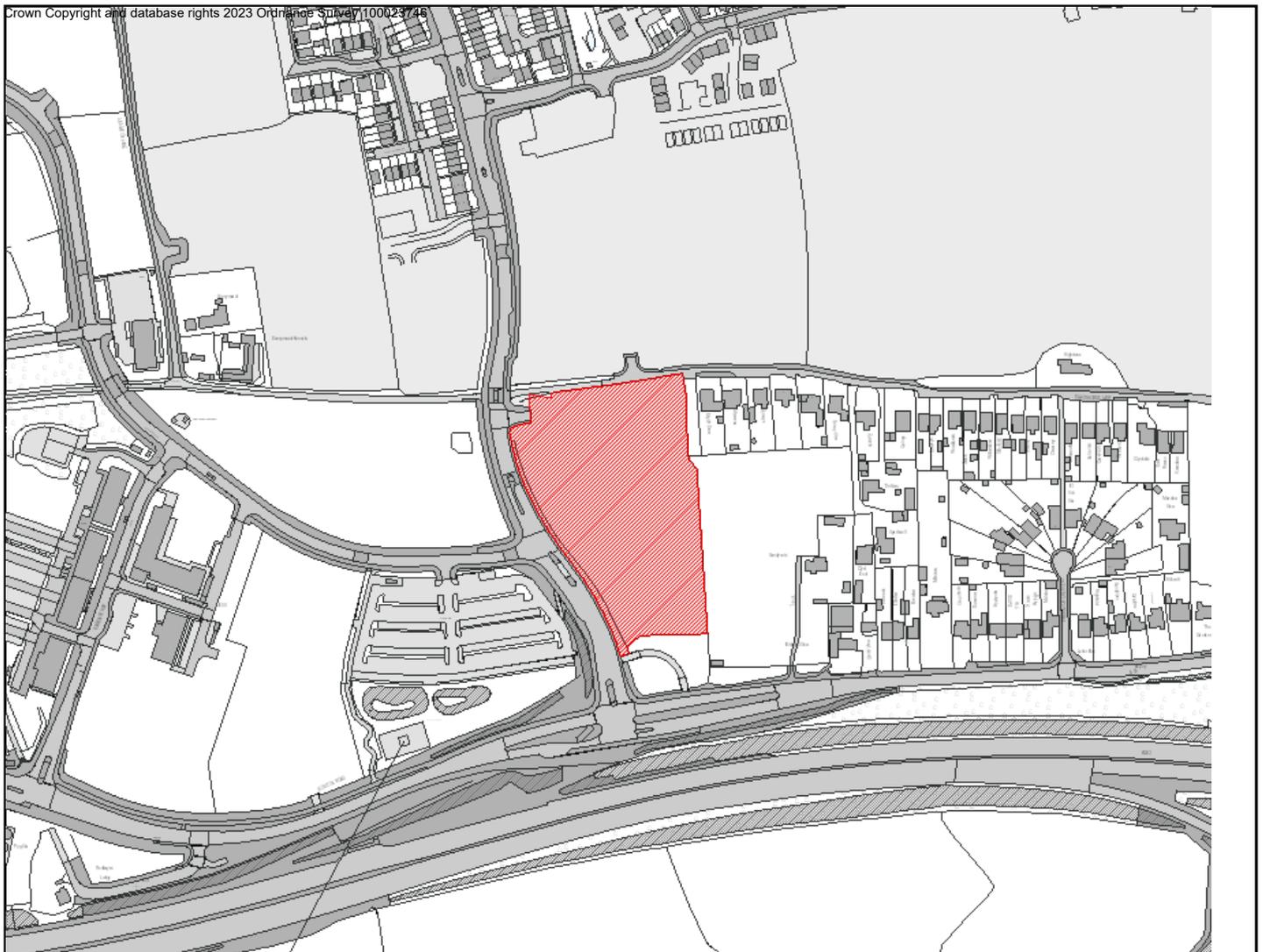
**Applicant** Mr P Withers

**Location** Land To The East Of Anning Road/ Tithebarn Way Redhayes Exeter

**Proposal** Outline application for up to 6,000 sqm GIA (6,350 sqm GEA) of office development with associated infrastructure (all matters reserved except access)



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 31.01.2023</b>
<b>Broadclyst (Broadclyst)</b>	<b>21/3148/MOUT</b>	<b>Target Date: 17.03.2022</b>
<b>Applicant:</b>	<b>Mr P Withers</b>	
<b>Location:</b>	<b>Land To The East Of Anning Road/ Tithebarn Way Redhayes</b>	
<b>Proposal:</b>	<b>Outline application for up to 6,000 sqm GIA (6,350 sqm GEA) of office development with associated infrastructure (all matters reserved except access)</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members of the Planning Committee because the officer recommendation differs from that of Broadclyst Parish Council.**

**The site is located within the West End area of the District and falls within allocation W213A 'North of Blackhorse' within the Proposals Map of the Local Plan. The principle of development to provide office development was previously established through the grant of the 12/1291/MOUT planning permission but the time for submission of reserved matters on this parcel of land has now expired.**

**This outline planning application therefore proposes up to 6000 sqm GIA (6350 sqm GEA) of B1a office space. Matters of layout, scale, landscaping and appearance have been reserved for future consideration. Approval is sought for vehicular access into the site which would be provided by the existing access from Anning Road/ Tithebarn Way which runs along the western boundary of the site.**

**Whilst matters other than access have been reserved for future consideration, the application is accompanied by an indicative site layout plan which shows a mix of two and three storey office buildings to be positioned towards the western and southern sides of the site fronting onto Anning Road/ Tithebarn Way to the west and Honiton Road to the south. The layout plans show car parking to be provided behind the office buildings to the east of the site where parking spaces would be provided at a ratio of 1 space per 29 sqm GIA (31 sqm GEA) including disabled parking bays and covered cycle parking area.**

**In dismissing a previous appeal for the discharge of a condition on this site, the Inspector concluded that the scheme could better promote the role of sustainable**

travel through a modest reduction in parking on site in combination with public entrances into each building from Tithe barn Lane, increased permeability with a link to Blackhorse Lane and the enhanced role of landscaping was also considered to be an integral part of any subsequent reserved matters application.

Whilst this application has been made in outline seeking approval for access only, it is considered that the information submitted has demonstrated that the site can accommodate the 6000 sqm of office space proposed, providing active frontage to Tithebarn Way and allowing for an appropriate parking layout and space for meaningful landscaping so as to provide an attractive working environment.

Whilst it is accepted that the indicative layout plans that have been provided do not show an adequate layout in terms of the parking areas and landscaping arrangements, these matters can be considered and assessed in more detail at reserved matters stage.

This proposal has also addressed the parking to floor space ratio and now proposes 1 space per 29 sqm GIA (31sqm GEA) which is an improvement over the previous submission. Having regard for the fact that there are no prescriptive parking policies within the Local Plan and the fact that the Inspector previously considered 1 space per 25 sqm of office space a 'modest oversupply', it isn't considered that an objection could reasonably be sustained on these grounds.

This application would provide employment and office development as part of the wider mixed use development such that it is considered that the principle of development is acceptable and continues to be in accordance with the agreed land uses set out within the aforementioned outline planning permission. On balance it is considered that the scheme complies with Strategies 3, 5B, 10 and 13 and policies D1 and D2 of the Local Plan which seek to ensure new development contributes to the objectives of promoting and securing sustainable modes of travel and transport, enhanced cycling and walking opportunities to link sustainable movement networks and secure attractive layouts with safe and convenient access.

In the absence any technical objections to the application coupled with no impact or harm to residential amenity, highway safety, ecology and archaeology, the application is considered to be acceptable and is therefore recommended for approval subject to conditions.

## **CONSULTATIONS**

### **Local Consultations**

### Parish/Town Council

The parish council wishes to OBJECT to the application for a number of planning reasons:

- It fails to address the need for even more office space in the area when there is already available space in the other facilities in the local area.
- This proposed building is proposed as a 3-storey unit which will be located on the highest point locally making it visible from virtually everywhere in the vicinity from all directions. It is too prominent and should only be considered with a maximum of two storeys.
- The sustainability of the whole project is questionable with a huge car park, with no electric vehicle charging facilities.
- There appears to be very little screening of the development in order to reduce its prominence.

### Technical Consultations

#### National Highways- 14/12/2022

Referring to the notification of an outline application referenced above, for up to 6,000 sqm GIA (6,350 sqm GEA) of office development with associated infrastructure (all matters reserved except access), on land to the east of Anning Road/Tithebarn Way, Redhayes, Exeter, notice is hereby given that National Highways' formal recommendation is that we:

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A - National Highways recommended Planning Conditions & reasons);

Highways Act 1980 Section 175B is not relevant to this application.<sup>1</sup>

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk) and may not determine the application until the consultation process is complete.

#### Annex A National Highways recommended Planning Conditions & reasons

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England was renamed National Highways in August 2021. Prior to April 2015 the organisation was known as the Highways Agency. National Highways is a government owned company responsible for operating, maintaining and improving the SRN.

## Statement of Reasons

We write in respect of the application referenced above, which is seeking outline permission for the development of office employment use (E(c)) comprising 6,350 GEA. All matters are reserved except for access, on land to the east of Tithebarn Way, Exeter. The parcel of land is referred to as Phase 13, which forms part of the wider Tithebarn Green development. The site is located approximately 600m to the east of the closest connection to SRN at the A30 and M5 Junction 29.

We understand that the site is allocated in the East Devon District Council Local Plan 2013-2031 (adopted 2016) under Strategy 13 (Development North of Blackhorse/Redhayes) and forms part of the planned employment provision at this location. Furthermore, it is worth noting this planning application is a partial resubmission of the approved 2013 outline planning application for the wider Tithebarn Green site (ref: 12/1291/MOUT). For this parcel of land the 2013 outline application deadline for reserved matters applications has lapsed, hence this outline planning application.

## Previous Planning Response

As set out in our formal planning response to the application dated 16 September 2022, National Highways required further information to enable us to determine the impact of the development on our assets and the safe and efficient operation of the SRN. Further work has been undertaken by the applicant's consultants following our request, which inform this response.

## Impact on Strategic Road Network

In our previous response to this planning application we identified that the 'Exeter Office Gateway Transport Statement' (TS) (dated October 2021) supplied alongside the outline application did not consider the SRN, in particular any potential impacts of the development proposals where it connects to the A30 and M5 Junction 29 near this site.

Since our response in September 2022 we have discussed the application with the applicant's transport consultants, with further information provided, namely a 'Technical Note' produced by PJA dated 1/12/22. This, combined with a separate workstream carried out by National Highways, has satisfied the queries we raised previously:

- Baseline conditions / trip demand and impact - since responding to this application in September 2022 National Highways has undertaken survey work of Junction 29. It was concluded that this data suitably enables National Highways to interpret the current state of our network in this location and facilitates our own understanding of

the potential impact of this development. Alongside the availability of new data, we acknowledge the planning history of the site and mitigation schemes implemented,

National Highways Planning Response (NHPR 21-09) September 2021 which in combination satisfies concerns raised regarding interpretation of baseline and potential impacts of the development.

- Personal Injury Accident (PIA) Data - it is acknowledged that the Technical Note (1/12/22) now provides information to consider the wider highway network around the development, to include the SRN.

- Development Proposals - the parking proposals for the site have been clarified. As indicated in our previous response, the quantum of parking proposed remains substantial.

- Further Matters (Construction Traffic Management and Travel Planning) - following our previous response request for further information regarding these two workstreams, the applicant has indicated that they anticipate these matters to be addressed through condition, when they have greater certainty regarding occupiers (as confirmed in the Technical Note dated 1/12/22). National Highways provides suggested conditions below. Our ongoing interest in the Travel Plan will look to ensure that transport impacts from this site are minimised and that the quantum of parking is not assumed as a basis for encouraging vehicular movements.

#### Recommendation

National Highways recommends that the following planning conditions be applied to a permission granted for planning application 21/3148/MOUT to the effect that:

Prior to the commencement of the development hereby permitted, including any ground/clearance works, a Construction Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways). The measures contained within the agreed Construction Traffic Management Plan will be implemented in full unless otherwise agreed in writing by the local planning authority (in consultation with National Highways). The Construction Traffic Management Plan shall remain in place for the duration of the construction phase.

Reason: in the interest of the safe and efficient operation of the strategic road network.

The development hereby permitted shall not be brought into use unless and until a comprehensive Travel Plan has been submitted to and approved in writing by the local planning authority (in consultation with National Highways). The Travel Plan shall be prepared in line with prevailing policy and best practice and shall include as a minimum:

the identification of targets for trip reduction and modal shift;  
the measures to be implemented to meet these targets including an accessibility strategy to specifically address the needs of users with limited mobility requirements;

the timetable/phasing of the implementation of the Travel Plan measures and its operation thereafter;

the mechanisms for monitoring and review;

the mechanisms for reporting;

the remedial measures to be applied in the event that targets are not met;

mechanisms to secure variations to the Travel Plan following monitoring and reviews.

Reason: in the interest of the safe and efficient operation of the strategic road network.

#### National Highways- 31/08/2022

Referring to the notification of an Outline planning application referenced above, for the construction of up to 6,000 sqm GIA (6,350 sqm GEA) of office development with associated infrastructure (all matters reserved except access), on land to the east of Anning Road/Tithebarn Way, Redhayes, Exeter, notice is hereby given that National Highways' formal recommendation is that we:

c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

Highways Act 1980 Section 175B is not relevant to this application.<sup>1</sup>

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

<sup>1</sup> Where relevant, further information will be provided within Annex A.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk) and may not determine the application until the consultation process is complete.

Annex A National Highways recommended Non Approval for a period of 1 month

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England was renamed National Highways in August 2021. Prior to April 2015 the organisation was known as the Highways Agency. National Highways is a

government owned company responsible for operating, maintaining and improving the SRN.

## Statement of Reasons

We write in respect of the application referenced above which is seeking outline permission for the construction of up to 6,000 sqm GIA (6,350 sqm GEA) of office development with associated infrastructure (all matters reserved except access), on land to the east of Anning Road/Tithebarn Way, Redhayes, Exeter. Application 21/3148/MOUT was brought to our attention by the Local Planning Authority on 25 August 2022.

National Highways understands that formal consultation on this application commenced in December 2021, however it does not appear that we, as a Statutory Consultee, were notified of the application.

To provide us with sufficient time to review the application we are issuing a holding recommendation, in accordance with The Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, to provide us with the statutory 21 day consultation period, within which we will aim to respond. This is necessary to ensure that the development proposals will not result in an unacceptable impact on the safe and efficient operation of the Strategic Road Network or its assets, in compliance with the DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" and the MHCLG National Planning Policy Framework (NPPF).

## Recommendation

National Highways recommends that application 21/3148/MOUT not be granted for a period 1 month from the date of this recommendation. This is to provide National Highways, as a statutory consultee, with sufficient time to review the application to ensure it will not result in an unacceptable impact on the safe operational of the strategic road network, in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015, DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" and the MHCLG National Planning Policy Framework (NPPF).

## Devon County Highway Authority

### Observations:

The application constitutes parcel 13 of the master planning application, 12/1291/FUL, however due to a time-lapse, this parcel is essentially subject to a new outline application. As a result of a land-swap within the overarching Tithebarn proposals, this will now also be the only parcel for office development.

The access for footways and cycles includes the desire line into Blackhorse Lane as well as access from the west and from Anning Road direction. If this application should be approved, secure cycle storage will be required. It would also be good to see a car club provision on this parcel, especially with the amount of parking provision to be provided.

Should the parcel wish to have any of the network adopted by the County Highway Authority (CHA), a Section 38 application/plan will be required at a reserved matters stage. The access is already established due to the new-build development of the masterplan as a whole.

The strategic network capability for this application, has been assessed in both the Transport Assessment of 12/1291/FUL, with an updated Transport Assessment also provided specifically for this application, Overall I believe the improvements to Junction 29 of the M5, together with the works of the Pinhoe Access Strategy and ongoing design works for London Road, that the trip generation for this application is provided for under these provisions.

Though I do note that the Transport Assessment of this application states that parking will be inline with Devon County Councils parking standards, though we do provide advice on the technical geometry and layout of spaces, the parking number is ultimately a policy for the LPA to ascertain. If this application should be approved, a swept path plan to show that delivery vehicles can utilise this access, would be appreciated.

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

Devon County Council, Minerals & Waste

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.

This application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement at reserved matters stage to demonstrate all opportunities for waste minimisation, reuse and recycling have taken place.

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at:

<https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>

DCC Flood Risk Management Team -20/07/2022

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:

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Flood Risk & Drainage Assessment For The Proposed Development At Exeter Gateway Tithebarn, 18.04.105 dated November 2021.

(b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

(e) Evidence there is agreement in principle from the to connect into the local sewer network.

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

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

Following my previous consultation response FRM/ED/3148/2021, dated 20.07.2022, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

- Flood Risk & Drainage Assessment For The Proposed Development At Exeter Gateway Tithebarn, 18.04.105 dated November 2021.

The applicant has proposed a feasible surface water drainage strategy encompassing tanks to restrict the runoff to greenfield rates. The site will drain into the wider green corridor designed for the Tithbarn development which will offer amenity, biodiversity and water quality benefits.

## DCC Flood Risk Management Team – 28.01.2022

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

### Observations:

The applicant should provide evidence that the discharge rate of 5.5 l/s/ha has been approved previously. We would require 40% for climate change rather than 30% regardless of the design life of the development.

We would require that FEH rainfall to be used rather than FSR rainfall for the attenuation calculation.

Tanks are being proposed which do not fulfill the 4 pillars of SuDS and do not adhere to our SuDS for Devon Guidance (2017). We acknowledge there is limited space at the site but the applicant should seek to use some sort of above ground feature or under drained permeable paving as part of the surface water drainage strategy.

We would be happy to provide another review if additional information is submitted to the local planning authority.

### DCC Historic Environment Officer

There are a few issues with the submissions (as appear on-line), but they do not affect my response to the application - which is not to object or make any archaeological recommendations.

The submitted archaeological assessment (Appendix 14.1: Exeter Archaeology, May 2011) is rather out of date, and the Submitted Geophysical Surveys (Appendix 14.2: Stratascan, Nov 2011 and Appendix 14.3: Stratascan, Jan 2012) do not relate to the application area. One is on the west side of the M5 and the other is north of Tithebarn Lane (the Pinn Brook Enclosure site).

However, various reports on archaeological survey, evaluation and excavation in and around the proposal area have been published and are publicly available. The application area itself has been the subject of geophysical survey (Wessex Archaeology, 2015) and archaeological evaluation (Cotswold Archaeology, 2016). I have checked the relevant survey reports and although some undated archaeological features were identified in the area I do not believe that they are of such extent or significance to warrant further archaeological evaluation or mitigation work. The existing reports are sufficient record.

I therefore do not object to the proposal or have further comments to make. I will be happy to discuss this further with you or the applicant if needed.

### EDDC Lanscape Architect

## 1 INTRODUCTION

This report forms the EDDC's landscape response to the outline 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.

The site received approval for office development, now lapsed, under a previous application, ref 12/1291/MOUT. A subsequent condition 3 discharge application relating to framework and parameter plans was refused by EDDC on the grounds of lack of active frontage to Tithebarn Way, excessive car parking provision and inadequate landscape treatment.

## 2 SITE LOCATION, CONTEXT AND DESCRIPTION

### 2.1 Site location

The site comprises a corner plot extending to 1.4Ha situated at Blackhorse on the eastern side of the junction of Tithebarn Way with Honiton Road. Proposed access is from an existing turning head off Tithebarn Way in the northwest corner of the site.

### 2.2 Site description

The site is situated on a low ridgeline at an altitude of approximately 35m AOD. Beyond the site the ridgeline rises gently to a high point of 45m to the northwest and falls away to the east northeast, east and southeast. The site itself has been previously graded to create a level platform raised by some 2m above existing road level at its southwestern corner.

The eastern boundary comprises a mature leylandii hedge line which is somewhat overgrown. The northern boundary comprises a native hedgebank in moderate-poor condition. The southern and western boundaries are fenced. There are a few broadleaved trees in the north east corner of the site and a small copse situated just beyond the southeast corner. Otherwise there are no landscape features within the site and landcover comprises rough grassland.

The land to the east comprises a medium sized field with existing housing beyond. To the west, beyond Tihebarn way, is the recently constructed park and change site and Exeter Science Park is situated to the north east. A strategic cycle commuter route runs adjacent to the northern site boundary. Beyond this lies the Tithebarn Green development which has planning approval for sports fields and a pending application for mixed use development.

The A30 runs 150m to the south and M5 700m to the west. Sowton village and conservation area are situated 700m to the south.

The site lies within landscape character type 3B - Lower rolling farmed and settled valley slopes as defined in the East Devon Landscape Character Assessment 2019. but, as indicated above, the immediate landscape context is in a state of flux and heavily influenced by existing road, power and communications infrastructure and existing and planned development.

There is no public access within the site but the western boundary follows the edge of the footway to Tithebarn Way.

Views from the site to the east and west are constrained by landform and/ or vegetation cover but there are extensive views to the south towards the Pebble Bed Heaths and East Devon AONB and more distant views to the northwest to the Blackdown Hills AONB.

There are no landscape or conservation designations within or in close proximity to the site. Sowton Conservation Area is some 700m to the south.

### 3 REVIEW OF SUBMITTED INFORMATION

#### 3.1 Landscape and Visual Appraisal

##### Methodology

There is no methodology to accompany the assessment and no clear definition is provided of terminology used.

##### Description of development

The description of the proposed development does not consider the height of the proposed buildings which is a key factor in assessing landscape and visual effect.

##### Landscape appraisal

There is no clear indication of likely landscape effects.

It is generally unclear how assessments of landscape sensitivity and impact have been arrived at. In respect of viewpoint 1 - Mosshayne Lane, the landscape impact is given as low, on the stated premise that 'the view is not within a designated landscape'. It is not the case that development impacts on non-designated landscapes are necessarily low. Equally development impacts within designated landscapes are not necessarily high.

For VP9 - Estuary Car Park, Woodbury, landscape impact and sensitivity is given as high. While sensitivity is likely to be high at this location within the AONB, the degree of impact on the special qualities of the AONB is likely to be low given that the view point is 8km from the site.

##### Visual appraisal

The viewpoint photographs conform with industry standard guidance and are clearly set out, although it is noted that photography has been undertaken in summer and effects are likely to be greater when trees are not in leaf.

Contrary to best practice advice, the accompanying ZTV does not indicate what height setting has been used for the modelling.

It is unclear what the basis of viewpoint selection has been and extensive areas shown on the ZTV where development is indicated as potentially visible do not appear to have been considered. This includes Sowton footpath 1, Sowton village itself and Bishops Court Lane. The ZTV should have been tested in the field to establish an actual zone of visibility.

Visual magnitude for each of the proposed viewpoints is defined wrongly as Impact and Sensitivity. This is probably an error and should be Visual Impact (Magnitude and Sensitivity)

#### Evaluation and landscape summary

Notwithstanding the above criticisms the conclusions of the assessment that the landscape and visual impact of the development are likely to be largely limited to the immediate environs of the site are accepted.

#### Consideration of overall LVA findings

Notwithstanding the criticisms noted above the overall conclusions of the assessment that the landscape and visual impacts of the proposed development are largely limited to the site and its

#### 3.2 Indicative proposals

Although the application is outline with all matters reserved except access, an outline site plan is included with the application and proposed buildings illustrated in the DAS.

While the building footprint, massing and layout is similar to the previous condition 3 application, the buildings have been redesigned to provide main entrances directly on to Tithebarn Way, addressing one of the reasons for the refusal of the condition discharge application.

Car parking has also been reduced from 1 space/ 25m<sup>2</sup> floor area to 1 space/ 29m<sup>2</sup>. Despite this reduction the extent of car parking still provides limited opportunity for provision of landscape buffers and the creation of attractive amenity space to the rear of the buildings. This is exacerbated by the creation of individual parking areas for each of the three buildings which makes the layout inefficient and increases overall parking numbers required. Providing a single shared use car park to serve all three buildings in a similar arrangement to the park and change scheme opposite, combined with a further reduction of parking numbers would free up space to improve the quality of green infrastructure and help to screen development in views from the east and northeast.

## 4 CONCLUSION AND RECOMMENDATIONS

### 4.1 Acceptability of proposals

Notwithstanding shortcomings in the submitted LVA, the proposal for three office buildings of the scale, form and layout indicated in the DAS appears acceptable in terms of likely landscape and visual impact. However, as noted above, further consideration is required in respect of proposed parking numbers and the layout of the car park and landscape areas to the rear of the buildings in order to provide adequate tree planting and amenity value for users of the buildings.

### 4.2 Conditions

Should the application be approved the following conditions should be imposed:

- 1) No development work shall commence on site until the following information has been submitted and approved:
  - a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, site furniture, bin and cycle storage and signage.
  - b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.
  - c) A site levels plan indicating existing and proposed levels based on an accurate topographic survey and showing the extent of earthworks and any retaining walls. This shall be accompanied by at least one north-south and two east west sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.
  - d) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.
  - e) A full set of soft landscape details including:
    - i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.
    - ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
    - iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.

iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.

g) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

2) No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 20 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:

Extent, ownership and responsibilities for management and maintenance.

Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.

A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.

Landscape and ecological aims and objectives for the site.

Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:

- o Existing trees, woodland and hedgerows.
- o New trees, woodland areas, hedges and amenity planting areas.
- o Grass and wildflower areas.
- o Biodiversity features - hibernaculae, bat/ bird boxes etc.
- o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.

Arrangements for Inspection and monitoring of the site and maintenance practices.

Arrangements for periodic review of the plan.

Management, maintenance, inspection and monitoring shall be carried out in accordance with the approved plan.

3) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.

4) Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

#### EDDC Trees

No arboricultural concerns.

#### Exeter & Devon Airport - Airfield Operations+Safeguarding

I acknowledge receipt of the above planning application for the proposed development at the above location.

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

In terms of the Air Navigation Order, it is an offence to endanger an aircraft or its occupants by any means. In view of this I have included, as attachments, some safeguarding notes which all developers and contractors must abide by during construction and commissioning.

These include: Airport Operators Association (AOA) Advice notes:

Lighting near Aerodromes.

Wildlife Hazards around Aerodromes

Cranes and other Construction Issues.

And, Civil Aviation Authority (CAA) CAP1096 Guidance to crane users on crane notification process and obstacle lighting and marking.

Accordingly, Exeter Airport have no safeguarding objections to this development provided that all safeguarding criteria are met, as stipulated in the AOA and CAA Advice Notes, and there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

#### South West Water

With reference to the planning application at the above address, 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 300mm water main in the vicinity of the above proposed development (southern boundary

area). 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.

#### Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

#### Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website: [www.southwestwater.co.uk/developers](http://www.southwestwater.co.uk/developers)

#### Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable,
2. Discharge to a surface waterbody; or where not reasonably practicable,
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,

4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, it appears that the disposal destination proposed is a surface water body, which is acceptable and meets with the Run-off Destination Hierarchy.

The route to the surface water body however is unclear, and is likely via a private sewer system, not shown on the sewer records (also attached for reference), - the applicant would need to gain permission from the sewer owner(s) to discharge to these sewers. Please also note that South West Water would not adopt a drainage network (foul or surface water) unless the downstream sewers to which they discharge are public (already adopted).

I further note that, if these receiving sewers (indicated to the north of the application site) are part of an active S104 Sewer Adoption application, then the increase in flows due to the additional foul and surface water flows from the above proposed development site would need to be communicated to the South West Water adoptions coordinator associated with the Sewer Adoption for the " central sewer system" mentioned in the FRA, on drawing SK04 P01 in Appendix A.

I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: [DeveloperServicesPlanning@southwestwater.co.uk](mailto:DeveloperServicesPlanning@southwestwater.co.uk).

Police Architectural Liaison Officer - Kris Calderhead

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application. I would like to make the following comments and recommendations for your consideration.

- I note that there does not appear to be any secure boundaries proposed at this stage to prevent trespassing, unauthorised access etc. It is recommended that access to private space is restricted to legitimate users or at the very least that access and movement throughout the site is controlled. Appropriate boundary treatments supplemented with signage, rule setting, a change in road surface (colour or texture) should be utilised in order to clearly define and separate public and private space.

- It is recommended that more detailed design includes vehicle barriers at the entrance to the car park in order to protect against illegal encampments and prevent unauthorised access. The site will be particularly vulnerable to such incidents during periods when legitimate use is limited.

- Ensure where necessary that vehicle mitigation measures are in place in order to prevent deliberate or accidental conflict between vehicles and pedestrians/building lines.

- External site lighting levels are recommended to meet BS 5489:2020. For crime prevention measures, lighting should be provided by on-building solutions or pole mounted luminaires if possible. Bollard lighting should be minimised and used for

demarcation of routes only, or supplementary as part of a general design. A uniform level of light throughout a site should be provided, thereby eliminating areas of shadowing. Coverage should include pedestrian links, entrance/exits, parking area etc.

- It is recommended that CCTV is installed throughout the development. Surveillance opportunities will be minimal when the site is not in use. Coverage should include entry/exits points, car park areas, cycle/bin stores, circulation routes etc. It is advised that the system has a monitoring capability with a Passport for Compliance Document, including an Operational Requirement drawn up prior to any installation.

- Ensure all external doors and accessible windows for industrial premises are tested and certificated to a nationally recognised security standard. See Secured by Design Commercial Developments 2015 v2 at [www.securedbydesign.com](http://www.securedbydesign.com) for further information

I look forward to commenting on more detailed design should the application progress.

#### EDDC District Ecologist - Rory Chanter

Stephen Fitt (RSPB) has a history of reviewing apps in the district and regularly comments on apps. Stephen has been integral in developing a new British Standard (BS 42021:2022) for integrated bird boxes in new buildings (1 per dwelling in most cases). To this end, Stephen has flagged up the above application as having potential for more integrated bird boxes (in accordance with Policy EN5). I also have some recommendations, having read the app and accompanying EclA:

1. Increase the number of proposed bird boxes from 6 across the whole site, to 8 integrated swift boxes per building, to be positioned in suitable locations in accordance with best practice guidance.
2. Sensitive lighting plan to ensure protection of retained biodiversity features. 0.5 lux at retained habitats and adjacent greenspace/wildlife areas, to maximise ecological functionality.
3. Details of hibernacula/brush piles in retained hedgerows.
4. Detail of native vegetation to the north (including within the settlement pond), east and south, to maximise the biodiversity value of retained and proposed habitat features.
5. Reptile mitigation and enhancement plan within retained/created habitats.

Please let me know if you see any issues with the above, and if these recommendations can/should be incorporated now (secured through a condition at outline) or are better left for a LEMP (Landscape and Ecology Management Plan, or similar) at RM.

#### Other Representations

No letters of representation have been received at the time of writing this report.

#### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
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12/1291/MOUT	Development of the site to provide up to 930 dwellings, a new link road, employment area (B1a Use Class), park and ride facility, local centre/square, health and fitness centre, creche, public and private open space and car and cycle parking, together with landscaping and associated servicing (all matters reserved except points of access)	Approval with conditions	29.11.2013
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## **POLICIES**

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

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5 (Environment)

Strategy 5B (Sustainable Transport)

Strategy 9 (Major Development at East Devon's West End)

Strategy 10 (Green Infrastructure in East Devon's West End)

Strategy 11 (Integrated Transport and Infrastructure Provision at East Devon's West End)

Strategy 13 (Development North of Blackhorse/Redhayes)

Strategy 31 (Future Job and Employment Land Provision)

Strategy 37 (Community Safety)

Strategy 38 (Sustainable Design and Construction)

Strategy 40 (Decentralised Energy Networks)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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

EN14 (Control of Pollution)

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)

TC12 (Aerodrome Safeguarded Areas and Public Safety Zones)

## **Site Location and Description**

The site comprises a corner plot extending to 1.4Ha situated at Blackhorse on the eastern side of the junction of Tithebarn Way with Honiton Road. The site is situated on a low ridgeline at an altitude of approximately 35m AOD. Beyond the site the ridgeline rises gently to a high point of 45m to the northwest and falls away to the east northeast, east and southeast. The site itself has been previously graded to create a level platform raised by some 2m above existing road level at its south western corner.

The eastern boundary comprises a mature leylandii hedge line which is somewhat overgrown. The northern boundary comprises a native hedge bank in moderate-poor condition. The southern and western boundaries are fenced. There are a few broadleaved trees in the north east corner of the site and a small copse situated just beyond the southeast corner. Otherwise there are no landscape features within the site and land cover comprises rough grassland.

The land to the east comprises a medium sized field with existing housing beyond. To the west, beyond Tithebarn way, is the recently constructed park and change site and Exeter Science Park is situated to the north east. A strategic cycle commuter route runs adjacent to the northern site boundary. Beyond this lies the Tithebarn Green development which has planning approval for sports fields and a pending application for mixed use development.

The A30 runs 150m to the south and M5 700m to the west. Sowton village and conservation area are situated 700m to the south.

The site lies within landscape character type 3B - Lower rolling farmed and settled valley slopes as defined in the East Devon Landscape Character Assessment 2019 but, as indicated above, the immediate landscape context is in a state of flux and heavily influenced by existing road, power and communications infrastructure and existing and planned development.

There is no public access within the site but the western boundary follows the edge of the footway to Tithebarn Way.

Views from the site to the east and west are constrained by landform and/ or vegetation cover but there are extensive views to the south towards the Pebble Bed Heaths and East Devon AONB and more distant views to the northwest to the Blackdown Hills AONB.

There are no landscape or conservation designations within or in close proximity to the site. Sowton Conservation Area is some 700m to the south.

### **Planning History:**

The application site relates to what was part of a development of up to 930 dwellings, a new link road, employment area (B1a Use Class), park and ride facility, local centre/

square, health and fitness centre, creche, public and private open space and car and cycle parking, together with landscaping and associated serving (all matters reserved except point of access)-(ref 12/1291/MOUT). The application site formed phase 13 of the outline permission and was approved solely as an employment area (B1a Use Class). The deadline for the submission of reserved matters lapsed on the 1st May 2021.

Members will note an application to discharge condition 3 of outline permission 12/1921/MOUT for phase 13 was refused by the Council under delegated powers. Condition 13 specifically stated:

*" Prior to the submission of any reserved matters application(s), other than in connection with the link road, for an agreed phase or phases of the development, a framework plan and statement on the appearance palette for the agreed phase or phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The framework plan(s) (1:1000) shall follow the principles established in the indicative masterplan (plan no: 9901 Rev M) and it shall be in accordance with the approved parameter plans. The framework plan(s) shall show the indicative location of buildings and their type, public and private open spaces and parking (including cycle parking) typologies, together with how the design principles in the approved Design and Access Statement will be applied at the more detailed level. The appearance palette shall be provided in the form of a statement providing information and guidance on building design and character, constructional materials and detailing, surface materials and their finishes, street furniture and street tree species".*

A subsequent appeal (ref APP/U1105/W/20/3246215) against the Council's refusal to discharge condition 3 in respect of phase 13 was dismissed on the 2nd July 2020. The appeal decision will be a material consideration in the determination of this application and will be discussed further within the body of this report. Members should however note that the appeal was dismissed by the Inspector on the grounds that the parking infrastructure was considered to be the dominant feature of the site layout, the scheme was lacking in landscaping, the frontages of the building should be facing Tithebarn Way, and there should be a pedestrian link provided between the site and Blackhorse Lane. In dismissing the appeal, it was concluded that the proposals did not comply with the Outline Framework Plan or Design and Access Statement of outline permission 12/1291/MOUT and therefore in conflict with condition 3.

### **Proposed Development:**

This outline planning application proposes up to 6000 sqm GIA (6350 sqm GEA) of B1a office space. Matters of layout, scale, landscaping and appearance have been reserved for future consideration. Approval is sought for vehicular access into the site which would be provided by the existing access from Anning Road/ Tithebarn Way which runs along the western boundary of the site.

Whilst matters other than access have been reserved for future consideration, the application is accompanied by an indicative site layout plan which shows a mix of two and three storey office buildings to be positioned towards the western and southern sides of the site fronting onto Anning Road/ Tithebarn Way to the west and Honiton

Road to the south. The layout plans show car parking to be provided behind the office buildings to the east of the site where parking spaces would be provided at a ratio of 1 space per 29 sqm GIA (31 sqm GEA) including disabled parking bays and covered cycle parking area.

Indicative pedestrian footpath connections are shown to link the office development with Anning Road. Tithebarn Way and Blackhorse Lane to the north of the site.

### **Issues and Assessment:**

The main issues to consider in determining this application are in terms of the policy position and principle of development, the impact on the character and appearance of the area, the residential amenities of the occupiers of surrounding properties, highway safety and parking, archaeology, the ecological and arboricultural impacts and drainage and surface water run-off. Whilst matters of appearance, layout, scale and landscaping are reserved and the details that have been provided in support of the application are only indicative at this stage, the applicant needs to be able to demonstrate that the site can accommodate the proposed 6000 sqm of office space including landscaping and parking within the site. Therefore in determining this application it is considered that the aforementioned appeal decision will be a material consideration where in particular matters of parking to office space ratios, landscaping, providing office frontages onto the highway and pedestrian links within the scheme will be considered

## **ANALYSIS**

### **Policy Position and Principle of Development:**

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council formally adopted the East Devon Local Plan 2013-2031 on 28th January 2016 and the policies contained within it are those against which applications are being determined and carry full weight.

The site is located within the West End area of the District and falls within allocation W213A 'North of Blackhorse' within the Proposals Map of the Local Plan. The principle of development to provide office development was previously established through the grant of the 12/1291/MOUT planning permission and complies with the following Local Plan Strategies:

Strategy 1- Spatial Strategy for Development in East Devon- East Devon's West End will accommodate major employment development to attract inward investment.

Strategy 4- Balanced Communities- Securing Employment provision across East Devon

Strategy 13- Development North of Blackhorse/ Redhayes of the Local Plan which states that on site employment provision will form part of the overall development.

Strategy 31- Future Job and Employment Land Provision encourages mixed use developments and the provision of employment uses close to where people live.

On the basis that this application would provide employment and office development as part of the wider mixed use development, it is considered that the principle of development is acceptable and continues to be in accordance with the agreed land uses set out within the aforementioned outline planning permission. As such, the principle of development is considered to be acceptable.

### **Landscape and Visual Impact and Layout:**

In land use and layout terms, it was previously accepted that an employment scheme comprising three office buildings on the site was in accordance with the original land use parameter plan. The Council's Landscape Officer has considered the Landscape Visual Appraisal submitted with this application and despite finding a number of shortcomings with the assessment, the overall conclusions that the landscape and visual impact of the development are likely to be largely limited to the immediate environs of the site are accepted. The Landscape Officer accepts that the proposal for three office buildings of the scale, form and layout indicated in the Design and Access Statement appears acceptable in terms of likely landscape and visual impact.

Although the application has been made in outline with all matters reserved except access, an indicative outline site plan has been included with the application with the proposed buildings illustrated in the Design and Access Statement. In dismissing the earlier appeal, the Inspector raised a number of concerns about the submitted scheme which conflicted with the basic principles for this particular phase of the wider scheme. This was to deliver employment buildings which were to have key frontages onto Tithebarn Lane (albeit not set directly adjacent thereto), and the site was to provide a pedestrian and cycle link to Blackhorse Lane which runs along the northern boundary of the site.

Whilst indicative, it is accepted that it has been demonstrated that the amount of office space proposed can be provided on the site. While the building footprint, massing and layout is similar to the previous condition 3 application, the buildings have been redesigned to provide main entrances directly on to Tithebarn Way which addresses the issue raised by the Inspector in the appeal against the Council's refusal to discharge the condition.

### **Parking:**

In the previous appeal, the appellant proposed a parking ratio of 1 car parking space per 25 sqm of office floor area. The Inspector considered that the scheme would be overly orientated towards car parking and car travel concluding that the parking provision would amount to a 'modest oversupply'. In reaching this conclusion the Inspector acknowledged the Council's lack of prescriptive policies but gave weight to the desire to ensure the success of the adjacent Park and Change and also to promote and encourage other more sustainable modes of travel to meet the provisions of Strategies 3- Sustainable Development and 5B- Sustainable Transport of the Local Plan which collectively seek to ensure new development contributes to the objectives of promoting and securing sustainable modes of travel and transport, enhance cycling

and walking opportunities to link sustainable movement networks and secure attractive layouts with safe and convenient access.

In respect of parking, the Inspector concluded that the scheme could better promote the role of sustainable travel through a modest reduction in parking on site in combination with public entrances into each building from Tithebarn Lane.

This proposal has addressed the parking to floor space ratio and now proposes 1 space per 29 sqm GIA (31sqm GEA) which is an improvement over the previous submission. Having regard for the fact that there are no prescriptive parking policies within the Local Plan and the fact that the Inspector previously considered 1 space per 25 sqm of office space a 'modest oversupply', it isn't considered that an objection could reasonably be sustained on these grounds. Whilst officers have sought a further reduction in the parking ratio, it is accepted that car parking provision will be essential in making the office building commercially viable as no end users have been identified at present. The precise number of parking spaces to be provided would be determined by the amount of floor space proposed at reserved matters stage and it is considered that an appropriately worded condition can be imposed to specify the parking ratio.

In addition to ensuring that the parking ratio does not discourage sustainable modes of transport, in accordance with policy TC9- Parking Provision in New Development of the Local Plan, it is considered necessary and reasonable to impose a condition which requires the provision of charging points for electric cars and details of secure cycle storage.

### **Permeability:**

It is important to note that in the dismissed appeal, the Inspector found no rationale for the omission of a pedestrian link to Blackhorse Lane from the mid-northern section of the site to link with the originally envisaged 'movement node'. Despite that the access to the site is closer to Blackhorse Lane than originally envisaged, the opportunity that this presents to maximise permeability and favour users of sustainable modes of travel should not be overlooked.

To address this issue, the revised indicative layout now proposes a link from the site to Blackhorse Lane which would increase the permeability of the scheme and encourage sustainable modes of travel. The addition of the pedestrian link is considered to be a benefit of the scheme.

### **Landscaping:**

In dismissing the previous appeal, the Inspector concluded that the road and parking infrastructure were the dominant feature of the layout and has the effect of making the landscaping appear tokenistic.

The landscape officer acknowledges that despite the reduction in the extent of car parking there is still limited opportunity for provision of landscape buffers and the

creation of attractive amenity space to the rear of the buildings. This is exacerbated by the creation of individual parking areas for each of the three buildings which makes the layout inefficient and increases overall parking numbers required.

The landscape officer acknowledges that providing a single shared use car park to serve all three buildings in a similar arrangement to the park and change scheme opposite, combined with a further reduction of parking numbers would free up space to improve the quality of green infrastructure and help to screen development in views from the east and northeast.

Whilst these points are noted, it is considered that the parking layout and landscaping of the development can be considered in greater detail at reserved matters stage to ensure that the parking is not an overly dominant feature of the office development and that meaningful landscaped areas can be planted to help provide a more attractive working environment.

### **Conclusions:**

In dismissing the previous appeal, the Inspector concluded that the scheme could better promote the role of sustainable travel through a modest reduction in parking on site in combination with public entrances into each building from Tithebarn Lane. Increased permeability with a link to Blackhorse Lane and the enhanced role of landscaping as an integral part of the scheme would be further aspects for inclusion within any subsequent reserved matters application.

Whilst this application has been made in outline seeking approval for access only, it is considered that the information submitted has demonstrated that the site can accommodate the 6000 sqm of office space proposed, providing active frontage to Tithebarn Way and allowing for an appropriate parking layout and space for meaningful landscaping so as to provide an attractive working environment.

Whilst it is accepted that the indicative layout plans that have been provided do not show an adequate layout in terms of the parking areas and landscaping arrangements, these matters can be considered and assessed in more detail at reserved matters stage.

On balance it is considered that the scheme complies with Strategies 3, 5B, 10 and 13 and policies D1 and D2 of the Local Plan which seek to ensure new development contributes to the objectives of promoting and securing sustainable modes of travel and transport, enhance cycling and walking opportunities to link sustainable movement networks and secure attractive layouts with safe and convenient access.

### **Residential Amenity:**

Policy D1- Design and Local Distinctiveness requires that development proposals do not adversely affect the amenity of occupiers of adjoining residential properties.

Policy EN14- Control of Pollution states that permission will not be granted for development which would result in unacceptable levels, either to residents or the wider environment of:

1. Pollution of the atmosphere by gas or particulates, including. smell, fumes, dust, grit, smoke and soot.
2. Pollution of surface or underground waters including:
  - a) Rivers, other watercourses, water bodies and wetlands.
  - b) Water gathering grounds including water catchment areas, aquifers and groundwater protection areas.
  - c) Harbours, estuaries or the sea.
3. Noise and/or vibration.
4. Light intrusion, where light overspill from street lights or floodlights on to areas not intended to be lit, particularly in areas of open countryside and areas of nature conservation value.
5. Fly nuisance.
6. Pollution of sites of wildlife value, especially European designated sites or species.
7. Odour

The application site is located adjacent to a large area of land belonging to a residential property known as Sandycote on which there have been a number of planning permissions granted for residential development. Outline planning permission was granted in 2018 (ref 14/2195/MOUT) for the construction of up to 34 dwellings, access and open space however this planning permission has now expired.

Of further note is a current major application on the site (ref 21/3235/MFUL) for the demolition of the existing dwelling and outbuildings and the construction of 45 dwellings (22 affordable), means of access and associated works which is also before members of the Planning Committee today with an officer recommendation of approval.

Whilst the site does not currently benefit from planning permission for residential development, owing to the site's close proximity to Sandycote and the gardens of other properties which border the site, the likely impacts of the proposed office development and activity arising from its use should be assessed.

The application has been made in outline and therefore the layout of the development is not fixed although given the issues raised within the body of this report and the need to provide an active frontage onto Anning Way/ Tithebarn Lane, any forthcoming reserved matters application is likely to propose the office buildings to the western boundaries of the site which would ensure that the impacts from the buildings themselves is minimised and not significantly harmful.

It is likely that the main impacts arising from the proposal would be from activity, parking and lighting within the site particularly from vehicles parking close to the eastern boundaries of the site. As such it is considered that the parking layout, the position of an external lighting and forms of robust landscaping and boundary treatment are carefully considered at the detailed design stage. However it is accepted that office development with parking can be accommodated on the site without causing significant harm to the residential amenities of the occupiers of existing properties and future residential development that may take place on the adjacent site at Sandycote.

### **Highway Safety:**

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

The County Highway Authority (CHA) have advised that the strategic network capability for this application, has been assessed in both the Transport Assessment of 12/1291/FUL, with an updated Transport Assessment also provided specifically for this application, Overall the CHA conclude that with the improvements to Junction 29 of the M5, together with the works of the Pinhoe Access Strategy and ongoing design works for London Road, that the trip generation for this application is provided for under these provisions. The CHA has advised that:

*The application constitutes parcel 13 of the master planning application, 12/1291/FUL, however due to a time-lapse, this parcel is essentially subject to a new outline application. As a result of a land-swap within the overarching Tithebarn proposals, this will now also be the only parcel for office development.*

*The access for footways and cycles includes the desire line into Blackhorse Lane as well as access from the west and from Anning Road direction. If this application should be approved, secure cycle storage will be required. It would also be good to see a car club provision on this parcel, especially with the amount of parking provision to be provided.*

*Should the parcel wish to have any of the network adopted by the County Highway Authority (CHA), a Section 38 application/plan will be required at a reserved matters stage. The access is already established due to the new-build development of the masterplan as a whole.*

Despite originally objecting to the application on the basis that National Highways (NH) required further information to determine the impact of the development on their assets and the safe and efficient operation of the Strategic Road Network. They identified that the 'Exeter Office Gateway Transport Statement' (TS) (dated October 2021) supplied alongside the application did not consider the SRN, in particular any potential impacts of the development proposals where it connects to the A30 and M5 Junction 29 near this site.

Since this response in September 2022 it is understood that NH have discussed the application with the applicant's transport consultants, which has led to the submission of a further 'Technical Note' which, combined with a separate work stream carried out by National Highways, has satisfied the queries they raised previously.

Subject to conditions which require the submission of a Construction Traffic Management Plan and a comprehensive Travel Plan in the interests of the safe and efficient operation of the strategic road network, National Highways have removed their objection to the application.

### **Surface Water Drainage:**

Policy EN22- Surface Run-Off Implications of New Development of the Local Plan states that:

Planning permission for new development will require that:

1. The surface water run-off implications of the proposal have been fully considered and found to be acceptable, including implications for coastal erosion.
2. Appropriate remedial measures are included as an integral part of the development, and there are clear arrangements in place for ongoing maintenance over the lifetime of the development.
3. Where remedial measures are required away from the application site, the developer is in a position to secure the implementation of such measures.
4. A Drainage Impact Assessment will be required for all new development with potentially significant surface run off implications.
5. Surface water in all major commercial developments or schemes for 10 homes or more (or any revised threshold set by Government) should be managed by sustainable drainage systems, unless demonstrated to be inappropriate.

The original objection from the County Council's Flood Risk Management Team has been withdrawn following the submission of an additional Flood Risk Assessment and information in relation to the surface water drainage aspects of the proposal. They have advised that the applicant has now proposed a feasible surface water drainage strategy encompassing tanks to restrict the runoff to greenfield rates. The site would drain into the wider green corridor designed for the Tithebarn development which would, in principle, offer amenity, biodiversity and water quality benefits.

Subject to conditions which require the submission of a detailed drainage design that is based upon the Flood Risk & Drainage Assessment it is considered that the proposal is acceptable in flood risk and surface water drainage terms and complies with the provisions of policy EN22.

### **Ecological Impact:**

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

The application is accompanied by an updated ecological survey which concludes that due to the low habitat quality of the site and the limited scale of development, no further survey work is required.

The report sets out a number of measures designed to mitigate and compensate for the ecological impacts of development in order to provide a gain in biodiversity at the site post-development which includes landscape buffers and planting and the provision of bat and bird boxes to provide new opportunities for nesting and roosting within the buildings.

The Council's Ecologist has considered the report and has raised a number of recommendations to help better improve bio-diversity and habitat gain from the development:

1. Increase the number of proposed bird boxes from 6 across the whole site, to 8 integrated swift boxes per building, to be positioned in suitable locations in accordance with best practice guidance.
2. Sensitive lighting plan to ensure protection of retained biodiversity features. 0.5 lux at retained habitats and adjacent greenspace/wildlife areas, to maximise ecological functionality.
3. Details of hibernacula/brush piles in retained hedgerows.
4. Detail of native vegetation to the north (including within the settlement pond), east and south, to maximise the biodiversity value of retained and proposed habitat features.
5. Reptile mitigation and enhancement plan within retained/created habitats.

Having regard for these points it is considered that it is reasonable to impose a condition that requires the submission of a Landscape Ecological Management Plan which can capture the above recommendations and better inform the final layout of the office development and to minimise ecological impacts.

#### **Archaeological Impact:**

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

The application has been considered by the County Council Archaeologist who has advised that various reports on archaeological survey, evaluation and excavation in and around the proposal area have been published and are publicly available. The application area itself has been the subject of geophysical survey (Wessex Archaeology, 2015) and archaeological evaluation (Cotswold Archaeology, 2016). He concludes by saying "I have checked the relevant survey reports and although some undated archaeological features were identified in the area I do not believe that they are of such extent or significance to warrant further archaeological evaluation or mitigation work. The existing reports are sufficient record".

#### **Aerodrome Safeguarding:**

Policy TC12 - Aerodrome Safeguarded Areas and Public Safety Zones of the Local Plan states that the outer boundary of the aerodrome safeguarded areas and the Public Safety Zones for Exeter International Airport are shown on the Proposals Map. Within these areas planning permission will not be granted for development that would prejudice the safe operation of protected aerodromes or give rise to public safety concerns. Planning permission will not be granted for developments in the vicinity of an airport (or that could impact on safe operation of aeroplanes) that would compromise air safety by creating physical obstructions that could interfere with flight

paths or navigational aids. Permission will not be granted for developments that will unduly prejudice future development or expansion programmes or potential at Exeter airport.

The application has been considered by Exeter Airport who have no safeguarding objections to the development provided that all safeguarding criteria are met.

### **Waste Management:**

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.

This application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement at reserved matters stage to demonstrate all opportunities for waste minimisation, reuse and recycling have taken place.

### **District Heating Network:**

Strategy 40- Decentralised Energy Networks of the Local Plan states that new development with a floor space of at least 1000 sqm should, where viable, connect to an existing Decentralised Energy Network in the locality to bring forward low and zero carbon energy supply and distribution. This proposal for up to 6000 sqm of office space triggers this policy requirement and whilst there is no mention within the planning submission of proposing to connect to a network, all of the existing Science Park and the Tithebarn housing are connected to the Energy Centre that's just over the M5 motorway in Exeter. In the absence of any suggestion from the applicant that it would not be viable to connect to the network and in the interests of sustainable development, it is considered that the office buildings should be constructed so that the internal systems for space and water heating are connected to the decentralised energy network prior to their first occupation for their permitted use which it is suggested should be the secured through condition.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

1. Approval of the details of the layout, scale and appearance of the building and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason - The application is in outline with one or more matters reserved.)

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
3. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 and the Use Classes Order 2020 (or any Order revoking and re-enacting that Order with or without modification) the development hereby permitted shall be restricted to no more than 6000 sqm of gross internal floorspace to be used as offices to carry out any operational or administrative functions and/or the research and development of products or processes and for no other purpose (including any other purpose in Class E (g) of the Schedule to the Town and Country Planning (Use Classes) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).  
(Reason - To define the planning permission and to ensure that the use of the site conforms with the employment uses for the Science Park maintaining its use as a strategic employment site to comply with Strategy 9 (Major Development at East Devon's West End) of the East Devon local Plan 2013 to 2031).
4. As part of any reserved matters application, a phasing programme for the development shall be submitted. The development shall thereafter be carried out in accordance with the approved details.  
(Reason - To ensure the proper development of the site.)
5. No part of the development hereby approved, except for the construction of the access road as specified below, shall be commenced until:  
The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway and that there is adequate turning space for construction vehicles. The ironwork has been set to base course level and the visibility splays required by this permission laid out. A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.  
(Reason - To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents to accord with policies D1 (Design and Local Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 to 2031).
6. The first reserved matters application to be submitted shall include details for the provision of the pedestrian and cycle link from the development to Blackhorse Lane, including details of layout, surfacing, levels and lighting (if required), together with details as to when in the development process the link will be provided and how it will be managed and maintained. The link shall be

provided and open for use prior to first occupation of the office development and thereafter managed in accordance with the approved details.

(Reason - to ensure that a suitable and convenient pedestrian and cycle link is provided to allow access to existing and future transport routes, services and facilities in the interests of sustainability in accordance with policies D1 (Design and Local Distinctiveness), TC4 (Footpaths, Bridleways and Cycleways), Strategy 9 (Major Development at East Devon's West End) and Strategy 11 (Integrated Transport and Infrastructure Provision at East Devon's West End) of the East Devon Local Plan 2013 to 2031).

7. A Construction and Environment Management Plan (CEMP) shall be submitted to and approved in writing 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 the following matters:
  - 1) Air Quality,
  - 2) Dust,
  - 3) Water Quality,
  - 4) Lighting,
  - 5) Noise and Vibration,
  - 6) Pollution Prevention and Control,
  - 7) Monitoring Arrangements,
  - 8) Construction Traffic Management
  - 9) Waste Management

Notwithstanding the above, construction working shall not take place outside the hours of 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 at no time be high frequency audible reversing alarms used on the site. The measures in the approved CEMP shall be implemented and remain in place throughout the construction period of the approved phase or phases.

(Reason - To protect the amenities of nearby occupiers, airport safeguarding and to protect the ecology/protected species in the locality to accord with policies EN14 (Control of Pollution), TC12 (Aerodrome Safeguarded Areas and Public Safety Zones) and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031. The CEMP needs to be approved and implemented at the start of development operations as risks to the environment, airport safeguarding and ecology will be present from this point).

8. Prior to the commencement of the development hereby permitted, including any ground/clearance works, a Construction Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways). The measures contained within the agreed Construction Traffic Management Plan will be implemented in full unless otherwise agreed in writing by the local planning authority (in consultation with National Highways). The Construction Traffic Management Plan shall remain in place for the duration of the construction phase.

(Reason: In the interest of the safe and efficient operation of the strategic road network in accordance with policy TC7- Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031)

9. The development hereby permitted shall not be brought into use unless and until a comprehensive Travel Plan has been submitted to and approved in writing by the local planning authority (in consultation with National Highways). The Travel Plan shall be prepared in line with prevailing policy and best practice and shall include as a minimum:
- the identification of targets for trip reduction and modal shift;
  - the measures to be implemented to meet these targets including an accessibility strategy to specifically address the needs of users with limited mobility requirements;
  - the timetable/phasing of the implementation of the Travel Plan measures and its operation thereafter;
  - the mechanisms for monitoring and review;
  - the mechanisms for reporting;
  - the remedial measures to be applied in the event that targets are not met;
  - mechanisms to secure variations to the Travel Plan following monitoring and reviews.

(Reason: in the interest of the safe and efficient operation of the strategic road network and to encourage sustainable modes of transport in accordance with Strategy 5B- Sustainable Transport and policy TC7- Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031)

10. As part of any reserved matters application, a detailed site waste management plan for the operational stage of the development shall be submitted to and approved in writing by the Local Planning Authority. The requirements of the approved site waste management plan shall be implemented in full during the operational stages of the development.

(Reason- to ensure that the waste arising from the development is managed sustainably and responsibly in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031, policy W4 of the Devon Waste Plan 2014 and policy within the National Planning Policy for Waste).

11. The landscaping scheme to be submitted as part of the reserved matters application shall include:

a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, site furniture, bin and cycle storage and signage.

b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.

c) A site levels plan indicating existing and proposed levels based on an accurate topographic survey and showing the extent of earthworks and any retaining walls. This shall be accompanied by at least one north-south and two east west sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.

d) A full set of soft landscape details including:

- i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.
- ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
- iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
- iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.
- e) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use. Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)

12. The first reserved matters application to be submitted shall be accompanied by a Landscape and Ecology Management Plan (LEMP) for a minimum period of 20 years which should include the following details:

- Extent, ownership and responsibilities for management and maintenance.
- Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
- A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- Landscape and ecological aims and objectives for the site.
- Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
  - Existing trees, woodland and hedgerows.
  - New trees, woodland areas, hedges and amenity planting areas.
  - Grass and wildflower areas.
  - Biodiversity features - hibernaculae, bat/ bird boxes etc.
  - Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.

- Arrangements for Inspection and monitoring of the site and maintenance practices.
- Arrangements for periodic review of the plan.
- Management, maintenance, inspection and monitoring shall be carried out in accordance with the approved plan.

The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use. Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

13. As part of the first reserved matters application, the following drainage information shall be submitted:
- (a) A detailed drainage design based upon the approved Flood Risk & Drainage Assessment For The Proposed Development At Exeter Gateway Tithebarn, 18.04.105 dated November 2021.
  - (b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
  - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - (d) A plan indicating how exceedance flows will be safely managed at the site.
  - (e) Evidence there is agreement in principle from to connect into the local sewer network.

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

(Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG and policy EN22- Surface Water Implications of New Development of the East Devon Local Plan 2013-2031).

14. The development hereby approved shall be carried out in accordance with the ecological mitigation and compensation measures contained within the Updated Ecological Appraisal prepared by Devon Wildlife Consultants ref report no 18/3456.01 rev 01. In addition to the recommendations and measures contained with the ecological report, the first reserved matters

application shall also include the following bio-diversity and habitat gain measures:

- An increase in the number of proposed bird boxes from 6 across the whole site, to 8 integrated swift boxes per building, to be positioned in suitable locations in accordance with best practice guidance.
- A sensitive lighting plan to ensure protection of retained biodiversity features. 0.5 lux at retained habitats and adjacent greenspace/wildlife areas, to maximise ecological functionality.
- Details of hibernacula/brash piles in retained hedgerows.
- Detail of native vegetation to the north (including within the settlement pond), east and south, to maximise the biodiversity value of retained and proposed habitat features.
- Reptile mitigation and enhancement plan within retained/created habitats.

(In the interests of ecology and biodiversity in accordance with policy EN5-Wildlife Habitats and Features of the East Devon Local Plan 2013-2031).

15. As part of the reserved matters application for each phase of development, details for the provision of car parking at a ratio of no more than 1 space per 29 sqm Gross Internal Area shall be provided.  
(Reason: To ensure that adequate car parking facilities are provided for the development at a ratio that still encourages other more sustainable modes of travel to meet the provisions of Strategies 3- Sustainable Development and 5B- Sustainable Transport of the Local Plan which collectively seek to ensure new development contributes to the objectives of promoting and securing sustainable modes of travel and transport, enhance cycling and walking opportunities to link sustainable movement networks and secure attractive layouts with safe and convenient access).
16. As part of any reserved matters application, details of electric vehicle charging points and secure cycle parking facilities to serve the development shall be submitted. The charging points and cycle parking facilities as approved shall be provided prior to first use of the relevant phase of development and shall thereafter be retained and maintained for such purposes at all times.  
(Reason: To ensure the development is accessible by a variety of modes of transport in the interests of sustainability in accordance with Strategy 5B- Sustainable Transport and policies TC2- Accessibility of New Development and TC9- Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031)
17. Before development above foundation level is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 – Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

18. All applications for the approval of reserved matters which include the requirement to provide exterior lighting shall be accompanied by details of exterior lighting and its management for the operational stage of the development and shall be approved in writing by the Local Planning Authority before that relevant development is brought into use. The exterior lighting shall be provided and managed in accordance with the approved details and maintained thereafter unless any changes are agreed in writing by the Local Planning Authority.  
(Reason - to safeguard the amenities of the area, to protect nearby occupiers and protected species from excessive light levels in accordance with policies D1 (Design and Local Distinctiveness), EN5 (Wildlife Habitats and Features), EN14 (Control of Pollution) and TC12 (Aerodrome Safeguarded Areas and Public Safety Zones) of the East Devon Local Plan 2013-2031).
19. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority shall 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.  
(Reason: To ensure that any contamination existing and exposed during the development is identified and remediated in accordance with policy EN16 (Contaminated Land) of the East Devon Local Plan 2013-2031).
20. The details to be submitted as part of any reserved matters application shall include details of the walls and/or fences to be erected for the approval in writing by the Local Planning Authority. Any walls and/or fences shall be erected in accordance with the approved details within that phase before it is first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), these walls and/or fences shall not thereafter be altered, removed or replaced without the prior written approval of the Local Planning Authority.  
(Reason - in the interests of preserving and enhancing the appearance of the area, in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
21. The details to be submitted as part of any reserved matters application submitted that includes plant or machinery, shall be accompanied by a noise assessment to demonstrate that the noise from the plant or machinery shall not cause an unreasonable loss of amenity for nearby residents or employees. The noise assessment shall be agreed in writing by the Local Planning Authority and any measures for noise mitigation shall be carried out in accordance with the approved details before the first operation of the relevant plant or machinery and it shall thereafter be maintained.  
(Reason - to protect nearby residents and employees from noise that may be produced from plant or machinery in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 to 2031).

22. The development hereby approved shall be connected to the Decentralised Energy Network in the locality. The buildings shall be constructed so that the internal systems for space and water heating are connected to the decentralised energy network prior to their first occupation for their permitted use.

(Reason: In the interests of sustainable development in accordance with Strategy 38 (Sustainable Design and Construction) and Strategy 40 (Decentralised Energy Network) 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).

#### Plans relating to this application:

16061 L 01.01 J	Location Plan	16.12.21
tree survey	Arboriculturist Report	02.12.21
18/3456.01REV01	Ecological Assessment	02.12.21
FRA+drainage assessment rev 02	Flood Risk Assessment	06.05.22

#### List of Background Papers

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

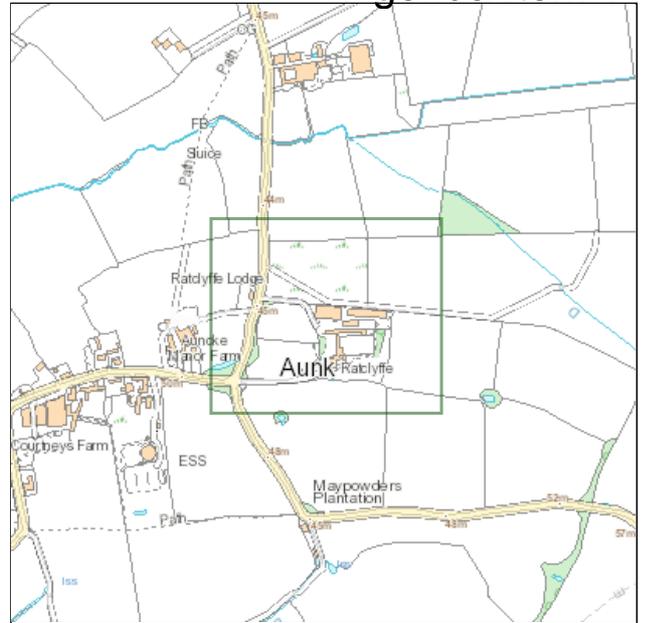
**Ward** Broadclyst

**Reference** 22/1168/FUL

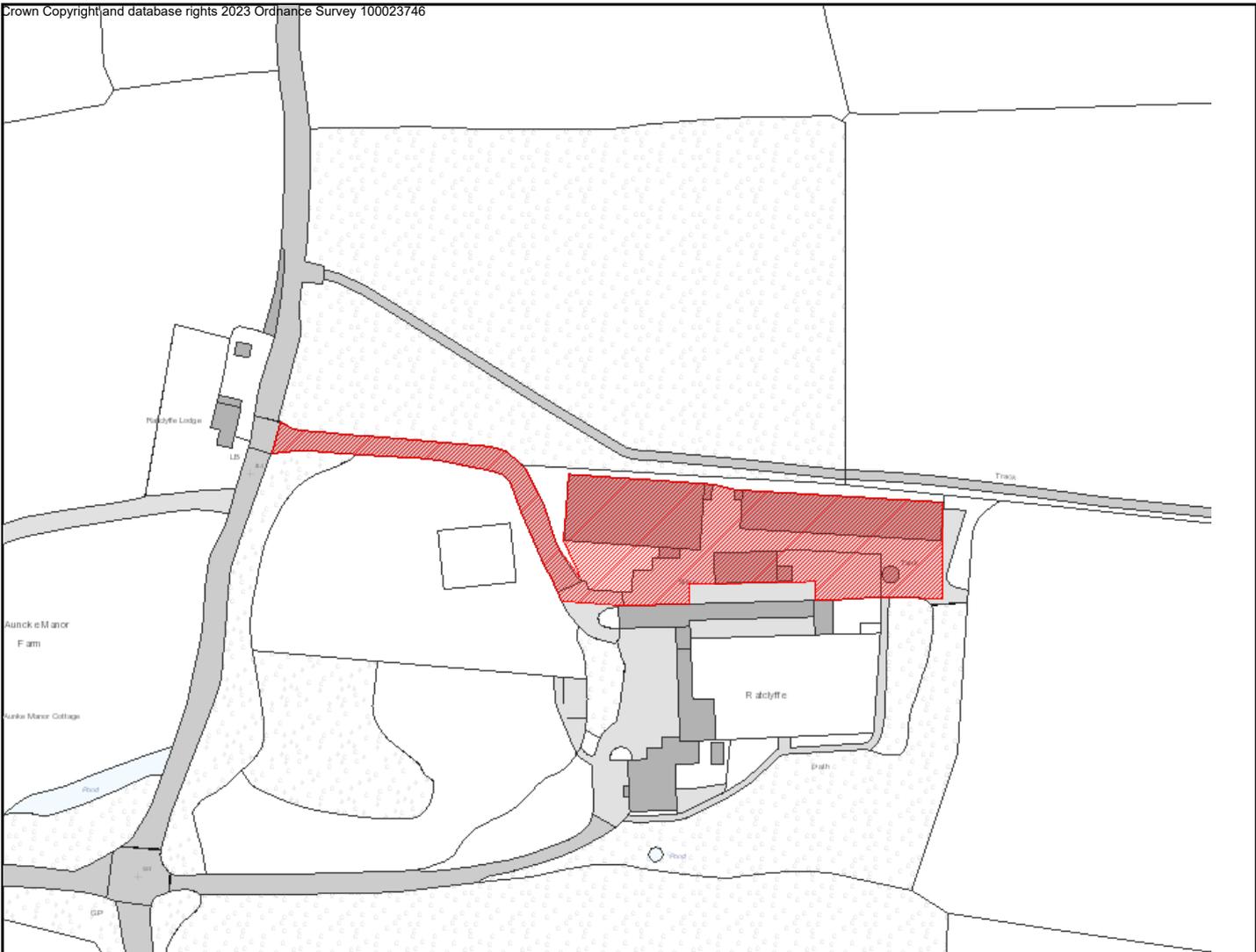
**Applicant** Roberta Gillam

**Location** Barn At Ratclyffe Farm Clyst Hydon EX15 2NQ

**Proposal** Proposed demolition of existing barns and silo and construction of 5 no. dwellings, farm shop and associated operational development



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 31.01.2023</b>
<b>Broadclyst (Clyst Hydon)</b>	<b>22/1168/FUL</b>	<b>Target Date: 31.08.2022</b>
<b>Applicant:</b>	<b>Roberta Gillam</b>	
<b>Location:</b>	<b>Barn At Ratclyffe Farm Clyst Hydon</b>	
<b>Proposal:</b>	<b>Proposed demolition of existing barns and silo and construction of 5 no. dwellings, farm shop and associated operational development</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members of the Planning Committee because the view of officers differs from that of the Parish Council and because the application is recommended for approval as a departure from the Local Plan.**

**This application seeks planning permission to demolish a number of barns on the site and for the construction of 5 dwellings and a farm shop. In planning terms the site is located within the countryside and in a relatively unsustainable location. As there is no policy support within the Local Plan for new build residential dwellings or a retail unit in this location and it isn't being put forward to meet an identified agricultural, forestry or horticultural need, the application has been advertised as a departure. Planning law states that Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.**

**There is an extensive planning history for the site which relates to a number of Prior Approvals granted under Class Q and Class R of the General Permitted Development Order for a change of use of the agricultural buildings on the site to residential dwellings and to a shop. Cumulatively, the site has extant prior approvals for the creation of 5 no dwellings and a 500 sqm shop.**

**The Council cannot currently demonstrate a policy compliant five year housing land supply. The presumption in favour of sustainable development is therefore engaged. In this case the scheme, with its clear conflict with the Council's principle policies, must be assessed against the scenario presented by the extant Class Q and R approvals for 5 residential dwellings and a shop on the site which is a legitimate and realistic fall-back position considered to be a significant**

**material planning consideration in the determination of this application as established by case law.**

**The design, layout and approach to the residential and retail development of the site would allow for a comprehensive re-development of the site with an improved and more workable layout that is more suited to its countryside location and its rural surroundings. A more vernacular design approach to the site is considered to provide a betterment over the Prior Approvals that have been granted on the site without significantly increasing the visual impact on the rural character and appearance of the area and resulting in less harm to the setting of heritage assets. The removal of the unsightly utilitarian former poultry units which through their conversion would result in large and unwieldy housing would provide an environmental enhancement and a more sustainable form of development as a whole which weighs in favour of the application.**

**The proposal would result in no net increase in the number of dwellings and shops on the site or increase in the total amount of floor space approved under the Class Q and R legislation. As such it would result in no additional harm in terms of highway safety or its accessibility to services and facilities and the proposal would provide some ecological benefits and biodiversity gain through mitigation measures that can be secured by condition.**

**Taken together, these elements are considered by officers to constitute an environmental benefit in comparison to the existing situation on site and the legitimate and realistic fall-back position, which officers are satisfied will be implemented if this scheme is not approved. That the proposal is demonstrably more representative of sustainable development and provides clear improvements to the character and appearance of the area through a more comprehensive development than the legitimate fall-back position is considered by officers to be a significant material consideration which weighs in favour of this scheme, and which overcomes the principle objection that the scheme has with the Council's relevant policies owing to its remote and relatively unsustainable location within the countryside.**

**In the absence of any technical objections and harm to residential amenity, the character and appearance of the area, highway safety, heritage and ecology, on balance it is considered that the adverse impacts from the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The application is therefore recommended for approval as a departure from the Local Plan subject to conditions.**

## **CONSULTATIONS**

### **Local Consultations**

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

We are writing again with reference to the above development and the proposed new plans

Again, some of the points concern us as a Parish Council and the change in the development doesn't get away from our original concerns which remain.

We have had concerns of this development from the onset when the planning escalated from one permitted dwelling to what is now proposed of five properties plus a farm shop and associated operational development (we are not sure what this is).

Our major concern has always been related to the access lane which we still believe is inadequate to take the additional traffic, the lane being far too narrow and opening out onto the main road on a 'blind' bend. There is no possibility of a legal 'splay' being installed so the traffic will exit in a totally 'blind' situation. There is also little possibility of vehicles once on the access lane passing in opposite directions so we again can see a situation of traffic 'backing' up on the main road further creating a dangerous situation.

The increase in traffic will be significant with not only the additional properties but also the farm shop which we assume will want to succeed and welcome a high number of customers.

Simply put, the access lane is 'not fit for purpose' and there is no way it can be made wider and safer as it encroaches into two private grounds.

Again, we have been puzzled how the development has been allowed to increase to this level. Our understanding of Highways policy has always been that only a maximum of three properties could be built with access from a single lane. In Clyst Hydon, we have two examples of developments where Highways exercised this restriction. We are puzzled why this policy no longer applies and have previously asked for clarification (not yet received).

As a Parish Council, we do have considerable local knowledge, and we feel we can recognise and understand potential risks. Decisions, we feel, should be based on assessments of risks and the implementation of pro-active measures to avoid collisions and worse and not re-active measures once these accidents happen.

We note that the application still includes the original (May 2021) report from Bellamy Transport Consultant (Not a Highways assessment) and our comments then, and now are still the same,

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'Addendum 11/04/21 comments, it is mentioned that Highways Technical note states the width of the access track is sufficient for a two-way vehicle design at the entering and exit points onto the main road. This situation simply would not take place.

What we believe it fails to address is that the track narrows just after this point into a width that is insufficient to take two vehicles in opposite directions. This is very apparent in diagram BTC21033 (LB). You can see from this diagram there is a real danger that multiple vehicles turning into this track and being faced with oncoming traffic will need to back out onto the main road. The development is asking for a total of five residential properties plus a Farm Shop. The additional traffic demand could not cope with the one in and one out scenario as described in the report. Again, we assume there is an intention to make the farm shop a success which would significantly increase the traffic coupled with the residential properties. Finally, the section (and the stated diagram) doesn't take into account larger vehicles, ie vans/delivery trucks that would be larger than the standard vehicles and would be required.

There is a comment (2.5) that the speed limit on the road at the entrance/exit is assumed to be limited to 30mph but this is not the case. The legal speed limit is much higher at 60mph and there are no traffic control measures in place and therefore vehicles regularly pass this access track well above 30mph.

In section 2 there are comments around the visibility splays but again we believe these do not take into account any vehicles approaching the exit given where the driver is positioned effectively behind the bonnet and at eye distance and hence, they are further sighted back from the main exit. This is broadly discussed in section 2.4 / 2.5 but seems to dismiss the issue by saying this is not a 'built up' area so is not relevant. Whilst we question the actual dimensions of the visibility splay, the points we have highlighted are shown clearly in Photo 2 which shows the 'blind bend' which is one area we have concerns about.

Section 2.5 seems to suggest that the volume of traffic is low, but we know that this is not the case and if the extra residential properties plus the Farm Shop are built, it will negate this argument. The road is also an extremely popular cycling route used by many clubs which adds to the volume issue. There is also a residential property immediately adjacent to the entrance to the lane and this will be severely affected.

In 2.8 It states that there have been no recorded personal injury collisions in the last 21 years (PIC) where the private access meets the public access road. Again, we feel this statement is irrelevant as the development requires these circumstances in this area to change significantly. In those days this was in a different situation, ie a limited farm holding with limited transport against now, five residential properties and an active farm shop. Decisions should be made on pro-active assessments based on potential risks, rather than reactive decisions. The new development takes the situation into a totally new area and there is no comparison to be made. In our view the new development significantly increases the risk of accidents.

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In summary with the considerable increase in traffic, this in our opinion is 'an accident waiting to happen'.

As a Parish Council, we take our responsibilities seriously and where we see a safety risk with a development, we feel we should make the appropriate observations. We struggle to understand how a development can go beyond three properties fed from a single lane (as per a Highways policy) and the increase in traffic with the five properties and a Farm Shop which we assume will be looking for customers. This all adds up to creating an unsafe environment.

We are also unsure how the plans allow for suitable drainage and treatment of waste and foul water within the site and not encroaching on private land either side. This aspect doesn't seem to have been made clear to us

We also note that the plot of land was originally sold with permitted development of one property.

### **Technical Consultations**

#### Devon County Highway Authority

The site has received approved planning for over and above this development size, therefore the trip generation has already been accepted and would have been on the basis of the benchmark of the barns former agricultural use.

The proposed site layout from this proposal allows for off-carriageway turning and parking. I recommend that a Construction and Environment Management plan (CEMP) is created to help mitigate the construction impact upon the local highway network.

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

#### Environmental Health

I have considered the notification and I have the following environmental health concerns: The dismantling of agricultural buildings possibly containing Asbestos-Containing Materials (ACMs) (compressed asbestos-cement roofing sheets) does involve a degree of risk and therefore control measures should be put into place in order to assess and minimise such risks. The demolition should be carried out in such a manner as to minimise the potential for any airborne nuisance, additional land contamination and/or the creation of additional contamination pathways either on the site or at nearby properties/other sensitive receptors.

#### Conservation

CONSULTATION REPLY TO PLANNING WEST TEAM  
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Barn at Ratclyffe Farm, Clyst Hydon

GRADE: Adj II APPLICATION NO: 22/1168/FUL

PROPOSAL: Proposed demolition of existing barns and silo and construction of 5 no. dwellings, farm shop and associated operational development

#### BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

See listing descriptions and photographs on EMap/I Drive.

Grade II: Ratclyffe House, is a circa 1830 small stuccoed mansion with brick stacks and a shallow pitched slate roof ...'the main block faces east and has a double depth plan, a main front and back room either side of the central entrance hall and stair. On the left (north) end are 2 parallel service ranges, the first is set back a little from the main block and the second is set back from the front end of the first.' A symmetrical design, were the...'centre bay breaks forward very slightly and it contains the main doorway. This contains a large 6- panel door with a reeded doorcase, an overlight containing a geometric pattern of glazing bars and panelled reveals.' Additionally the associated Coach House, is sited approximately 30 metres north of the main house.

Grade II: Circa 1830, the Coach House has rendered walls, typically with haylofts, facing south towards Ratclyffe, over the service courtyard...'It has a 3-bay front with a large central round-headed arch flanked by segmental-headed arches'. A hipped roof at each end with 3 gable dormers with casements, contemporary to the block.

Barn 4 is considered to be curtilage listed to Ratclyffe House and lies to the north of principal dwelling. The structure is a long traditional block barn built with brick and stone which runs along the southern boundary with the neighbour - Ratclyffe House, a Grade II listed, 19th Century mansion. The barn is attached to the boundary wall of Ratclyffe House and the Coach House, which is also listed Grade II.

The significance of Barn 4 is derived from its age, visual appearance and the use of traditional vernacular materials. In addition, its ancillary function to the House and associated complex of buildings, structures and walled garden. The barn is now in separate ownership to the principal dwelling and The Coach House.

In the context of the farm group, Ratclyffe lies to the south of the Coach House, both of which are circa 1830, rendered and symmetrically formed, adjoined by a long range to the east which forms a courtyard, the northern edge being defined by the continuation of the range to the north, forming a part enclosed courtyard to the east of the listed buildings.

In the context of the farm group, subsequent additions include, two large poultry sheds (Barn 1 & 2) and a smaller barn (Barn 3), to the north beyond the established courtyard. Various applications for the 4no. barns on the wider site have been approved for 7 no. dwellings and a farm shop.

In summary, the farm group north of Ratclyffe has typically expanded over the years to accommodate two large poultry sheds, of little aesthetic merit and a smaller barn, to the north of the traditional courtyard. Whilst the poultry sheds and barn form part of the immediate setting associated with the heritage assets, they make little

contribution to the traditionally formed courtyard, which has naturally evolved as part of the historic farmstead.

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

In terms of the listed buildings there are two separate issues. Firstly, are the agricultural buildings the subject of this application curtilage listed and secondly what is the impact of their removal and replacement on the setting of the listed buildings.

**Curtilage:** the 1947 aerial photograph appears to show an agricultural building in the same location as Barn 3, but it is narrower and more linear. In addition, there are various linear buildings on the 1951 OS map. Barn 3 remains, but the other buildings on the 1951 OS map have since been removed. It is considered that due to its construction in block and concrete that this is most likely a replacement building. It appears that Ratclyffe House and the farm were separated after WWII in 1946. In line with curtilage law (age, ownership and ancillary use) and also in conjunction with recent Historic England guidance, located outside the main courtyard, it is unlikely that it would be considered to be curtilage listed. The other structures Barn 1 & 2 are both modern. In conclusion, only Barn 4 is considered to be curtilage listed;

**Setting:** Ratclyffe House, has a limited visual relationship with the agricultural buildings to the north, whilst the Coach House, a Grade II heritage asset, is sited within close proximity to the barn, silos and poultry sheds. In terms of the wider context of Ratclyffe House, its 'parkland' setting still exists to the south, and lesser extent to the east and west, albeit diminished by agricultural use. In addition, the walled garden to the rear in conjunction with the north range of historic farm buildings and the Coach House form a physical barrier. The farm buildings to the north have long been outside the curtilage of the House and the modern structures are considered to contribute little to the significance of the house in terms of setting.

**Proposal:** This application seeks to remove all of the modern barns 1, 2 & 3 and this is supported. The development now includes the construction of 5no. dwellings, farm shop and associated infrastructure. It is appreciated that the proposals now relate to new dwellings rather than the approved PDQ applications. However, the removal of the modern structures and the improved quality of the scheme is welcomed. The layout has been revised to locate the farm shop at the entrance and the residential units further east. This is a more practical solution and coupled with the overall vernacular design of the buildings and use of traditional materials will result in a better visual appearance and is an improvement on the previously approved conversions.

There are some minor concerns relating to the development. Whilst the removal of Barn 3 is acceptable and creates a greater visual separation between the dwellings and Barn 4 and the other heritage assets to the south, it is unclear how this area is to be surfaced or how the parking layout is to be defined. The Design & Access Statement (5.1.5) refers to the replacement of the agricultural hardstanding throughout the site being replaced with a new permeable surface. Further details should be sought relating to surface treatment/materials and how this relates to the

existing heritage assets, ensuring that any historic fabric is not compromised by the new development either visually or any impact on their construction.

Conclusion: Against the significance of the heritage assets, within the immediate setting, it is considered that Ratclyffe House, has limited visual interplay with the site, whilst the Coach House, a Grade II heritage asset, is sited within close proximity along with Barn 4. However the proposal for 5no. new dwellings constructed in traditional materials and in terms of their overall vernacular design, would not compromise the future interpretation of the Coach House as part of the history of Ratclyffe House nor in turn the wider setting of Ratclyffe House.

**PROVISIONAL RECOMMENDATION - PROPOSAL**  
**ACCEPTABLE** in principle

**SUGGESTED CONDITIONS:** external materials/joinery; surface treatment; boundary treatment

DCC Flood Risk Management Team

I've no wish to formally comment on this application as it's a minor but I've taken a v quick look due to concerns over highway flooding. It does seem that the resident has a valid issue that the applicant hasn't provided evidence of a formal point of discharge. They've just said they'll discharge to a fast flowing brook in their ownership but it's not actually clear where said fast flowing brook is. The plans actually seem to discharge onto their access road?

Other Representations

2 letters of objection have been received at the time of writing this report which can be summarised as:

- Traffic volume and highway safety
- Unsuitable access and driveway
- In adequate space within the site for drainage
- Overdevelopment
- Impact on amenity
- Impact on heritage
- Unsustainable location for housing

**PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
95/P1000	Two Detached Houses	Refusal	23.08.1995

19/1256/PDQ	Prior approval for proposed change of use of agricultural buildings to form 2 no. larger dwelling houses (class C3 use) and 2 no. smaller dwelling houses (class C3 use) and associated operational development under Class Q (a) and (b)	Withdrawn	06.08.2019
19/1951/PDQ	Prior approval for proposed change of use of agricultural buildings to form 2 no. larger dwelling houses (class C3 use) and 2 no. smaller dwelling houses (class C3 use) and associated operational development under Class Q (a) and (b)	PDQA Prior Approval refused	30.10.2019
19/2760/DEM	Prior notification of demolition of section of barn	Prior approval not required	13.01.2020
19/2785/PDQ	Prior approval for proposed change of use of agricultural building to form 1 no. larger dwelling house (class C3 use) and 3 no. smaller dwelling houses (class C3 use) and associated operational development under Class Q(a) and (b)	PDQB Prior Approval granted	17.02.2020
19/2787/PDR	Prior notification under Part 3, Class R for the flexible change of use from agricultural use to a shop (use class A1)	Prior approval not required	12.02.2020

20/2700/PDQ	Prior approval for proposed change of use of agricultural building to form 1 no dwelling (use class C3) and associated operational development under class Q (a) & (b)	PDQB Prior Approval granted	01.02.2021
20/1437/LBC	Internal and external alterations to curtilage listed barn for conversion to 2 no. dwellinghouses and associated works	Approved	30.09.2021
20/1436/FUL	Conversion of curtilage listed barn to form 2 no. dwellinghouses and associated works	Approved	30.09.2021

## **POLICIES**

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

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

### Government Planning Documents

National Planning Practice Guidance

## **Site Location and Description**

The site refers to Ratclyffe Farm - a former intensive poultry farm which consists of a number of poultry sheds and barns on agricultural land to the north of the grade II listed Ratclyffe House (in separate ownership). Access to the site is via an existing track leading to the C Class road between Aunk and Clyst Hydon. The site is located in the open countryside, and is remote from services.

## **Planning History:**

There is an extensive planning history for the site which relates to a number of Prior Approvals granted under Class Q and Class R of the General Permitted Development Order for a change of use of the agricultural buildings on the site to residential

dwellings and to a shop. Cumulatively, the site has extant prior approvals for the creation of 5 no dwellings and a 500 sqm shop under the following permissions:

19/2787/PDR- Prior Approval granted to convert barn 1 to a shop (use class A1) with a floor space of 500 sqm.

19/2785/PDQ- Prior Approval granted for the conversion of barn 2 into 3 'smaller' dwellings with a floor space of 276.26 sqm (96,10 sqm per dwelling) and 1 no larger dwellinghouse with a floor space of 297.33 sqm.

20/2700/PDQ- Prior Approval granted for the conversion of barn 3 to a single dwellinghouse with a floor space of 147 sqm.

It should also be noted that planning permission and listed building consent has been granted for the conversion of barn 4 into 2 dwellings (ref 20/1436/FUL and 20/1437/LBC). This was on the basis that a residential use was the optimal viable use to secure the future of the heritage asset with barn 4 being curtilage listed.

### **Proposed Development:**

This application seeks planning permission to demolish barns 1, 2 and 3 and the construction of 5 dwellings and a farm shop. The proposed dwellings would be single storey in form and would be positioned towards the northern boundary of the site in place of the existing poultry units and barn. The redevelopment would provide 2 no detached dwellings and a terrace of 3 residential dwellings. The proposed dwellings would be single storey in form and would have a barn like design and appearance to reflect the rural character and setting. The detached dwellings would have an 'L' shaped design and be constructed from a mix of stone and brick and each unit would have three bedrooms. The terrace of three dwellings would have a 'T' shape form with a pitched roof design and gable features. Each unit would have three bedrooms.

The proposed shop would be positioned at the front of the site and would be 'T' shape in form with a ridgeline running north to south and east to west. The building would be single storey and be constructed from a mix of timber cladding and brick under a metal roof.

The development would be accessed via the existing vehicular entrance and driveway onto the C Class road between Aunk and Clyst Hydon. Car parking for the shop and residential dwellings would be provided within the central section of the site with garden amenity areas provided to the rear of the buildings on the northern boundary of the site.

### **Issues and Assessment:**

The main issues to consider in determining this application are as follows:

- Principle of development
- Five Year Housing Land Supply
- Fallback Position
- Accessibility and Sustainability

- Character and Appearance
- Residential Amenity
- Heritage Impact
- Highway Safety
- Ecological Impact
- Habitat Mitigation
- Drainage and Surface Water Run-Off

## **ANALYSIS**

### **Principle of Development:**

The site lies in the open countryside where housing development is not normally permitted unless it is in accordance with another policy of the Local Plan. Strategy 7- Development in the Countryside of the Local Plan states that development in the countryside will only be permitted where proposals are in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

As there is no policy support within the Local Plan for new build residential dwellings or a retail unit in this location and it isn't being put forward to meet an identified agricultural, forestry or horticultural need, the application has been advertised as a departure. Planning law states that Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The National Planning Policy Framework at paragraph 79 seeks to promote sustainable development in rural areas by promoting housing in locations where it will enhance or maintain the vitality of rural communities. Paragraph 80 of the NPPF states that the development of isolated homes in the countryside should be avoided unless exceptional circumstances apply.

### **Five Year Housing Land Supply:**

The Council is required under the NPPF to maintain a 5 year housing land supply. Annual monitoring of the housing supply position revealed that as of September 2022, the Council is unable to demonstrate a 5 year housing land supply position with supply standing at 4.68 years.

The consequences of not having a 5 year housing land supply means that the presumption in favour of sustainable development in the NPPF applies and that planning permission should be granted unless:

- (i) the application of policies in the NPPF that protect areas or assets of particular importance such as AONB's, SSSI's, Heritage Coast, Heritage Assets, areas at risk of flooding or coastal change etc. provides a clear reason for refusing the development proposed ; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

These factors and therefore whether the proposal is sustainable development are assessed below.

### **Fallback Position:**

It has been established that the principle of the construction of 5 new build dwellings and a shop is not supported by Local Plan policy or national planning policy. However the aforementioned Class Q and Class R Prior Approvals are a material planning consideration insofar as they represent a genuine fallback position for residential and retail development on the site.

In this case it is accepted that through approvals 19/2787/PDR, 19/2785/PDQ and 20/2700/PDQ, cumulatively, the site has extant prior approvals for the creation of 5 no dwellings and a 500 sqm shop.

The concept of a fall-back influencing a planning application as a material consideration is not new. Whether through Permitted Development Rights, extant Prior Approvals or extant alternative planning approvals, it is well held that alternative schemes with a realistic prospect of coming forward can be decisive material considerations.

The Court of Appeal in *Mansell v Tonbridge And Malling Borough Council* [2017] EWCA Civ 1314 clarified when a Class Q 'fall back' development may be a material planning consideration for an alternative development scheme in very similar circumstances, and the need for that fall-back to be a realistic prospect, and what that entails. It related to the demolition of a bungalow and a barn which itself had Prior Approval under Class Q for its subdivision into three units. In that case the appellant sought to replace the four approved units with an alternative scheme of four units.

Although the scheme did not conform to the Development Plan for reasons similar to the situation here, the judge concluded that the original case officer's assessment that the proposal was an enhancement in comparison to the extant Prior Approval scheme, and should therefore be recommended for approval on that basis, was sound.

The original committee report stated that 'a scheme confined to taking advantage of permitted development would, in my view, be to the detriment of the site as a whole in visual terms...the current proposal therefore, in my view, offers an opportunity for a more comprehensive and coherent redevelopment of the site as opposed to a more piecemeal form of development that would arise should the applicant seek to undertake to implement permitted development rights'.

Within the judgment it was clarified that the officer was right to take this approach, stating 'It was crystal clear from that contact that the Trust were intending, one way or another to develop the site. Alternative proposals had been advanced seeking the Council's likely reaction to planning applications. It is in my view wholly unrealistic to imagine that were all such proposals to be turned down the owner of the site would not take advantage of the permitted development provided for by Class Q to the fullest extent possible.'

He also states that 'In my view it was, in the circumstances, entirely reasonable to assume that any relevant permitted development rights by which the East Malling Trust could achieve residential development value from the site would ultimately be relied upon if an application for planning permission for the construction of new dwellings were refused. That was a simple and obvious reality - whether explicitly stated by the East Malling Trust or not. It was accurately and quite properly reflected in the officer's report to committee.'

In this case a 'fallback' position exists at the application site as alternative development proposals could be constructed relying on permitted development rights under Class Q for the change of use to dwellinghouses and the building operations reasonably necessary for conversion and Class R for the change of use to a farm shop. As such, officers conclude the fall-back under extant Prior Approval references 19/2787/PDR, 19/2785/PDQ and 20/2700/PDQ to be a legitimate and entirely realistic fall-back which is a significant material consideration.

### **Accessibility/Sustainability:**

It is accepted that the site is remote and not readily accessible to services and facilities. To promote sustainable development in rural areas, the NPPF states that housing should be located where it would enhance or maintain the vitality of rural communities. It also states that development should facilitate the use of sustainable modes of transport. In this case, community facilities such as the village shop/post office and primary school are located more than 1km from the site in a straight line and considerably further following the winding lanes and footpaths. Moreover, most of this distance is via unlit roads without pavements. Given this situation, the site is isolated and it is likely that the occupiers of the new dwellings would rely on the private car for the majority of their day-to-day needs. There is no regular bus service in close proximity to the site.

The closest settlements to the site are Plymtree, Clyst Hydon, Clyst St. Lawrence and Talaton, which are located between 2.5km and 6km from the site, by road. Roads to these settlements are unlit, without footways and, in places, narrow with limited visibility. As such, both distance, and the nature of the roads, are such that they are not conducive routes for walking or cycling to the services available.

The village of Plymtree benefits from a church, village hall, public house and a primary school. Clyst Hydon hosts from a primary school, a church and a recreation ground. Talaton benefits from a pub, church, a village hall and a village shop. However, services in Clyst St. Lawrence are very limited. The limited access to these services weighs against the proposal. Overall, it is considered that the distance to these settlements would result in reliance upon the private car.

Whilst this is the case, having regard for the fallback position, this proposal would not result in any increase in the number of residential dwellings (5) or the size of the shop that can be constructed on site through the conversion of the existing buildings. This proposal would not result in a net addition of dwellings in this location such that it would be difficult to sustain an objection that this development is any less sustainable in terms of its accessibility to services and facilities, traffic movements to and from the site and the reliance on the use of the private car.

## **Character and Appearance:**

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

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context

Under Class Q and R approvals, any conversion must be within the constraints of the existing building which can lead to poor development. In this case through the Prior Approvals granted, whilst each approval was considered to be acceptable on its own merits and in compliance with the government legislation, it is accepted that development on the site would be relatively contrived as the layout is dictated by the position of the barns and agricultural buildings on the site, the form and design of the conversions is also dictated by the form and footprint of the existing buildings which are functional and utilitarian in nature.

It is therefore accepted that this application offers a more comprehensive and coherent redevelopment of the site and provides an opportunity for the site to be redeveloped with new build dwellings that are more attractive and more appropriate to the rural character and setting of the site.

Whilst the site is not within a landscape which is the subject of any national or local designations, it is in the countryside and is rural in character. The design approach for the site is to replace the large former poultry units with dwellings and a shop which exhibit a distinctive barn like form and character and appearance to give the appearance of converted buildings on the site. The dwellings and shop would be constructed from traditional materials which include stone and brick and would provide a more vernacular form of development that would enhance the character, appearance and setting of the site and which would offer a betterment over the existing approvals through a comprehensive re-development of the site. This approach to development of the site would allow for an improved layout and a greater separation and relationship with the adjacent listed buildings (discussed later in this report). The revised layout would also allow for the farm shop to be positioned towards the front of the site with the dwellings positioned at the opposite end of the site which would mean that visitors to the farm shop would not need to drive past the dwellings offering a better standard of amenity for future occupiers and a better relationship between the two uses.

On balance, it is considered that the design, layout and approach to the residential and retail development of the site would allow for a development that is more suited to the site and the rural surroundings. A more vernacular design approach to the site is considered to provide a betterment over the Prior Approvals that have been granted on the site without significantly increasing its visual impact on the rural character and appearance of the area.

On balance, the visual and landscape impact of the development is considered to be an enhancement on the current situation, and a significant enhancement when compared to the extant Class Q and R fall back position.

Subject to a condition that requires the submission of materials samples and finishes for the buildings, the proposal is considered to comply with the provisions of policy D1 of the East Devon Local Plan.

### **Residential Amenity:**

The proposed redevelopment of the site would see the 5 dwellings and shop located towards the northern boundary of the site and sufficiently distanced from the nearest neighbouring property Ratclyffe House and its Coach House so as not to impact significantly on the amenity of the occupiers of this property. The single storey nature and form of the dwellings and shop would be such that it isn't considered that they would result in any significant harm in terms of being unduly over bearing or over dominant or through loss of light or privacy.

Intensification of the use of the site with five dwellings and a shop and the activity associated with these uses would have a degree of impact although no greater than the impacts from the 5 dwellings and shop approved under the fallback position from the Class Q and R Prior Approval applications.

On balance, it isn't considered that the proposal would result in any significant harm to residential amenity that would justify refusal of the planning application having regard for the layout and design and the fallback position available to the applicants. Given the above, the proposal is considered acceptable in terms of its impact on residential amenity and would comply with the provisions of policy D1- Design and Local Distinctiveness of the East Devon Local Plan.

### **Heritage Impact:**

This proposal has the potential to impact upon Ratclyffe House and Coach House designated grade II listed heritage assets that are proximate to the application site. In such circumstances Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) imposes a duty on Local Planning Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The updated guidance in the NPPF takes this further (Paragraph 199) by stating:

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

Therefore it is incumbent on Local Planning Authorities to assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and then consider whether the proposal is likely to have any harm to the significance of the asset that is being considered taking into account available evidence and any necessary expertise

The advice of the Council's Conservation Officer has been sought who has advised that in terms of the listed buildings there are two separate issues. Firstly, are the agricultural buildings the subject of this application curtilage listed and secondly what is the impact of their removal and replacement on the setting of the listed buildings.

**“Curtilage:** the 1947 aerial photograph appears to show an agricultural building in the same location as Barn 3, but it is narrower and more linear. In addition, there are various linear buildings on the 1951 OS map. Barn 3 remains, but the other buildings on the 1951 OS map have since been removed. It is considered that due to its construction in block and concrete that this is most likely a replacement building. It appears that Ratclyffe House and the farm were separated after WWII in 1946. In line with curtilage law (age, ownership and ancillary use) and also in conjunction with recent Historic England guidance, located outside the main courtyard, it is unlikely that it would be considered to be curtilage listed. The other structures Barn 1 & 2 are both modern. In conclusion, only Barn 4 is considered to be curtilage listed.

**Setting:** Ratclyffe House, has a limited visual relationship with the agricultural buildings to the north, whilst the Coach House, a Grade II heritage asset, is sited within close proximity to the barn, silos and poultry sheds. In terms of the wider context of Ratclyffe House, its 'parkland' setting still exists to the south, and lesser extent to the east and west, albeit diminished by agricultural use. In addition, the walled garden to the rear in conjunction with the north range of historic farm buildings and the Coach House form a physical barrier. The farm buildings to the north have long been outside the curtilage of the House and the modern structures are considered to contribute little to the significance of the house in terms of setting.

**Proposal:** This application seeks to remove all of the modern barns 1, 2 & 3 and this is supported. The development now includes the construction of 5no. dwellings, farm shop and associated infrastructure. It is appreciated that the proposals now relate to new dwellings rather than the approved PDQ applications. However, the removal of the modern structures and the improved quality of the scheme is welcomed. The layout has been revised to locate the farm shop at the entrance and the residential units further east. This is a more practical solution and coupled with the overall vernacular design of the buildings and use of traditional materials will result in a better visual appearance and is an improvement on the previously approved conversions.

There are some minor concerns relating to the development. Whilst the removal of Barn 3 is acceptable and creates a greater visual separation between the dwellings and Barn 4 and the other heritage assets to the south, it is unclear how this area is to be surfaced or how the parking layout is to be defined. The Design & Access Statement (5.1.5) refers to the replacement of the agricultural hardstanding throughout the site being replaced with a new permeable surface. Further details should be sought relating to surface treatment/materials and how this relates to the existing heritage assets, ensuring that any historic fabric is not compromised by the new development either visually or any impact on their construction.

**Conclusion:** Against the significance of the heritage assets, within the immediate setting, it is considered that Ratclyffe House, has limited visual interplay with the site, whilst the Coach House, a Grade II heritage asset, is sited within close proximity along with Barn 4. However the proposal for 5no. new dwellings constructed in traditional

materials and in terms of their overall vernacular design, would not compromise the future interpretation of the Coach House as part of the history of Ratclyffe House nor in turn the wider setting of Ratclyffe House.”

Having regard for the response provided by the Conservation Officer, the proposed development is considered not to result in any harm to the setting or significance of Ratclyffe House or the Coach House. In heritage terms, it is accepted that the re-development of the site would allow for a more sensitive residential scheme and shop over that offered by the fallback position from the Class Q and R approvals. Details of the surfacing materials as requested by the conservation officer can be sought by condition.

The proposal provides an opportunity for the removal of a number of modern un-attractive and utilitarian agricultural buildings which add little to the historic setting of Ratclyffe House. This is considered to weigh in favour of the scheme.

### **Highway Safety:**

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

Considerable local concern has been expressed about the cumulative impact of traffic generation from the proposed 5 dwellings and 500 sqm shop and the conversion of barn 4 (under separate consent) to two residential dwellings and whether the access onto the highway is adequate in terms of visibility to accommodate the traffic movements without adversely impacting on the safety of users of the highway.

Highways Technical Notes prepared by Bellamy Transport Consultancy were submitted in support of applications ref. 20/1436/FUL and 20/1437/LBC relating to the conversion of the curtilage listed barn to form 2 no. dwellinghouses. Through the grant of this planning permission, it was accepted that the site's existing access and the proposed development of 7 no. dwellinghouses and a 500 sqm farm shop would be acceptable on highway grounds.

In assessing the impacts on highway safety, it is important again to acknowledge the fall back position that is offered by the Class Q and Class R approvals and the fact that this proposal does not result in any increase in the number of dwellings approved on the site or an increase in the floor space of the shop. As such, it isn't considered that an objection could be sustained on highway safety grounds as the traffic generation derived from this proposal would not increase over the extant permissions on the site.

This position is reflected in the County Highway Authority's consultation response who have advised that the site has received approved planning for over and above this development size, therefore the trip generation has already been accepted and would have been on the basis of the benchmark of the barns former agricultural use.

The proposed site layout from this proposal allows for off-carriageway turning and parking. It is recommended that a Construction and Environment Management plan (CEMP) is created to help mitigate the construction impact upon the local highway network. This can be sought by condition.

Whilst local concern in respect of highway safety is noted, in the absence of any objection from the highway authority on the basis that the existing access does provide sufficient visibility for the amount of traffic that would be using the access, it isn't considered that an objection could reasonably be sustained on these grounds. The technical note submitted with the previous applications also highlights that there are no recorded personal injury collisions at the point where the private access road meets the public highway for 21 years, an important point to note bearing in mind the previous traffic movements and type of vehicles accessing the site through its previous agricultural use.

To conclude on this matter, paragraph 111 of the NPPF states that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The highway authority have advised that the existing access is suitable to accommodate the amount of traffic generated by the proposal taking into account the additional traffic generated from fallback Class Q and R approvals and therefore it is considered that the proposal complies with both the NPPF and policy TC7- Adequacy of Road Network and Site Access of the Local Plan.

The proposal makes provision for two car parking spaces for each proposed dwelling and also provides a number of car parking spaces for the retail unit and would therefore comply with the provisions of policy TC9 - Parking Provision in New Development of the Local Plan.

### **Ecological Impact:**

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

A Bat and Protected Species Survey prepared by EcoLogic Consultant Ecologists LLP, dated March 2020, is submitted in support of the application.

The survey highlights that the three barns do not support bat roosts and the proposed works are unlikely to result in "disturbance to bats or to significantly affect the distribution or abundance of local bat populations. Therefore, it is not considered necessary to apply for a bat licence under the Conservation (Natural Habitats, &c) (Amendments) 2010 Regulations, and no further survey effort is considered necessary in relation to the proposal.

The survey did find some evidence of Swallow nests within Barn 3 and highlights that in order to protect nesting birds, works should commence outside of the bird nesting

season or if this is not possible then a nesting bird check should be undertaken to confirm the presence or absence of active birds' nests, which should be protected accordingly if found.

The survey also highlights that for the development to result in a biodiversity gain it will need to include the following:

- Three bat roosting provisions – positioned within the external wall(s) of the new building/s
- A dedicated swallow roosting area built into the new development. The swallow nesting area is to be supplemented by three nesting cups to encourage use by nesting swallows;
- Three bird nesting provisions – positioned within the external wall(s) of the new building/s;
- Three bee bricks – positioned within/upon the external wall(s) of the new building/s; and,
- Any external lighting associated with the development will be adapted to be based on a Passive Infrared Sensor (PIR) system (being motion-sensitive only to large objects) and on a short timer (no longer than 2 minutes). Such lighting will specifically not be positioned where it could illuminate surrounding vegetation (woodland, trees, hedgerows, hedgebanks etc), any bat roosts or any areas beyond the site.

The survey concludes that the demolition of the barns would not have a harmful impact on protected species and subject to the implementation of the ecological enhancements, and biodiversity gains recommended in the survey which can be secured by condition, the proposed development, would have a positive impact on protected species. On balance the proposal is considered to comply with the provisions of policy EN5 of the Local Plan.

### **Habitat Mitigation and Appropriate Assessment:**

The site is located in close proximity to the East Devon Pebblebed Heaths Special Protection Area (SPA) which provide an important recreational resource for the local community. However, these are sensitive environments which are important to nature conservation and are subject to European wildlife site designations. The formation of dwellings within 10km of the protected habitat has been demonstrated to have a material impact on the habitat due to recreational activity including dog walking and other activities on the heaths which can be detrimental to the habitat and require mitigation for a conclusion of no significant effects to be reached. A joint mitigation strategy with neighbouring authorities has been in effect for some years and has delivered and continues to deliver mitigation. A financial contribution towards the continued delivery of the strategy is required in this case. To ensure that overall the proposed development would not have a significant effect on the habitat.

Despite the introduction of the Community Infrastructure Levy (CIL) where a proportion of CIL goes towards infrastructure to mitigate any impact upon habitats, contributions towards non-infrastructure mitigation are also required as developments that will impact on a protected habitat cannot proceed under an EU directive unless fully mitigated. Evidence shows that all new dwellings and tourist accommodation within 10 kilometres of the Pebblebed Heaths Special Protection Areas (SPA's) will have a

significant effect on protected habitats which is reflected in Strategy 47- Nature Conservation and Geology of the Local Plan. This proposal is within 10 km of the Pebblebed Heaths and therefore attracts a habitat mitigation contribution towards non-infrastructure at a rate of £196.81 per dwelling which has been secured by a Unilateral Undertaking alongside this application.

### **Drainage and Surface Water Run-Off:**

Policy EN19 - Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems of the Local Plan states that new development will not be permitted unless a suitable foul sewage treatment system of adequate capacity and design is available or will be provided in time to serve the development. Development where private sewage treatment systems are proposed will not be permitted unless ground conditions are satisfactory and the plot is of sufficient size to provide an adequate subsoil drainage system or an alternative treatment system.

Policy EN22 - Surface Run-Off Implications of New Development states that planning permission for new development will require that the surface water run-off implications of the proposal have been fully considered and found to be acceptable, including implications for coastal erosion.

A number of concerns have been expressed in relation to lack of information that has been provided in respect of foul and surface water drainage and in particular whether a surface water and foul drainage scheme can be provided without effluent water draining onto 3<sup>rd</sup> party land and whether a solution can be found which accommodates the foul and surface water drainage to serve the 7 dwellings and retail unit on the site.

The 3<sup>rd</sup> party representations received raise concerns about the lack of detail that has been provided in respect of whether the foul drainage scheme can be provided solely on land within the applicant's ownership and have made it clear that they are unlikely to accept any foul drainage onto their land.

The application is accompanied by a Foul Drainage Assessment along with the results of percolation testing which confirms that a new non- mains drainage system would be provided within the site which would discharge into a free flowing brook which is within the ownership of the applicant.

The reports highlight that foul drainage can be dealt with via a treatment plant and that surface water runoff would be connected to an attenuation tank with a flow control device fitted that would then discharge into a free flowing brook to the north of the site which is within the applicant's ownership. It is understood that the proposed rate of flow for the treatment plant would be below 5 cubic metres per day for the package treatment plant and a limit of 1 litre per second for the attenuation tank.

Whilst the concerns that have been expressed are noted, it is considered that it has been demonstrated that in principle, foul and surface water drainage proposals can be accommodated within the site with the capacity to accommodate the proposed development such that subject to a condition that requires the submission of both a detailed foul drainage and surface water strategy for this proposal, no objections can reasonably be sustained on these grounds.

## **Farm Shop**

It is worth noting that while this application refers to the retail element of the proposal as a “farm” shop; the conversion of the existing barn to a shop under Class R of the permitted development order is not restricted in terms of the nature or source of the goods sold as we usually would under policy E15 of the Local Plan. Given this fall back position and the fact that no additional floor area is proposed it is not considered appropriate to limit the goods to be sold by condition in this case.

### **Planning Balance and Conclusions:**

The Council cannot currently demonstrate a policy compliant five year housing land supply. The presumption in favour of sustainable development is therefore engaged. In this case the scheme, with its clear conflict with the Council’s principle policies, must be assessed against the scenario presented by the extant Class Q and R approvals for 5 residential dwellings and a shop on the site which is a legitimate and realistic fall-back position considered to be a significant material planning consideration in the determination of this application as established by case law.

The design, layout and approach to the residential and retail development of the site would allow for a comprehensive re-development of the site with an improved and more workable layout that is more suited to its countryside location and its rural surroundings. A more vernacular design approach to the site is considered to provide a betterment over the Prior Approvals that have been granted on the site without significantly increasing the visual impact on the rural character and appearance of the area and resulting in less harm to the setting of heritage assets. The removal of the unsightly utilitarian former poultry units which through their conversion would result in large and unwieldy housing would provide an environmental enhancement and a more sustainable form of development as a whole which weighs in favour of the application.

The proposal would result in no net increase in the number of dwellings and shops on the site or increase in the total amount of floor space approved under the Class Q and R legislation. As such it would result in no additional significant harm in terms of highway safety or its accessibility to services and facilities and the proposal would provide some ecological benefits and biodiversity gain through mitigation measures that can be secured by condition.

Taken together, these elements are considered by officers to constitute an environmental benefit in comparison to the existing situation on site and the legitimate and realistic fall-back position, which officers are satisfied will be implemented if this scheme is not approved. That the proposal is demonstrably more representative of sustainable development and provides clear improvements to the character and appearance of the area through a more comprehensive development than the legitimate fall-back position is considered by officers to be a significant material consideration which weighs in favour of this scheme, and which overcomes the conflict with the Council’s relevant policies owing to its remote and relatively unsustainable location within the countryside.

In the absence of a 5 year housing land supply, the presumption in favour of sustainable development is applied. The assessment suggests that this is not sustainable due to its remote location away from services and facilities, however the fall back position arising from permitted development rights means that this harm will arise anyway. The 5 homes will also be delivered whether as conversions under the permitted development rights or through the granting of this application and so the impact on housing supply is neutral.

However given the fallback position and in the absence of any technical objections or harm to residential amenity, the character and appearance of the area, highway safety, heritage and ecology, and the economic benefits that would be derived from the proposal through its construction, it is considered that any adverse impacts from the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The application is therefore recommended for approval as a departure from the Local Plan subject to conditions.

### **RECOMMENDATION**

1. That the appropriate assessment under the habitat regulation contained within this report be agreed.
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. Before development above foundation level is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
  4. The development hereby permitted shall be undertaken in accordance with the details contained within the Recommendations of the Bat and Protected Species Survey, dated March 2020, and produced by Ecologic.  
(Reason - To ensure that the development does not result in harm to protect species, in accordance with Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan).

5. 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 works shall be undertaken within the Schedule 2 Part 1 Classes A, B, C, D, E, F, G or H for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool (other than any enclosure approved as part of the landscape management scheme).  
(Reason - The space available would not permit such additions without detriment to the character and appearance of the area and the listed building, or to the amenities of adjoining occupiers, in accordance with Policies D1 (Design and Local Distinctiveness), EN8 (Significance of Heritage Assets and Their Setting) and EN9 (Development Affecting a Designated Heritage Asset) of the Adopted 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 works shall be undertaken within the Schedule 2 Part 2 Class A, for the erection of any fences, walls gates or other means of enclosure (other than any enclosure approved as part of the landscape management scheme).  
(Reason - The space available would not permit such additions without detriment to the character and appearance of the area and the listed building, or to the amenities of adjoining occupiers, in accordance with Policies D1 (Design and Local Distinctiveness), EN8 (Significance of Heritage Assets and Their Setting) and EN9 (Development Affecting a Designated Heritage Asset) of the Adopted East Devon Local Plan 2013-2031.)
7. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 10 metres back from its junction with the public highway  
(Reason: To prevent mud and other debris being carried onto the public highway in the interests of highway safety in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan 2013-2031).
8. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area, access drive and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. These facilities shall thereafter be retained for their intended purpose at all times  
(Reason To ensure that adequate facilities are available for the traffic attracted to the site in the interests of highway safety in accordance with policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the Adopted East Devon Local Plan 2013-2031).
9. No part of the surface water drainage shall be installed until details of the surface water drainage scheme has been submitted to and approved in writing by the

Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

(Reason: To protect water quality and minimise flood risk in accordance with Policy EN22 - Surface Run-Off Implications of New Development of the Adopted New East Devon Local Plan 2013-2031 and the guidance contained with the National Planning Policy Framework.)

10. Foul drainage shall be dealt with by a package sewerage treatment plant which shall be sited so as not to cause pollution of any watercourse or water sources. No part of the package treatment plant shall be installed until details of the treatment plant and its siting and of the necessary percolation system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those approved details.  
(Reason - To avoid pollution of the environment and/or flooding in accordance with the requirements of Policy EN14 – Control of Pollution of the Adopted New East Devon Local Plan 2013-2031.)
  
11. No development above foundation level shall take place until a soft and hard 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. The scheme shall also give details of any proposed walls, fences, materials and finishes for hard surfacing and other boundary treatment. 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 - To ensure that the details are planned and considered at an early stage 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.)
  
12. A Construction and Environment Management Plan shall 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: hours during which delivery and construction traffic will travel to and from the site, Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

(Reason - To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

Plans relating to this application:

	Location Plan	26.05.22
GILLAM_EX_FP	Proposed Floor Plans	26.05.22
GILLAMR3COM M	Proposed Elevation	26.05.22
GILLAMR3COM MFP : commercial building	Proposed Floor Plans	26.05.22
GILLAMR3LDH	Proposed Combined Plans	26.05.22
GILLAMR3LDHF P	Proposed Floor Plans	26.05.22
GILLAMR3STHF P	Proposed Floor Plans	26.05.22
GILLAMR3STH : elevations/roof	Proposed Combined Plans	26.05.22
GILLAMR3STHF P	Proposed Floor Plans	26.05.22
SP5OOR3 5	Proposed Block Plan	26.05.22
SP5OOR3COMP	Proposed Site Plan	26.05.22
200220 REV 01 : bat + protected species	Protected Species Report	26.05.22

List of Background Papers

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

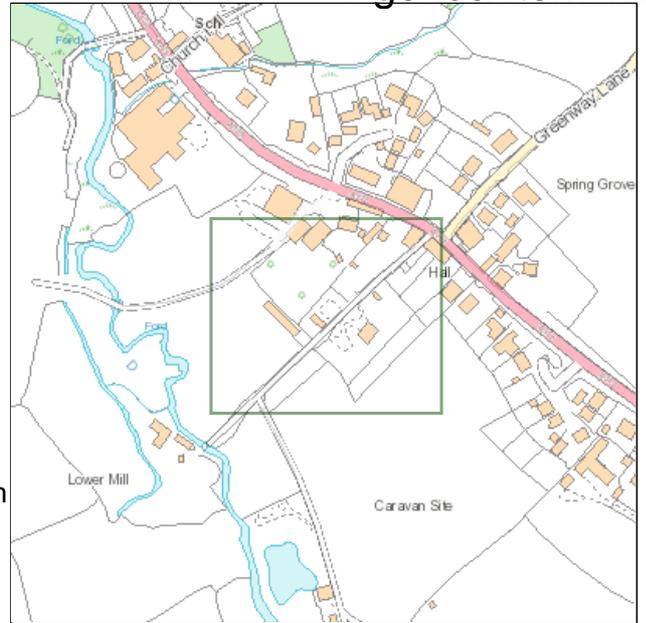
**Ward** Dunkeswell And Otterhead

**Reference** 22/2115/OUT

**Applicant** Mr and Mrs A Williams

**Location** The Store Mill Lane Awliscombe

**Proposal** Outline application with all matters reserved for the erection of a 2-bed bungalow and demolition of existing shed



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 31.01.2022</b>
<b>Dunkeswell And Otterhead (Awliscombe)</b>	<b>22/2115/OUT</b>	<b>Target Date: 22.11.2022</b>
<b>Applicant:</b>	<b>Mr and Mrs A Williams</b>	
<b>Location:</b>	<b>The Store Mill Lane</b>	
<b>Proposal:</b>	<b>Outline application with all matters reserved for the erection of a 2-bed bungalow and demolition of existing shed</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before the committee as the recommendation differs from that of a ward member and would be a departure from the Local Plan.**

**The application seeks outline planning permission for the construction of a two bedroomed bungalow with all matters reserved.**

**There is significant planning history associated with the site. In 2018 a prior approval application (18/1316/PDP) to convert the existing building into a dwelling under permitted development rights was approved. However this permission has now lapsed and the relevant permitted development rights withdrawn. An outline application for a bungalow was refused in 2021 as the site is located outside of any built up area boundary and there were no other policies which would support the proposal. A subsequent appeal upheld this decision.**

**However, there has been a material change as the Council can no longer demonstrate a five year housing land supply, therefore a tilted balance assessment is required. Under paragraph 11 of the NPPF this states that to refuse an application the adverse impacts would significantly and demonstrably outweigh the benefits.**

**In the appeal decision notice the inspector states that the proposal would conflict with Strategy 7 as there were no other policies which explicitly support the development. However, the inspector concluded that Awliscombe contains some services and that the proposal would not significantly conflict with Strategy 5B and Policy TC2 of the Development Plan.**

**With Strategy 7 not carrying full weight and the limited impact of Strategy 5B and Policy TC2 it turns to the benefits of the proposal as to whether this outweighs the harm.**

**The main benefit would be the cessation of a B8 facility in an area with narrow access and a junction with the A373. Regardless of the current state of the site, the use as a private dwelling is considered to have fewer trips than a B8 use would and it would no longer be used by larger vehicles including HGVs. This in hand with the poor junction visibility is considered to be a significant benefit to the current use of the site.**

**There are also minor benefits through the provision of a new dwelling which increases the vitality of the village, the construction phase would help to secure jobs involved in the works and there would be an aesthetic improvement to the site. Although these benefits are relatively minor it is considered that it tilts the balance in favour of granting permission.**

**Consequently, a recommendation of approval is made.**

## **CONSULTATIONS**

### **Local Consultations**

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

The Parish Council have always had reservations about this site in previous applications on the basis that the access onto the A373 is very dangerous and is particularly busy at peak times of the day. It is very difficult to have any vision of the road particularly in large vehicles and regardless of whether this is used for residential or storage traffic will be using the very narrow lane to the site. The Council believe that this is the main reason for the negative view of any further development although a dwelling would be preferential to the eyesore of scrap cars, caravans, tyres and rubbish which is now left at the site. The Parish Council stand by their original response and do not support the application on the grounds of access to the site.

#### **Dunkeswell And Otterhead - Cllr David Key**

I cannot support this application as it has already been refused by the planning committee and also by the inspector on appeal. I have visited the site on 3 occasions and have seen a very untidy site with still a very bad access onto the road in the village.

With the comments I have made the application should be refused.

#### **Other Representations**

Four letters of objection have been received. The letters object to the proposal on the following grounds:

- Water runs down Mill Lane and enters the river Wolf. During construction this lead to spoilage.

- Sewerage system is at capacity and has leaks.
- Application recently refused and reasons are relevant
- Narrow access of the site and poor junction with the A373.
- Discharge from soakaway would flood grazing fields
- The site is outside the Awliscombe Village Plan
- There are limited services within Awliscombe and occupants would be reliant on a car which is unsustainable.

## **Technical Consultations**

### Conservation

We do not wish to comment on this application. Case Officer to assess.

## **POLICIES**

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

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

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

### Relevant Planning History

21/1479/OUT - Outline permission with all matters reserved for the erection of a bungalow. Application refused 15/10/2021. Appeal dismissed 01/06/2021

18/1316/PDP - Prior Approval for a Change of Use from storage (Class B8) to a use falling within Class C3 (dwelling houses) (Prior Notification). Prior approval granted 18/07/18.

18/0555/PDP - Prior approval for a change of use from storage and distribution (Class B8) to a use falling within Class C3 (Dwelling Houses) (Prior Notification). Prior approval refused 08/05/18.

### Proposed Development

This application seeks outline planning permission for the construction of a 2-bed bungalow and demolition of existing shed. As this is an outline application with all matters reserved, no other details have been supplied with the application as these would be determined in a following reserved matters application.

## Background

Prior approval for the change of use of the building to a dwelling was granted, in July 2018 (18/1316/PDP), under the temporary provisions of Class P of the General Permitted Development Order 2015 for the change of use of storage and distribution premises to dwellings. To implement this prior approval the development must have begun on or before the 18th July 2021. There is no evidence that any attempt has been made to implement the prior approval for the change of use or to seek a grant of planning permission for any associated alterations to the building ahead of the same. Additionally, Class P is now obsolete. Therefore a resubmission under this class is not an option.

A subsequent outline planning application was submitted in 2021 for the construction of a bungalow with all matters reserved. The site is not an allocated site and is located outside of any built up area boundaries as defined within the Local Plan or the Villages Plan. The site is considered to be remote from adequate services, facilities, employment and public transport needed for everyday living. Therefore the occupiers of the new dwelling would be reliant on transport through private motor vehicles.

Additionally, there was no justification for the dwelling as an agricultural or rural workers dwelling. Therefore, the proposal was considered to be contrary to Strategies 7, 5B and Policy TC2 of the East Devon Local Plan.

Furthermore, due to the expiration of the prior approval, it was not considered that the proposal would have a realistic or meaningful fallback position which could override the conflict identified with the local plan should planning permission be refused. Consequently the application was refused.

An appeal against this refusal was made, and later dismissed. The appeal decision notice agreed with the position that the site was contrary to Strategy 7 of the development plan and no other material considerations would justify a departure from the development plan.

## Site Location and Description

The site, which is approximately 0.07 hectares in area, houses a detached single storey building, oblong on plan form with gable ends and oriented 'end on' to Mill Lane, and associated land. Open at the northern end, its remaining three walls comprise a mix of exposed blockwork under corrugated metal sheeting with the latter also forming a shallow pitched roof.

It is located approximately 100 metres to the south west of the junction with the A373 along which the majority of development within Awliscombe is set out. Mill Lane itself is essentially a cul de sac, off which there is access, beyond the site, to Marles Farm and Lower Mill only.

## **ANALYSIS**

### **Considerations/Assessment**

#### *Principle of Development against the Development Plan*

In regards to assessment against the development plan, the analysis remains the same as the previous application. The relevant parts of the report are below:

*The site occupies a location within the countryside outside of the Built-up Area Boundary of any settlement as defined in either the adopted Local Plan or the Villages Plan. It is also located in an area where there is no neighbourhood plan in force.*

*Strategy 7 (Development in the Countryside) of the Local Plan only permits development in the countryside where it is in accordance with a specific Local or Neighbourhood Plan policy and where it would not result in harm to the area's distinctive landscape, amenity and environmental qualities.*

*However, it is not considered that there are any policy provisions elsewhere within the Local Plan that allow for the residential development of the site.*

*Awliscombe is not one of the small towns or larger villages listed in Strategy 27 (Development at the Small Towns and Larger Villages) that are considered to offer a range of accessible services and facilities, including reasonable public transport, to meet residents' everyday needs and which are provided with Built-up Area Boundaries via the adopted Villages Plan.*

*Furthermore, the proposal in this case is not being actively promoted as a community-led development that would, in a local context, promote the objectives of sustainable development through, for example, the community land trust model of delivery that is also facilitated under the provisions of Strategy 27.*

*Equally, whilst the provisions of Local Plan Policy H4 (Dwellings for Persons Employed in Rural Businesses) permit dwellings in the countryside for new agricultural or forestry workers or persons employed in rural businesses or activities, subject to various criteria being satisfied in full, the development to which the application relates is not being offered as such a form of development or justified under this policy.*

*There are no other strategies or policies set out in the Local Plan that would permit unrestricted new build open market housing development of any scale in this location.*

*On the face of it, therefore, the proposal must be regarded as being contrary to the overarching spatial development approach set out in Strategy 1 (Spatial Strategy for Development in East Devon) relating to the location of new housing development and, as such, considered to be unacceptable in principle.*

*The scheme would also result in the provision of a dwelling in an unsustainable location where it would not be readily accessible by public transport, given the infrequent nature of bus services through Awliscombe, or by cycle or on foot. Furthermore, it would not be well related to a sufficient range of everyday services and*

*facilities, such, as places of employment, shopping or leisure facilities, so as to minimise the need to travel by private car. The village itself offers none of these, with Honiton being the nearest settlement to provide such a range. However, the town centre is around 3 km. from the site and, although the A373 does benefit from lengths of footway connecting the village with the small group of residential properties at Hillcrest and Sunnyside, there are no further such connections to Honiton. Indeed, even in the event that there were, the distance involved is prohibitive to access on foot or, realistically, by cycle.*

*The development would not therefore be located where it would encourage and allow for efficient, safe and accessible means of transport with overall low environmental impact in line with the provisions of Strategy 5B (Sustainable Transport) or Policy TC2 (Accessibility of New Development) of the Local Plan.*

*The applicants maintain that there would be a significant benefit from the development in the form of likely reduced associated vehicle movements when compared with the lawful B8 use of the building and site which, given the substandard visibility at the junction of Mill Lane with the A373, should weigh in favour of acceptance.*

*However, while this may be the case, it is not considered that it outweighs the fundamental policy objection to the principle of a dwelling in this location having regard to the various factors set out above. Indeed, there are likely to be many examples of non-residential buildings in similar locations in relation to villages where the argument put forward by the applicants could be repeated. An accumulation of permissions for such development would contradict the strategic objectives and settlement hierarchy of the development plan.*

*Given these circumstances, it is not thought that any favourable consideration can be given to the principle of the proposed development in this case.*

#### Tilted balance

Despite the clear lack of policy support from the development plan, the council cannot demonstrate a five year land supply. This means that the policies for the delivery of residential dwellings across the district are out of date. Although this does not mean that the policies of the Local Plan are irrelevant, it means that the tilted balance needs to be applied as per paragraph 11 of the NPPF.

Paragraph 11 of the NPPF states that:

*Plans and decisions should apply a presumption in favour of sustainable development.*

*For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

As the planning policies are out of date point (d) of the above is relevant. In regards to i the site is not located in a protected area which would provide a clear reason for refusing permission, therefore ii is engaged and the harm of the proposal must demonstrably outweigh the benefits of the proposal.

The previous application for outline permission for a dwelling was refused on the grounds that it was contrary to the development plan in regards to Strategy 7 in that there is no explicit support for the proposal which is the requirement for development in the countryside under Strategy 7.

The subsequent appeal agreed with this decision however, the appeal did not find that the proposal would be entirely contrary to Strategy 5B or Policy TC2. It was considered that, although the proposal site would be outside the main village, the site would be served by a number of facilities including: a community hall, pub, primary school, and church within walking distance. However, there are no food shops or medical services and limited employment opportunities within the village and any future occupiers would be likely to need to travel via private motor vehicle given the infrequent existing public transport services. The inspector however noted the B8 use of the site and concluded that the number of trips by non-sustainable means of transport associated with the B8 use would be significantly increased. As a result it was concluded that the conflict with Strategy 5B and Policy TC2 would be “very limited”.

At the time of the application and following the appeal the Council could demonstrate a five year land supply and the policies within the development plan gained full weight. This is no longer the case and in particular Strategy 7 no longer carries full weight. In accordance with Para 11 of the NPPF there needs to be a clear reason for the refusal of planning permission.

As the conflict with Strategy 5B and Policy TC2 was considered to be limited in the appeal; potential benefits could now outweigh the harm identified with the conflicts of these policies.

The site currently has a use class of B8 this is not disputed and is demonstrated through the previous Class P Prior Approvals application. Although the building is not in current use, and has not been used for this purpose for some time, it could be used for storage or distribution at a later date and this would not be in the control of the council.

In regards to this use, comments provided in 18/1316/PDP from the Highways Authority stated that the conversion of the building to a dwelling would be an improvement to highway safety. This is because the use of the site as a dwelling would have less vehicle movements, would not be used by HGVs and the existing visibility of the junction at Mill Lane with the A373 is substandard. Although no new comments

have been received from the highway authority for this application, it is considered that these observations are still relevant as the access has not changed. This is considered to be a key benefit of the proposal which weighs heavily in its favour.

In addition to the above there are other benefits from the proposal as stated below.

Paragraph 79 of the NPPF promotes sustainable development in rural areas by increasing their vitality. Although there would be a loss of an employment facility, it is not currently in use and is located in an undesirable location. Therefore it is considered that the provision of a single dwelling would contribute to the vitality of Awliscombe although this contribution would be limited as it is only a single dwelling.

There would be some minor economic benefits in the provision of employment through the construction phase. Although this weighs in its favour, the limited scale of the proposal would mean that this is a very minor benefit.

There would also be some benefit to the aesthetics of the site as it is currently used for storage of materials and the building is in poor condition. It is considered that a new dwelling would provide an enhanced appearance to the site and its immediate surroundings.

On balance in terms of the principle, it is considered that there is some conflict with the development plan in regards to the location of the site being outside of the built up area boundary and the services are limited. However, as the council can no longer demonstrate a five year land supply a tilted balance must be applied and the harm of the proposal must demonstrably outweigh the benefits of the proposal. In this case given the historic use of the site, its appearance, highway safety issues and the comments of the inspector on the previous appeal it is not considered that the harm would demonstrably outweigh the benefits as described above.

### Other Matters

Comments from third parties have raised a number of other concerns with the proposal. These will be assessed below.

In regards to surface water flooding, the site is not located within the Environment Agency flood zones 2 or 3 and the site is not an area of critical drainage. Therefore it is not considered that the site itself poses a flooding risk. It is noted that there is historic flooding in the floodplains at the nearby watercourse. Therefore a condition should be attached to any permission which requires the submission of details of the drainage scheme so that it does not contribute to the flooding risk.

Comments have also been made about the sewerage system and its capacity. No comments have been received from South West Water providing objection to the proposal. It is considered that a single dwelling would not generate a significant amount of sewage that could be significantly detrimental to the existing foul drainage system.

Comments have been made about the access which is narrow and has poor visibility to the A373. Although these comments are noted, it has previously been established

that the use of the site as a dwelling would have fewer vehicle movements in smaller vehicles and would therefore be a betterment to the existing use of the site.

Additionally comments have stated that the site is located outside of the Awliscombe village plan and that there are limited services within Awliscombe. These comments are also noted however as assessed above it is considered that with the limited weight of existing policies, the benefits of the proposal outweigh these drawbacks.

### Conclusion

Although the site is located outside any built up area boundary, the council cannot demonstrate a five year land supply and the policies which restrict residential development outside of built up area boundaries no longer have full weight. The proposed dwelling was found to cause limited harm in an earlier application and limited conflict with Strategy 5B and Policy TC2. The benefits of the proposal are considered to outweigh the harm of the dwelling's location, therefore a recommendation of approval is made.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

1. Approval of the details of the layout, scale and appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason - The application is in outline with one or more matters reserved.)
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
3. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
4. Details of the surface water drainage shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall be carried out in accordance with the approved details before the dwelling on the site is occupied. (Reason - To avoid pollution of the environment and flooding during and after construction in accordance with the requirements of Policy EN14 - Control of Pollution of the 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).

### Plans relating to this application:

Location Plan	27.09.22
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### List of Background Papers

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

**Ward** Exmouth Littleham

**Reference** 22/2030/FUL

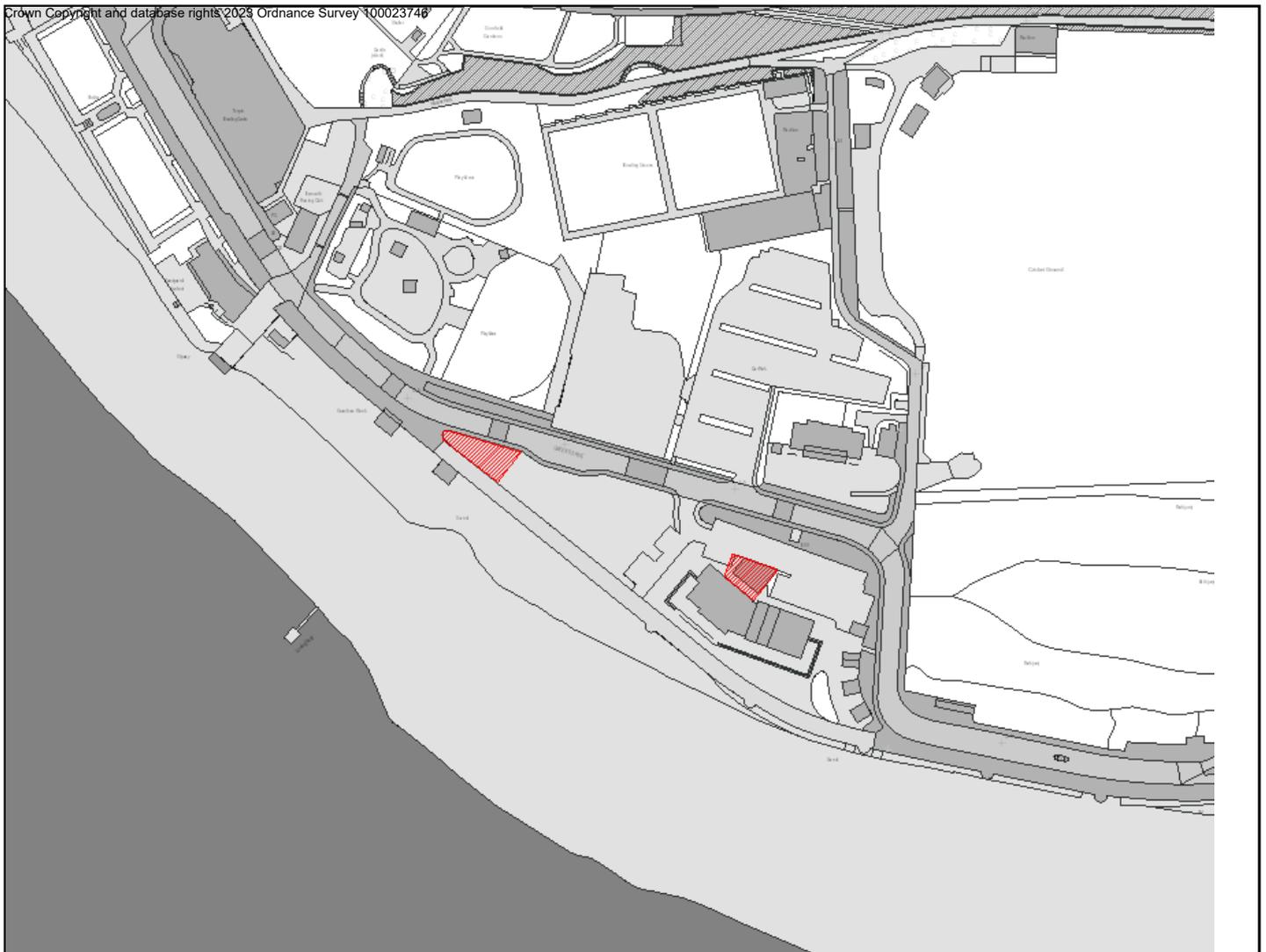
**Applicant** Alice Johnson (Queen's Drive CIC)

**Location** Exmouth Beach Queens Drive Exmouth Devon EX8 2GD

**Proposal** Construction of a single storey flexible office/community hub building, single storey side extension to existing bin store to provide 5 WCs and installation of 23 x photovoltaic panels



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 31<sup>st</sup> January 2023</b>
<b>Exmouth Littleham (Exmouth)</b>	<b>22/2030/FUL</b>	<b>Target Date: 07.11.2022</b>
<b>Applicant:</b>	<b>Alice Johnson (Queen's Drive CIC)</b>	
<b>Location:</b>	<b>Exmouth Beach Queens Drive</b>	
<b>Proposal:</b>	<b>Construction of a single storey flexible office/community hub building, single storey side extension to existing bin store to provide 5 WCs and installation of 23 x photovoltaic panels</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before members as the officer recommendation is contrary to the views of the ward member.**

**The site lies to the west of the existing water sports centre on Queens Drive and the end of a triangular shaped piece of green open space, it also concerns the large bin store to the front of the water sports centre.**

**Permission is sought to erect a building to be used flexibly for commercial and community purposes, predominantly as the office space for the manager of the water sports centre but also for use by the community at agreed times of the day/week/month/year. Permission is also sought to extend the existing bin store to provide 5no additional toilets for use by the public and the provision of 23 no. photovoltaic panels on its associated roof.**

**When the watersports centre was built it was envisaged that the manager of the centre would have office space within the building, however, due to the limited size of the water sports element of the building and the restaurant and retail functions that are taking place there is no longer a suitable position with the building to accommodate the manager. When Officers were approach to provide informal pre-application advice to the applicant it was suggested that a standalone building some distance from the centre itself would not be supported unless it could be evidenced that there were no other suitable locations within the site to accommodate an extension or new building. The design and access statement submitted with the application details a number of potential locations to site a building/extension but these have been discounted for various planning and technical reasons. The most obvious place for a new building would be immediately to its west, however, this is where the underground attenuation**

tanks are sited and access would be needed to these for maintenance, further west is a grassed area, however, this is an important outside gathering space/events space in the summer months. The application site has been chosen so that it does not take away any of the outdoor events space. On balance it is considered to be the most sensible location for a new building. The success of the water sports centre and its contribution to both the economy of Exmouth and its social importance means that a site for a manager to carry out their daily duties is essential for the long term success of the site.

In principle the provision of additional community meeting space would be supported, subject to securing meaningful community use, to this end it is suggested that a community use agreement is provided prior to first use of the building ensuring that it is use for long term community uses rather than simply being used by the manager of the water sports centre, and the impacts of the proposed development being acceptable in relation to other polices contained in the development plan.

The provision of additional public toilets in an area which witnesses high footfall especially in the summer months by local residents and tourists is welcomed and supported, the enhancement of the centre with additional renewable energy infrastructure is also welcomed, these elements of the proposal are acceptable in principle providing their impacts are acceptable in relation to other policies contained in the development plan.

The buildings would not have a detrimental impact on their surroundings, highway safety, flooding or archaeology (subject to conditions)

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Meeting 26.09.22

No objection

#### Exmouth Littleham – Cllr Bruce De Sarem

I support this application because as it says.....

The provision of additional public toilets in an area which witnesses high footfall especially in the summer months by local residents and tourists is welcomed and supported, the enhancement of the centre with additional renewable energy infrastructure is also welcomed, these elements of the proposal are acceptable in principle providing their impacts are acceptable in relation to other policies contained in the development plan.

Therefore I am in support of the recommendation to approve as I have stated above.

## Exmouth Littleham - Cllr Nick Hookway

### Initial comments

My objection to this application concerns the Hub which is intended to be situated at the northern end of the site. The idea that this building is intended as a office for the Sideshore manger is risible, no manager, in my experience would want to be that far away from the enterprise that they are managing. An office for the manager should be found within the main Sideshore building. The idea that an office and community hub where other commercial activity could take place seems to be poorly argued here.

The proposed location of the site would have impacts upon the local environment and involve the destruction of historic remains. I would prefer to see such historic remains protected, perhaps even made into a feature to inform residents and visitors. Therefore, I do support calls for protection of archaeological deposits and artifacts with a written scheme of investigation should the application be approved. The impact upon the Exe Estuary must be considered, I would expect to see a report from the South East Devon Habitat regulation partnership as part of the application's documents.

I'm not struck by the design of the hub either, which I feel would constrain the fundamental character of the seafront and promenade at that point by creating a more closed in and street like appearance and feel. Such perceptions are very important in making Exmouth seafront attractive to residents and visitors alike and most not be damaged. Much of the appeal of Exmouth seafront is based around the sense of wide open space and the enjoyment and appreciation of the views across the Estuary towards Dawlish Warren that can be gained from the place where the Hub building may be located. In effect I feel that the Hub would have a significantly negative impact upon the distinctiveness of the area.

These are the facts as I see them. If I am presented with additional information I reserve the right to amend my views

### Further Comments

In reviewing the executive summary in the officers' report for this application I'm afraid to say that I simply cannot agree with the interpretation that officers have given to this application. Whilst not wishing to reiterate the comments I've already made as a consultee, I do think that the idea of erecting a building on the western end of the triangular section of this site is an inappropriate use of the area.

The idea that a building which has the design appeal of a ramshackle shed on a local allotment would possibly be used as an office for a manager is unsound in my view if it were not a serious planning application. So, I don't think that the design of the building meets D1 of the local plan (design and local distinctiveness)

I am particularly scathing in my views about this idea of the building being used for community purposes, this may seem to be a good idea to the applicant but we already have a number of buildings on Exmouth sea front that can and area already being used for community purposes, the most obvious of these is the Ocean building where there is a large space on the top floor that is freely available. This space is not only being used by the District Council for various consultations but also by other

groups, Such as Coastwatch and Exmouth town council. There is another community space on the sea front as well, which was included as part of the approval for the planning application for the Premier Inn, this community space has hardly ever been used to my knowledge by any community groups, it doesn't even contain tables and chairs which makes it even more difficult for community groups to access. So, the idea that community groups would come along and use this building is in my view unsound, there is no information given as to which community groups would be likely to use this building and therefore no proven evidence of need. I also have to tell you that no community groups have approached me as a ward member to express interest in using this building. Exmouth is already well served by community buildings, there are over 20 in the town at the last count. So where does this application demonstrate the need for a new community building? Where does it show that there is demand or is this just a whim on the part of the applicant? I do not agree with your interpretation of strategy RC5.

Paragraph 25.8 defines what community facilities are permitted under RC5 and this application does not meet those criteria, as there is no evidence of need for such. RC5 refers to community buildings being added to residential developments, does it not?

I would ask you to look again at RC4 "recreational facilities in the countryside and on the coast" This application fails to meet the following sections "Planning permission will be granted for outdoor recreational facilities... on the coast...provided that the nature of the activities undertaken ..require...a ..coastal location" Clearly this application has failed to prove the need for a community building. There is no mention in the application that a coastal location is essential for this application. Also, the final paragraph "where indoor areas are required use should be made of existing buildings" clearly that's not happening with this application. Also "Any new buildings and necessary extensions should be limited in scale and be in close proximity to existing groups of buildings.." clearly that's not happening with this application either for reasons that are not readily apparent to me. The final paragraph continues.. "where it is proposed to extend or intensify an existing use the cumulative effect of the use will be considered in the interests of the character of the area." I can see no evidence in the report that officers have considered the impact of the application on the character of the area as a complete entity. The only mention of the of the surrounding area is limited to other F and B outlets. Where is the recognition of the beach? The Estuary? the Maer as a local nature reserve? the cricket ground? the QDS as an area for leisure and recreation? The promenade? I also think that as an office for a manager this is a completely inappropriate location, I understand that the manager needs an office but it's hard to believe that someone would want to be that far away from the centre of operations in the Watersports centre and still be able to manage what's going on.

I'm not at all satisfied but this application will stand on its own two feet over time and my concern is that there will be a change of use to probably a food and beverage outlet. I also expect that a licence to sell alcohol will be applied for because the site of the building is in an ideal place to provide such a service. It would indeed be in competition with the business that sells ice creams and coffees very close by as well as in competition with other food and beverage outlets that are not that far away on

the Seafront. It seems clear to me that would be a much more profitable exercise than a community centre that appears to have no need or demand.

The intended site of the building in my view does not compliment the Vista of Exmouth of sea front, one of the most important features of Exmouth Seafront is the sense of wide open space and sea breezes that residents and visitors alike enjoy for their health and wellbeing. There have already been planning applications over the previous years that have put in buildings that have detracted from the overall Vista on the sea front. Mention has been made in the report about views from the Trefusis terrace conservation area, I have talked to residents in this area, and they are not happy about yet another building being placed on the sea front having an impact on the Vista from this conservation area.

I'm also concerned that the proposed building will sit upon a historic site, I still think that the remains of a former Fort would be much more attractive and interesting to visitors than the proposed building, I'm also very concerned though that the proposed conditions regarding the archaeology of the site will not protect the archaeological remains but hastened their destruction.

Why is there no mention on the officers' report on the impact of this application on the Exe Estuary? As a specially protected area immediately adjacent to the application I expected this. Applications for residential properties nearby have to consider this and pay CIL.

Why is there no CIL payable on this application? Please explain that decision to me and the committee.

There seems to be no mention in the officers' report or acknowledgement that the EDDC tourism strategy is now in place. As this application does not seem to link in with the tourism strategy it fails to meet the 4 core themes of natural diversity, food and drink, active nature and visual arts and festivals. I have to say that I would be more disposed to accept this application if it did meet one of these core themes. I have already mentioned that I expect that a variation of use would follow this application later on to a food and beverage outlet, why does this applicant not be honest about it's intentions and say that at the outset? Does the applicant intend to subsidise the use of the new building by community groups? Isn't there a profit motive here?

I expect to hear that costs for this development will be met by the Queen's Drive CIC. I am not happy about this as it is adding further debt to this CIC and prolonging the time when that particular CIC can stand on its own, financially speaking.

Surely Officers are aware that the Watersports centre has changed considerably from the original application, No one in Exmouth expected to see an F and B outlet like "Mickey's Bar" on that site. Indeed, the intention of the Watersports centre providing Watersports facilities and training to an Olympic standard seems to have gone by the wayside here, much to the disappointment of residents.

**In conclusion I continue to object to this application for the following reasons.**

I do not agree that the manager office/community room meets the design and local distinctiveness standards required by D1 of the Local Plan.

There is no proven need for a community room on this site. RC5 is not met. RC4 applies here.

I would like to see the following conditions added should approval be given

- The community room should be suitably equipped with tables, chairs and display equipment.
- That the manager's office/community room does not provide or sell Food and Beverages to community groups in order to protect the existing Food and Beverage outlets on Seafront
- That no change of use will be permitted to the manager's office/community room for 15 (fifteen) years.

### **Technical Consultations**

#### Police Architectural Liaison Officer - Kris Calderhead

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

o External doors and easily accessible windows should be certificated to a national recognised security standard.

o The hub should be fitted with a monitored intruder alarm. For a 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.

#### Devon County Highway Authority

Observations:

I believe this site will predominantly serve the existing visitors to the area and therefore do not anticipate a large addition to the trip generation network within this vicinity.

Parking numbers is a policy for the LPA to administer however I am satisfied that this parking area, together with other public parking areas in the area and sustainable travel options such as the train and bus services, will provide for any additional trip generation from this hub building.

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

#### DCC Historic Environment Officer

The location of the new office/community hub lies on the site of the 19th century fort shown on the historic maps of this area. The fort was demolished in the early 20th century, though elements of the fort have been exposed by storm damage to the beach in the early 21st century and it is highly likely that below ground structural and artefactual deposits associated with the fort survive within the footprint of the new building here. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the historic fort. The impact of development upon the archaeological resource should be mitigated by a programme of

archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

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

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 205 of the National Planning Policy Framework (2021) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

#### Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development'

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

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

'The development shall not be brought into its intended use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'

#### Reason

'To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

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

Other Representations

Nine letters of objection have been received raising the following concerns:

- Development for developments sake
- There is ample space in the existing building
- Will lead to pressure to build on the remainder of the green space
- Views of the sea from the land should be protected
- Goes against why the development was put there in the first place
- Another random building on the seafront
- Toilets welcomed but access should not be time limited
- How will disabled users get the key for the disabled toilet?
- Retail has spread, there is no need for retail here.

**PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
18/0376/MFUL	Construction of new water sports centre including various facilities for water sports users, a cafe, restaurant and retail plus car parking and open space together with associated infrastructure including new stepped and ramped access to the beach and landscaping	Approval with conditions	07.06.2018

19/2136/VAR	Variation of condition 2 (approved plans) of planning permission 18/0376/MFUL (Construction of new water sports centre including various facilities for water sports users, a cafe, restaurant and retail plus car parking and open space together with associated infrastructure including new stepped and ramped access to the beach and landscaping) to allow relocation, reorientation and redesign of plant room (including size increase and addition of pitched roof).	Approval with conditions	10.12.2019
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20/0324/VAR	Variation of condition 2 (approved plans), planning permission 18/0376/MFUL (watersports centre, cafe, restaurant and retail) to allow addition of glass canopy with retractable walls and roof over first floor terrace, fenestration changes, changes to parking arrangements and the addition of 2 no. electric car charging points.	Approval with conditions	24.07.2020
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## **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)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

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

RC5 (Community Buildings)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Neighbourhood Plan  
Exmouth Neighbourhood Plan (Made)  
Policy EB2 - Design

Government Planning Documents  
NPPF (National Planning Policy Framework 2021)

## **ANALYSIS**

### **Site Location and Description**

The site lies to the west of the existing water sports centre on Queens Drive and the end of a triangular shaped piece of green open space, it also concerns the large bin store to the front of the water sports centre.

The land to the north is in use as a car park, to the south is the promenade and sea and to the east is the watersports centre with Queens Drive further east.

The site is accessed by an existing access off the highway.

The land is designated as flood zones 2 and 3.

### **Proposed Development**

This application seeks full planning permission for the erection of a building to be used flexibly for commercial and community purposes, predominantly as the office space for the manager of the water sports centre but also for use by the community at agreed times of the day/week/month/year.

Permission is also sought to extend the existing bin store to provide 5no additional toilets for use by the public and the provision of 23 no. photovoltaic panels on its associated roof.

## **Assessment**

The main considerations in the determination of this application relate to:

- The principle of the proposed development
- Impact of the proposals on their surroundings
- Impact on highway safety
- Flooding and drainage
- Conservation and archaeology

## **Principle**

The site lies within the built up area boundary of Exmouth close to essential services and infrastructure and within walking distance of the town centre and public transport links to further afield settlements; the site can be easily accessed on foot and by bicycle.

When the waterspouts centre was built it was envisaged that the manager of the centre would have office space within the building, however, due to the limited size of the water sports element of the building and the restaurant and retail functions that are taking place there is no longer a suitable position within the building to accommodate the manager. When Officers were approached to provide informal pre-application advice to the applicant it was suggested that a standalone building some distance from the centre itself would not be supported unless it could be evidenced that there were no other suitable locations within the site to accommodate an extension or new building. The design and access statement submitted with the application details a number of potential locations to site a building/extension but these have been discounted for various planning and technical reasons. The most obvious place for a new building would be immediately to its west, however, this is where the underground attenuation tanks are sited and access would be needed to these for maintenance, further west is a grassed area, however, this performs an important outside gathering space/events space in the summer months. The application site has been chosen so that it does not take away any of the outdoor events space. On balance it is considered to be the most sensible location for a new building. The success of the watersports centre and its contribution to both the economy of Exmouth and its social importance means that a site for a manager to carry out their daily duties is essential for the long term success of the site.

The application has been submitted as a dual use to provide some benefit to the community, Policy RC5 - Community Buildings of the EDDC Local Plan does support new community buildings in and adjacent to built up area boundaries stating the following:

“Facilities such as schools, libraries, halls, health and sports centres and Places of Worship fulfil an important role as a focus for social activities taking place in the local community. Community centres and village halls are already established in many settlements in East Devon, and wherever possible the Council will encourage the further development of these existing facilities. The demand for a community centre has been established in Exmouth and centres have been built recently in Sidmouth and Honiton.”

In principle the provision of additional community meeting space would be supported, subject to securing meaningful community use, to this end it is suggested that a community use agreement is provided prior to first use of the building ensuring that it is used for long term community uses rather than simply being used by the manager of the water sports centre, and the impacts of the proposed development being acceptable in relation to other policies contained in the development plan.

The provision of additional public toilets in an area which witnesses high footfall especially in the summer months by local residents and tourists is welcomed and supported, the enhancement of the centre with additional renewable energy infrastructure is also welcomed, these elements of the proposal are acceptable in principle providing their impacts are acceptable in relation to other policies contained in the development plan.

## **Impact on surroundings**

This application proposes a single storey modular type building built of varying materials including wildlife boxes, reclaimed driftwood, aluminium door/windows and timber panels/trellis to encourage plants to grow up them. The point of the triangular shaped piece of land to the west of the water sports centre is elevated above the promenade immediately to its south such that the proposed building would be approximately 0.5-0.75 metres higher than the land to its seaward side. It is proposed to provide a ramped access for less able bodied/disabled visitors.

This part of the seafront has various buildings on the seaward side of the promenade including the tourist information building, ice cream parlour and cafe/takeaway building such that a further building would not appear at odds with the more historic form of the esplanade further east of the water sports centre. Furthermore, opposite the site to the north there are various temporary uses and food vans (seasonal) which would-be of a similar height and scale to the proposed building. With appropriate landscaping and the fact that the building would be clad with timber and wildlife boxes (akin to bug hotels) it is considered that the proposed building would assimilate well into its surroundings.

The extension to the large bin store would be relatively minor in nature and single storey in form such that it would not be readily discernible given the backdrop of the water sports centre immediately to its south, the photovoltaic panels on the roof of the bin store would match those already in existence on the water sports centre.

Accordingly, it is considered that the design, materials and form of the proposed buildings and extensions proposed would not have a detrimental impact on the surroundings and would be acceptable in relation to Policy D1 of the EDDC Local Plan.

## **Impact on highway safety**

The proposals do not represent high traffic generating uses and the primary uses on site already exist, the water sports centre has its own public car park and there is a further East Devon operated car park to the north of the application site. The community use of the building would be limited due to its modest size such that the existing car parks could accommodate any associated car use and the additional toilets would serve the pedestrians already in the area.

Devon County Highway Engineer raises no objections stating the following:

*'I believe this site will predominantly serve the existing visitors to the area and therefore do not anticipate a large addition to the trip generation network within this vicinity.*

*'Parking numbers is a policy for the LPA to administer however I am satisfied that this parking area, together with other public parking areas in the area and sustainable travel options such as the train and bus services, will provide for any additional trip generation from this hub building.'*

The proposal is therefore considered to be acceptable in relation to Policies C7 and TC9 of the EDDC Local Plan.

## **Flooding and drainage**

The site lies within flood zones 2 and 3 as defined by the Environment Agency's mapping system, and is therefore at high risk of flooding from the sea, and some risk of fluvial flooding. A flood risk assessment was submitted with the original outline application (13/1819/MOUT) for the wider regeneration site (which encompasses this site) which concluded that the proposed development consists of 'water compatible' and 'less vulnerable' development and would therefore be an acceptable use of the site subject to carrying out the development in accordance with the flood risk assessment and appropriate conditions.

The water sports centre application (18/0376/MFUL) provided further detailed flood risk information which the Environment Agency concluded was acceptable and that development was built out in accordance with the recommendations of the report. This application proposes a less vulnerable use on the regeneration area where the wider flood risk of any development of this type has already been accepted such that the proposed development is considered to be acceptable.

Accordingly, the proposal is considered to be acceptable in relation to Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan.

## **Conservation and archaeology**

There are no listed buildings in the vicinity of the site, and although not adjacent to the Exmouth Conservation Area, views from it across to the existing water sports centre and sea will be available. In this respect it is considered that the outlook will inevitably be altered by any development on this seafront site.

It is recognised that the proposed building and associated development will be visible, given it adds to the existing development around it, however its position is such that it has been set back from the beach and promenade and it is not considered that it would substantially or unacceptably disrupt long-distance views from within the conservation area, or that it would have any unacceptable heritage impact.

The proposal is considered to be acceptable in relation to Policies EN9 and EN10 of the EDDC Local Plan.

In terms of archaeology, the County Archaeologist has reviewed the application and has the following comments to make:

*The location of the new office/community hub lies on the site of the 19th century fort shown on the historic maps of this area. The fort was demolished in the early 20th century, though elements of the fort have been exposed by storm damage to the beach in the early 21st century and it is highly likely that below ground structural and artefactual deposits associated with the fort survive within the footprint of the new building here. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the historic fort. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should*

*investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.*

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

*If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 205 of the National Planning Policy Framework (2021) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95.*

It is understood that the applicant and County Archaeologist have been progressing matters whilst the application is being considered and that a 'piled' foundation design is being produced to create the least disturbance to the ground, discussions are ongoing, therefore the two conditions recommended by the archaeologist remain relevant.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.'

(Reason - To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development.



0393-SID-PL-1.1 : site/roof	Proposed Combined Plans	12.09.22
0393-SID-PL-2.0 : office	Proposed Floor Plans	12.09.22
0393-SID-PL-2.1 : proposed WC	Layout	12.09.22
0393-SID-PL-3.0	Proposed Elevation	12.09.22
0393-SID-PL-3.1 : WC	Proposed Elevation	12.09.22

List of Background Papers

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

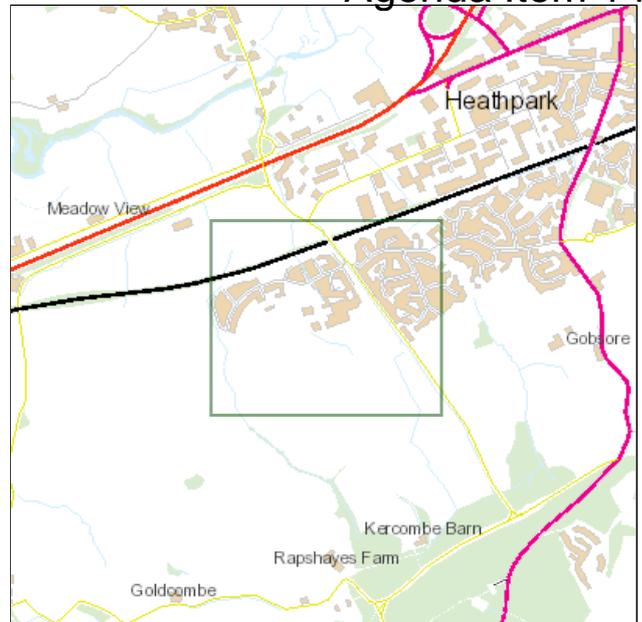
**Ward** Feniton

**Reference** 22/1322/MOUT

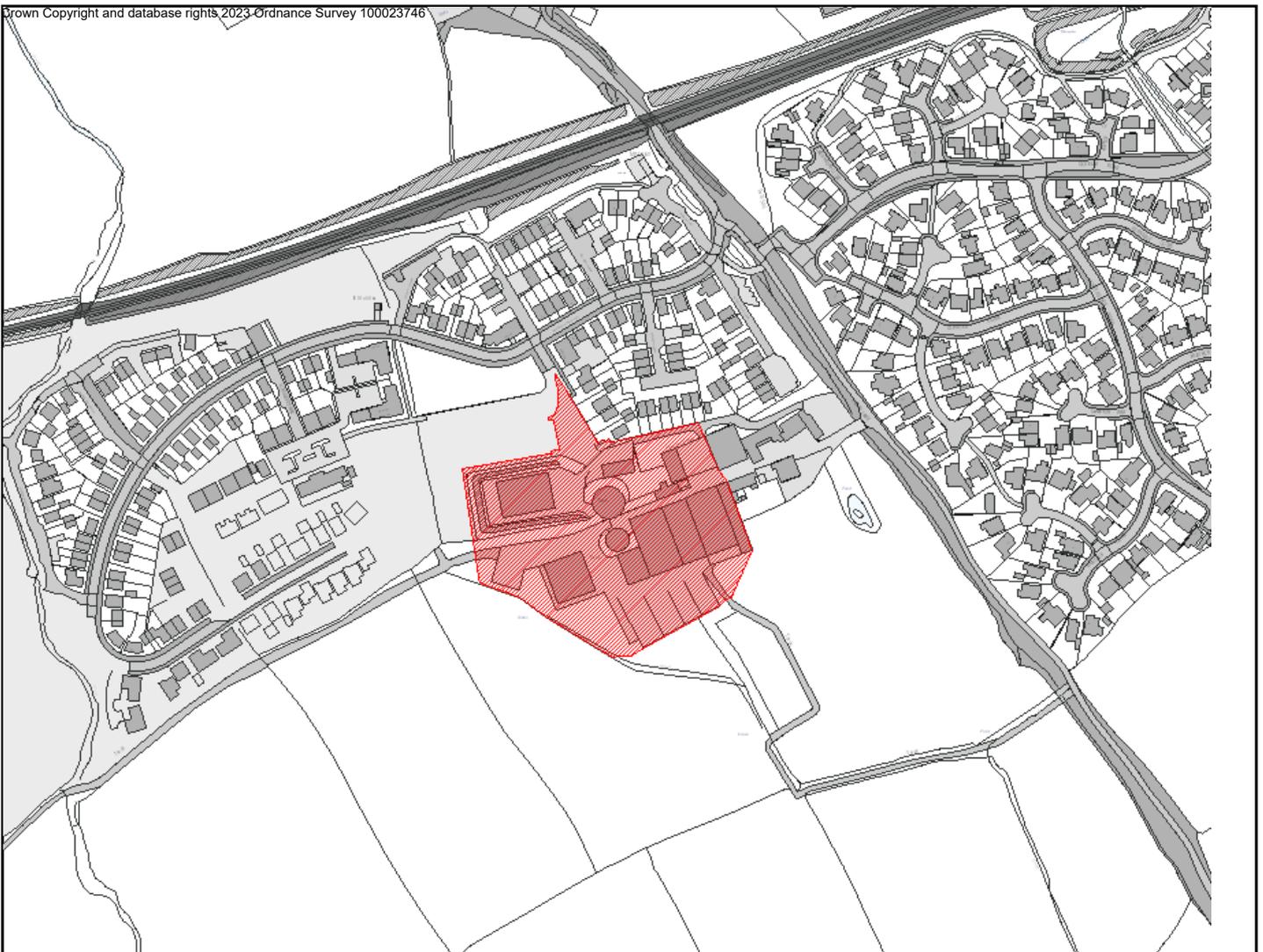
**Applicant** Baker Estates Ltd

**Location** Land At Hayne Farm Hayne Lane Gittisham  
Honiton EX14 3PD

**Proposal** Demolition of existing farm buildings and redevelopment for up to 37 dwellings, formation of access, associated infrastructure and open space (outline application seeking approval of details of access only)



**RECOMMENDATION: Approve subject to a legal agreement**



		<b>Committee Date: 31.01.2023</b>
<b>Feniton (Gittisham)</b>	<b>22/1322/MOUT</b>	<b>Target Date: 26.09.2022</b>
<b>Applicant:</b>	<b>Baker Estates Ltd</b>	
<b>Location:</b>	<b>Land At Hayne Farm Hayne Lane</b>	
<b>Proposal:</b>	<b>Demolition of existing farm buildings and redevelopment for up to 37 dwellings, formation of access, associated infrastructure and open space (outline application seeking approval of details of access only)</b>	

**RECOMMENDATION: Approve subject to a legal agreement**

#### **EXECUTIVE SUMMARY**

**This application relates to a parcel of land comprising a group of agricultural buildings to the south of a development of approximately 300 homes currently under construction to the east of Hayne Lane. The site is approximately 1.55ha in area and would be accessed from the residential development to the north.**

**Outline planning permission with all matters reserved other than access is sought for the clearing of the existing farm buildings and the development of upto 37 dwellings. In principle the site lies beyond the built up area boundary of the town of Honiton and is therefore contrary to the policies of the Local Plan. However the council is currently unable to demonstrate a 5 year housing land supply and so relevant policies such as those that restrict residential development to within the built-up area boundaries are considered to be out of date. As a result the presumption in favour of sustainable development applies and a “tilted balance” assessment is required to assess whether any adverse impacts of granting consent would significantly and demonstrably outweigh the benefits.**

**The assessment identifies that the site is in a relatively sustainable location close to employment spaces and facilities and the edge of Honiton albeit it is some distance to the centre of the town. The site is not within a protected landscape and while close to AONB its impact on the setting of the designated landscape would be limited. In terms of impact on ecology, heritage and other constraints the development is considered acceptable.**

**The development would however entail works that incur a series of abnormal costs to the developer that make the development unviable and therefore unable to deliver a policy compliant level of affordable housing. As a goodwill gesture 3**

units of affordable housing are proposed even though the viability work suggests that this is not viable. Further viability work would need to be undertaken at reserved matters stage once a detailed scheme has been designed and an overage clause applied to safeguard future changes in the viability of the site. The development would however make a full contribution to CIL since this is not negotiable and would help to bolster the council's housing land supply position. This last point must weigh heavily in favour of the development at the present time and on-balance is considered to justify a recommendation of approval.

## **CONSULTATIONS**

### **Local Consultations**

#### Gittisham Parish Council

This item was deferred to the next Town Council Planning Committee meeting. Gittisham parish councillors do not object to the outline application, but have concerns about highways, the impact on the junction with Furze Close and increased traffic passing underneath the railway bridge. They are puzzled by EDDC's proposal to develop Devonshire Road further as employment / industrial land, so close to residential. This is not usually considered to be a favourable mix, and members agree they would like to see a proper assessment carried out.

#### Honiton Town Council

Unanimous Support

#### Honiton St Michaels - Cllr Mike Allen

This proposed development is inside the East Devon AONB, not as stated. The inappropriate siting will add further pressure to the road leading to the industrial estate through a narrow arch under the railway bridge. I object strongly to the replacement of a farm and rural work space by housing which is not justified in this location and would be an unacceptable incursion into protected countryside.

#### Honiton St Michaels - Cllr Phil Twiss

This application is on a redundant brownfield site, the Farm activity having been relocated to another site on the other side of Combe Estate. It is close to, but outside of the East Devon AONB, where development is unlikely to have an adverse impact on it than is the case with other close by developments.

This application makes better use of the site and would complete the Hayne Farm development immediately adjoining it; in reality this is an infill site for 37 dwellings closer to existing developments on the other side of Hayne Lane than a large part of the Hayne Farm development, where no new access would be required on to Hayne Lane.

As adjoining ward member which immediately borders the site of this application, I have no objection to the application itself, but I am concerned that the S106 agreement should reflect appropriate levels of funding for education and healthcare

provision, that takes in to account local services that will be used by residents, if approved.

I understand that there is a proposal for up to a 25% affordable homes element and while not strictly an enforceable planning matter, I wish to have it noted that priority should be given by the Housing Association provide for the affordable elements of the application to be assigned to 'key workers', a sector where there is a severe shortage of suitable accommodation preventing people taking up jobs in East Devon.

### **Technical Consultations**

#### **Police Architectural Liaison Officer - Kris Calderhead**

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application.

It is disappointing to note no reference to Designing out Crime within the Design and Access Statement as it is therefore not known whether such principles have been considered in the scheme. Whilst I appreciate that the masterplan is only illustrative at this stage, I would like to make the following comments and recommendations for consideration.

The layout should avoid having accessible space to the rear of residential back gardens, as this is generally accepted to assist in preventing crime.

The detailed layout should provide overlooking and active frontages to the new internal streets, pedestrian/cycle routes and public open spaces.

Should any existing or new hedgerow be used as new rear garden boundaries, they must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function. Additionally, clear ownership and responsibility for the hedge must be established in order to ensure its effective maintenance and upkeep.

Boundary treatments to the front of dwellings are important to create defensible space to prevent conflict between public and private areas and clearly define ownership of space. The use of low-level railings, walls, hedging for example would be appropriate.

Treatments for the side and rear boundaries of plots should be adequately secure (min 1.8m height) with access to the rear of properties restricted via lockable gates. Defensible space / buffers (i.e. 1m high by 1m deep planting or low-level railings) should also be utilised where private space abuts public space in order to reduce the likelihood of conflict and damage etc.

Suitable boundary treatments also need to be considered for any open space and play areas. Such space should be protected from vehicle access and be afforded

good natural surveillance opportunities with clear management and maintenance strategies in place.

Pedestrian routes throughout the development must be clearly defined, wide, well overlooked and well-lit. Planting immediately abutting such paths should generally be avoided as shrubs and trees have a tendency to grow over the path creating pinch points, places of concealment and unnecessary maintenance.

Presumably the site 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.

Vehicle parking will clearly be through a mixture of solutions although from a crime prevention point of view, parking in locked garages or on a hard standing within the dwelling boundary is preferable. Where communal parking areas are utilised, bays should be in small groups, close and adjacent to homes in view of active rooms.

Large rear parking courts are discouraged as they provide access to vulnerable rear elevations of dwellings and are often left unlit with little surveillance.

#### EDDC District Ecologist - Rory Chanter

The proposal and accompanying Ecological Impact Assessment (EclA) (Tyler Grange - 13353\_R02\_TLR\_CW) make no provision for replacement reptile habitat, despite the recognition in the report that the site supports a low population of both slow worm and grass snake, and that the proposals would result in the loss of approximately 0.15 ha of potential reptile habitat. Although only low numbers of reptiles were recorded, this does not mean that the site only supports the individuals recorded during the surveys. Besides from protection afforded under the Wildlife and Countryside Act 1981, slow worm and grass snake are listed as Species of Principle Importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, and therefore need to be taken into consideration by a public body (EDDC) when performing any of its functions with a view to conserving biodiversity. In accordance with the NERC Act 2006 and EDDC Local Plan Policy EN5, the applicant should provide replacement or enhanced adjacent reptile habitat as part of the proposal, in order to retain the carrying capacity of the local area for reptiles and not negatively impact the conservation status of these species.

The applicant should seek to provide bird boxes in accordance with best practice, which is considered to be the new British Standard BS42021:20221 Integral Nest Boxes Selection and Installation for New Developments. This BS advises on one integrated swift type nest box per each new dwelling.

It is proposed that the creation of an ecological mitigation strategy be made a planning condition. The strategy could be situated within a Landscape and Ecological Management Plan (LEMP) or a Construction and Ecological Management Plan (CEMP). The strategy should contain full details of the mitigation and enhancement measures proposed within the EclA, as well as details of replacement reptile habitat as above.

Reason - To protect important wildlife and habitat features and provide adequate compensatory habitats in accordance with EDDC Policy EN5

### South West Water

With reference to the planning application at the above address, 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 160mm 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 1010.

#### Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

#### Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website: [www.southwestwater.co.uk/developers](http://www.southwestwater.co.uk/developers)

## Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable,
2. Discharge to a surface waterbody; or where not reasonably practicable,
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

## Environmental Health

A Construction and Environment Management Plan (CEMP) 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. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. 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 and 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.

## Development Delivery Project Manager - Andy Champion

I have now completed my review of the Herridge Property Consulting Ltd Development Viability Appraisal, subsequent Addendum, Terrus Consulting Cost Report Rev 01 and Focus on Designs FRA document. I would comment as follows;

The development appraisal by Herridge Property Consulting appears to be a full appraisal containing all the elements I would want to see, including providing a sensitivity analysis.

### GDV and Market Housing Values:

The GDV seems reasonable, their market research appears (comparables) to be generally consistent with the open market values at the time of the appraisal.

### Review of build costs :

The build costs for the proposed scheme are shown between £1,367 per m<sup>2</sup> and £1,697 these appear to have regard to BCIS rates for high quality housing and seem to be in line generally with BCIS rates for median quartile construction. These are

supported within the Terrus report. Also taking into account wide spread building cost inflation, labour shortages and widespread building material shortages within this sector I consider these build costs are reasonable.

External Works:

External works at 10% are within EDDC's normal acceptable parameters (15%).

Abnormals Costs:

These are substantial, having asked for a cost consultant's report and after initially reviewing this document and asking for further qualification on a number of points, I am satisfied with both the costs produced in the report and also the qualification by the cost consultant on the various points raised.

Contingency level:

5% is within EDDC's normal acceptable parameters.

10% contingency to the demolition and abnormals is considered reasonable in the context of the amount of demolition required, concrete yards and tanks and is additionally supported within the cost consultant's report.

Section 106 Payments;

Not included at this stage

All Professional fee values:

Building Cost Fees (Architects, QS etc.): 8% is within EDDC's normal acceptable parameters.

Acquisition Fees:

seem reasonable

Finance costs:

Finance costs of 7% is above EDDC's normal acceptable parameters of 6.1% - 6.5%. Given the current economic climate, with lenders having become increasingly risk adverse and therefore funding is becoming harder to acquire. Along with The Bank of England raised the base rate to 1.75% in August 2022, with further rate rises currently suggested throughout 2022. The 7% costs which accommodates all fees and is applied to all, seems reasonable.

Disposal fees:

Marketing cost = Lumps sum includes general marketing costs, involving sale brochures, all forms advertising and the salary costs of employing on site sales negotiators.

Sales Agent Fee of 1.5%

Legal fees £600 per unit

Legal Fees for Affordable = £10,000

These generally appear to be within normal acceptable parameters that I would have expected to see.

The development appraisal, addendum and sensitivity analysis all show the site cannot support any level of affordable housing and therefore I have to agree with the viabilities conclusion.

I agree with Melissa comments, in that it is very disappointing that the applicant is only offering 3 units of affordable housing for affordable homes ownership. However we recognise that the various viability assessments show that the site cannot support any level of affordable housing and that the applicant is making a good will gesture by offering 3 units. As this is an outline application we are at this stage seeking to establish the principle of affordable housing provision. The type and amount can only really be established on submission of a reserved matters application when the full details of the scheme are available to better determine viability. Therefore as it usually the case with viability at outline stage a further viability assessment will be required on submission of the RM application but a minimum requirement of 3 units will be secured through the S106. An overage clause will also be required.

#### Contaminated Land Officer

I recommend approval with conditions:

Due to elevated levels of Benzo[b]fluoranthene, Benzo(a)pyrene and Dibenz(a,h)Anthracene, above the S4UL for residential site use with home grown produce further investigation is required post demolition under buildings and in the vicinity of DS03.

A new investigation and risk assessment must be undertaken in accordance with the requirements of the phase I & Phase II investigation and where remediation is necessary a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation strategy a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority.

#### Housing Strategy/Enabling Officer - Jo Garfoot

Under the current Local Plan this site is outside of the built up area boundary for Honiton and therefore should be providing 50% affordable housing. A tenure mix of 70% rented and 30% affordable home ownership product will be sought.

The affordable rented units should provide a mix of house types and sizes to include 1, 2, 3 and 4 bedroom houses. Given the high number of affordable apartments in the adjoining development this site should provide more affordable houses to balance out the overall mix of unit types. I note the indicative plan includes a large apartment block and I hope this is not the affordable housing element on this proposed development. Large blocks of flats with communal areas are not very popular with registered providers as they are management intensive due to fire regulations and also anti-social behaviour complaints. Flats in blocks can also be difficult to let as it is not always suitable to house families with young children on upper floors. There is an opportunity with this site to balance out the mix of affordable units and property types across the whole site.

All the affordable units should be built to meet M4(2) building regulations category 2, accessible and adaptable dwellings standard. The affordable units should be transferred to and managed by a Registered Provider.

Additional comments:

The government have introduced through a written ministerial statement and planning policy guidance a new affordable housing tenure called First Homes. First Homes are for eligible first time buyers and are sold with a 30% discount on market price in perpetuity. On initial sale a price cap of £250,000 (after discount) is applied. Eligibility includes an income cap for purchasers and requirement to fund the purchase with a 50% mortgage. First Home should account for 25% of affordable housing provision and is the governments preferred discounted market tenure. EDDC have produced an interim guidance note with more information. This confirms our approach to dealing with First Homes. Whilst this guidance and the introduction of First Homes does not supersede policy within our local plan it is a material consideration in any planning decision and will be weighted accordingly.

Affordable housing provision with First Homes assuming 50% affordable housing based on 36 dwellings (37 proposed dwellings less 1 existing dwelling to be demolished for access):

- o First Homes - 5 dwellings
- o Rented homes - 9 dwellings
- o Other affordable home ownership - 4 dwellings

If the affordable housing percentage changes and we do not seek 50% (for whatever reason) then the above will change.

I agree that the need is predominately for 1 and 2 bedroom properties for rent although this isn't the case with shared ownership or affordable home ownership products. However there are other ways of meeting that need which other house builders are embracing, it is disappointing that Baker Estates are insistent on flats rather than looking at alternatives. My concerns on large blocks of flats come from discussions with the RPs who operate in East Devon and a general desire to do better and provide good quality homes and choice for those in housing need. Blocks of flats on a site such as this with detached 3, 4 & 5 bedroom houses would not be tenure blind and would create stigma for residents living in the flats. There would be restrictions on who could live in a block of flats limiting who could bid. For example out of 404 applicants with a 2 bedroom need only 95 do not have children and can manage stairs.

If the applicant is unsuccessful in their viability challenge and are insistent on providing flats (despite my efforts to encourage them to do better), please have regard to the following:

- o Blocks should not be mixed tenure i.e. rent and shared ownership should be separated with separate block/accesses or only rented units should be provided.
- o Sizes - the indicative sizes used in the viability are too small for 2 bedroom 4 person flats. They would only be suitable for 3 person occupation which would limit further who could occupy them. At these sizes they would be better suited to 1 bedroom flats. As a guide Sovereign's board will now only approve schemes compliant with NDSS or close to it.
- o Outside, private space is very important.
- o Limit the communal areas as much as possible.

If the applicant is willing to look at other options the maisonette type approach is now favoured for meeting 1 bedroom need - this is essentially a house with flat on ground floor and another above with separate entrances. These can be situated at the end of a terrace.

### East Devon AONB

The proposed development represents a major development in close proximity to the AONB. The proposed development forms a further extension to the recent development at Hayne Farm and is within hundreds of metres from the AONB boundary. Furthermore, more distantly, it can be clearly viewed from Roundball Hill to the East - a popular public access site within the AONB. It is noted that this viewpoint is not outlined in the LVTR despite it being shown to be of high potential visibility in Plan2. Zone of theoretical visibility. A more thorough assessment should address this and other publicly accessible viewpoints.

The development has a number of challenging considerations:

- o Impact on land to the south and within the East Devon AONB
- o Further impact on the local road network, in particular Hayne Lane to the south
- o Visual impact - views into the site are likely to be increased in the winter months. It is noted in the LVTR the proposal will
- o Reinforce the boundary hedgerows using locally characteristic species;
- o Incorporate small-scale planting of deciduous tree groups using locally characteristic species such as oak, ash and field maple
- o Where proposed landscaping /screening forms part of a domestic curtilage it is possible these may not remain a long term feature unless conditioned, therefore compromising any landscape mitigation proposals.

This is a major development that will have a significant impact on the landscape character at this location. The National Planning Policy Framework (NPPF) 176 states that 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. If minded to approve, in order to address the need to have due regard to the AONB designation and to overcome issues of proximity and impact on the AONB, careful consideration should be given to the landscaping on the southern boundaries and the impact on the local road network south from the development.

### National Highways

Council's Reference: 22/1322/MOUT  
National Highways Ref: 95407

Referring to the notification of an Outline planning application referenced above (all matters reserved except access), seeking the demolition of existing farm buildings and redevelopment for up to 37 dwellings, formation of access, associated infrastructure and open space, land at Hayne Farm, Hayne Lane, Gittisham

Honiton, EX14 3PD at notice is hereby given that National Highways' formal recommendation is that we offer no objection.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our License.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk) and may not determine the application until the consultation process is complete.

## EDDC Landscape Architect

### 1 INTRODUCTION

This report forms the EDDC's landscape response to the outline 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 REVIEW OF SUBMITTED INFORMATION

#### 2.1 Landscape and visual technical report (LV report)

The findings of the LV report are broadly acceptable. As a brownfield site the proposals would have limited impact on valued site features.

The LV report should also have considered views from Roundball Hill 1.1km to the east which is a popular publically access viewpoint with very clear views over the site and also from Awliscombe footpath 1 to the west side of Bushy Knapp. However it is agreed that there are a limited number of viewpoints from where the development would be visible and in such views it would be seen in the context of the existing/ consented housing scheme to the north.

At para. 1.43 the LV report states that building heights should not exceed the maximum ridge height of existing buildings to be replaced. Although no information is provided on existing building heights within the application it appears that the proposed 3 storey units at least would exceed this. As the site is set higher than the existing/ consented site to the north it will have greater prominence and the appropriateness of three storey units is questioned.

#### 2.2 Access and layout proposals

It is noted that the application is outline with all matters reserved except for access.

## 2.2.1 Access

Vehicular access is proposed off Longlands Way. The proposed arrangement is shown on the Site Access proposal, drawing no. 0754-C-P-0331, included at Appendix C of the Transport Statement.

The proposal entails the construction of a new roadway on the right-angle bend of Longlands Way offset from the existing private access drive to the east by approximately 1 metre. The arrangement is poorly considered with little thought for aesthetics and requires pedestrians on Longlands Way to deviate off their line at the proposed crossing with the site road. This is contrary to best practice guidance (Manual for Streets 2007, para. 7.3.6) where pedestrian movements should be given primacy in street design. The proposal also makes access to the existing houses to the east convoluted and misses the opportunity for creation of additional soft landscape areas by providing direct access to existing plots 30-34 off the proposed site access road as illustrated in the alternative sketch arrangement below.

The need for a 5.5m width access road is questioned. This could be reduced to 4.8m and a pinch point provided to reduce traffic speeds. Corner radii at the junction with Longlands Way should be reduced to 1m in line with best practice guidance to further slow vehicle speeds and shorten the crossing distance for pedestrians.

Figure 1- Suggested alternative layout for site access

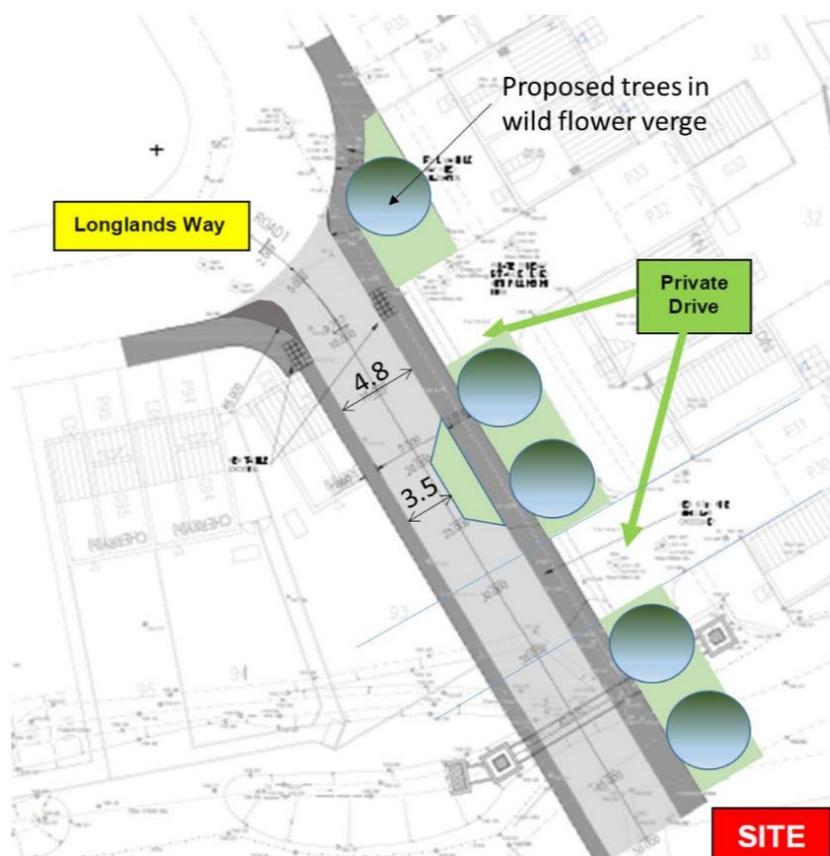


Figure 1- Suggested alternative layout for site access

### 2.2.2 Site layout

Although site layout is a reserved matter a layout plan has been provided and the following comments are made:

The layout is poor being dominated by a five way vehicular junction at its centre.

Proposed housing units in the southwest and southeast corner of the site are placed on the site boundary allowing no opportunity for buffer planting to this important boundary within the East Devon AONB.

The layout does not reflect the layout of the approved/ constructed site to the north and is arranged around a series of cul-de-sacs. A more open layout should be considered set around a central communal space.

The layout should provide for quality green infrastructure and SuDS provision.

Access routes indicated to the east and west of the site should be non-vehicular.

The potential for a new bridleway linking from the west of the site to the Gittisham road as indicated in figure 2 below should be considered as an enhancement of the local rights of way network.

## 3 CONCLUSION AND RECOMMENDATIONS

### 3.1 Acceptability of proposals

For the reasons noted above the principle of development of the site for housing could be considered acceptable in terms of landscape and visual impact subject to scale, height and detail design considerations.

The proposed access details which form part of the application are considered unacceptable for the reasons set out at section 2.2.1 above, The design should be reconsidered and revised details submitted prior to determination of the application.

The indicative site layout submitted with the application is considered unsatisfactory in a number of respects and the applicant should consider comments made at section 2.2.2 above in preparing any reserved matters application.

### 3.2 Conditions

Should satisfactory amended details be provided for access provision and the application is approved, the following conditions should be imposed:

1) No development work shall commence on site until the following information has been submitted and approved:

a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, site furniture and signage.

b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan. External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes

for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK.

d) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by 4 sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.

e) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.

g) A full set of soft landscape details including:

i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.

ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.

iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.

iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.

h) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

2) Notwithstanding the landscape details submitted, no landscape works shall begin until a site specific Landscape and Ecology Management and Maintenance Plan has been submitted to and approved in writing with the Local Planning Authority. This shall set out responsibilities for maintenance within the site and cover the management and ongoing maintenance of hard and soft landscape elements and bio-diversity measures within public/ communal areas. The Plan shall set out the landscape and ecological aims and objectives for the site along with the specific management objectives for each landscape component, and the associated maintenance works required on an Annual and Occasional basis. The Annual Works are those works that will be required every year, such as watering, weeding and cleaning. The Occasional Works are those that will be required on an irregular or cyclical basis, such as repairs and renewals. Details of inspection, monitoring and reporting arrangements shall also be provided including for annual inspection of existing perimeter trees. The Plan shall cover a period of not less than 25 years following the substantial completion of the development and shall be reviewed every 5 years and updated to reflect changes in site conditions and management prescriptions in order to meet the stated aims and objectives.

Management, maintenance inspection and monitoring shall be carried out in accordance with the approved plan.

3) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.

4) Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

#### NHS Royal Devon & Exeter NHS Foundation Trust

Please find attached our submission in respect of the following application on behalf of NHS Devon

22/1322/MOUT | Land At Hayne Farm Hayne Lane Gittisham Honiton EX14 3PD | Demolition of existing farm buildings and redevelopment for up to 37 dwellings, formation of access, associated infrastructure and open space (outline application seeking approval of details of access only)

The application has been reviewed from a primary care perspective and the response has been informed by the Devon Health Contributions Approach: GP Provision (<https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance>) which was jointly prepared with NHS England.

The GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate.

However, please be advised that this response from NHS Devon is a snapshot of capacity assessment at the date of this letter and should there be any change to this position as a result of any current planning applications that may or may not affect the capacity at Honiton Surgery being approved prior to a final decision on this particular development, then the NHS position could change.

Therefore, whilst at this time there would be no need for a Section 106 contribution towards NHS Primary Care from this development, we would advise that the estimated sum of £580 per dwelling towards NHS Primary Care is factored in to any viability assessments.

Accordingly, the NHS reserve the right to review and respond again when any future planning applications are received by the Council. The NHS cannot guarantee that the response will be the same once all the factors surrounding any future application are considered.

#### DCC Lead Local Flood Authority

##### Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

##### Observations:

We are happy in principle with the proposed strategy but the attenuation calculation should be updated to allow for 10% for urban creep in line with best practice.

#### Devon County Highway Authority

##### Observations:

Having reviewed the submitted documents and attended the site, I am content with the proposed location of the access, it mirrors housing layouts to the north, whilst still maintaining satisfactory deflection to ensure speeds are controlled.

Satisfactory visibility can be achieved in both the east and west direction, in accordance with our best practice guidance, Manual for Streets 1 and 2.

I will reserve judgement upon the internal layout due to this planning application only being outline - securing the access. Though the current proposed access width gives an adjoining footway width of 2m, we now try to aim for 2.5m, if possible.

##### 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

4 letters of objection have been received to date (in summary);

- Loss of privacy
- Loss of natural light
- Ground works could disturb unstable ground
- Drainage issues.
- Noise, dust from demolition and construction affecting amenity.
- Increased parking and inadequate parking capacity
- Harm to wildlife
- Asbestos/contaminated land concerns
- Conflicts with policy by spreading into a semi-rural area

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
07/0858/COU	Change of use and alterations to outbuildings to form farm shop	Approve	26.11.2007
12/1397/FUL	Erection of covered feed area and cubicle building	Approve	10.08.2012
12/2635/FUL	Extension to cattle building	Approve	29.01.2013
13/1949/FUL	Extension to cattle building	Approve	25.10.2013

## **POLICIES**

Strategy 7 (Development in the Countryside)  
Strategy 6 (Development within Built-Up Area Boundaries)  
Strategy 2 (Scale and Distribution of Residential Development)  
Strategy 23 (Development at Honiton)  
Strategy 34 (District Wide Affordable Housing Provision Targets)  
Strategy 43 (Open space standards)  
Strategy 46 (Landscape Conservation and Enhancement and AONBs)  
EN5 (Wildlife Habitats and Features)  
EN7 (Proposals affecting sites which may be of Archaeological Importance)  
EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems)  
EN16 (Contaminated Land)  
TC2 (Accessibility of New Development)  
D1 (Design and Local Distinctiveness)  
D3 (Trees and Development Sites)  
D2 (Landscape Requirements)

H2 (Range and Mix of New Housing Development)  
Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)  
EN21 (River and Coastal Flooding)  
TC9 (Parking Provision in New Development)  
TC7 (Adequacy of Road Network and Site Access)

### **Site Location and Description**

The proposal seeks outline consent for the creation of 37 dwelling on the southern fringe of the recently constructed Hayne Lane development. All matters are reserved except for the details of the access which would be joined into the recent development under construction to the north. For purposes of the existing local plan the site is positioned outside of the defined built up area boundary of Honiton. The application site itself takes place within the parish of Gittisham, and the ward of Feniton.

The existing site features several agricultural buildings associated with Hayne Farm. These consist of a mixture of livestock buildings, tanks and silos. There is also a

farm shop located on this land, associated with this holding. The site itself is not within a designated area, however the East Devon Area of Outstanding Natural Beauty (AONB) lies to the south, higher up the slope of the hillside.

To the east of the application site is Hayne Lane, a typical narrow width Devon lane with the residential estate beyond. To the west of the application site are more agricultural fields of varying parcel size and shape.

## **ANALYSIS**

### **Policy context and the districts 5 year housing land supply**

Under the adopted Local Plan the site lies outside of the built up area boundary of Honiton and within the open countryside. Under Strategy 7 of the Local Plan residential development would not normally be supported in this location. The legislation is clear that applications should be determined in accordance with the development plan unless other material considerations suggest otherwise. One such consideration is the National Planning Policy Framework. The framework states that plans and decisions should apply a presumption in favour of sustainable development. Explicitly paragraph 11 of the Framework, in the decision-taking section states:

*For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay*

*; and*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date,*

*granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*

*; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

This development does not take place within a designated landscape and so the tilted balance referred to in ii above should be applied where policies are not up to date.

Members should be aware of the recent report to strategic planning committee on the 14th September 2022. This report stated that the 5 year housing supply in the district (plus buffer) has dropped to 4.65 years. This has direct consequences with regard to paragraph 11 of the Framework as footnote 8 states 'this includes, for

applications involving the provision of housing, situation where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites...'

The policies of the adopted East Devon Local plan which are directly related to the supply of housing have evidently not maintained a suitable supply of housing within the district. These policies include, amongst others, establishing settlement boundaries to control sporadic development and a hierarchy of settlements. The weight that can be attributed to these policies is therefore key to whether it is acceptable in principle.

Paragraph 11 of the NPPF is clear in that where the policies of the Local Plan are out of date, which is the case here in the absence of a 5 year housing land supply, then a so called 'tilted balance' is applied, i.e. unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole then consent should be granted. This tilted balance is applicable to the determination of this planning application.

Members should also be aware that paragraph 14 of the Framework advises that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made. In this instance the proposal takes place within the ward of Feniton. Whilst Feniton has a 'made' neighbourhood plan the defined neighbourhood area, wherein development would be subject to its policies, does not include this site as it was drawn to include the parish of Feniton only. Furthermore, this neighbourhood plan was 'made' in 19 July 2018 – more than two years ago from the time of writing. Accordingly, paragraph 14 of the Framework does not effect the application of paragraph 11 under this proposal.

The above noted the proposal needs to be assessed against the development plan and other material considerations to determine how the assessment of the principle sits with the tilted balance. This is done below with the principle revisited at the end of the report:

#### The impact on the character and appearance of the countryside (and the AONB designation beyond)

A Landscape Visual Impact Assessment (LVIA) has been submitted with this planning application and the landscape officer considers this to be broadly acceptable. It has been agreed that there are a limited number of viewpoints from which the development would be visible. From such views it would be seen within the context of the housing scheme which is currently under construction. However, concern was raised regarding the indicative plans with the 3 storey units shown as likely to have greater prominence.

The East Devon AONB lies further to the south of the application site, at a higher gradient of the sloping land above the 115m gradient line. Whilst there would be

viewpoints of both the development and the AONB designation due to the difference in ground levels the development is unlikely to interrupt or preclude views of this designated land to a harmful degree. There could also be some merit in replacing existing agricultural buildings on the site with lower profile dwelling houses.

The proposal would entail the construction of a new roadway off Longlands Way which forms part of the development to the north which is under construction. In landscape terms this access arrangement causes some concerns as at its northern end it would lead to the new access drive running parallel to a proposed private driveway and footpath creating a wide section of hard surfacing. The Landscape Architect suggests that this should be rearranged and broken up with some additional landscaped areas. The submitted indicative layout would also be dominated by a five way vehicular junction, with indicative positioning of dwellings restricting potential mitigating landscaping.

Whilst these concerns are noted such matters of landscape and layout are reserved for future consideration. Furthermore, conditions have been suggested which specifically deal with landscape aspects of the proposal. Again, landscape is a reserved matter and so it would not be reasonable or necessary to add such conditions to an outline consent. Therefore minimal weight is attributed to these identified harms, which the applicant has an opportunity to address in a forthcoming reserved matters application if consent were to be granted.

Overall some harm to the landscape has been identified albeit there is potential to minimise this through the detailed layout and landscaping details at reserved matters stage. The harm would be localised (and would not harm the qualities of the AONB designation to the south), and taking into account that there are existing buildings on the site, this harm is given modest weight in the planning balance.

### The provision of affordable housing

For the proposal to be compliant with the existing local plan and given that it is outside of any identified BUAB then under strategy 34 an affordable housing target of 50% applies. If the proposal was situated within the BUAB of Honiton then a 25 % affordable target would be sought as per the same policy. However, the adopted local plan strategy for affordable housing, like the BUAB policies, are also considered to be out of date, in light of the Frameworks direction on decision taking.

As the BUABs, and the policies that establish these, are out of date it would seem reasonable for development on the fringes of settlements such as this to adopt the 25% affordable housing figure. This is because in this case the affordable housing would be meeting the needs of Honiton and the boundaries upon which the different targets are predicated have diminished in light of the tilted balance.

This position does not however absolve developers of the need to provide affordable housing as a requirement of the social objective of sustainable development under the NPPF which is clearly to ensure that “a sufficient number and range of homes can be provided to meet the needs of present and future generations”.

In any event neither of the above affordable housing policy figures are targeted under the current proposal. Instead a viability assessment has been submitted to justify a lesser figure of only 3 affordable units. This viability assessment has been reviewed by the Council's in house viability assessor and, due primarily to the abnormal construction costs involved, it has been demonstrated to the planning authority's satisfaction that only 3 affordable units can be constructed. Particular abnormal costs that are significantly impacting on viability in this case are:

- Ground levels – The site levels rise by about 5m from the north-west of the site to the south-east and as a result there would be significant earthworks involved and retaining structures to effectively cut the development into the slope. This would also entail the use of piled foundations and block and beam slabs.
- Demolition and clearance – The existing site is covered by a number of farm buildings with concrete slabs that will all need to be demolished and removed. The buildings are likely involve the removal of asbestos and ground contamination is also anticipated.
- Foul Drainage – The connection point to the foul drain is quite a long way from the site and located uphill and so the development will require it's own foul water pumping station.

Other less significant abnormal costs are also referred to in the appraisal including the loss of one of the approved houses in the approved development to the north, additional costs of surface water drainage, highway costs etc.

The development appraisal, addendum and sensitivity analysis all show the site cannot support any level of affordable housing. It is recognised that the various viability assessments show that the site cannot support any level of affordable housing and that the applicant is making a good will gesture by offering 3 units. As this is an outline application we are at this stage seeking to establish the principle of affordable housing provision. The type and amount can only really be established on submission of a reserved matters application when the full details of the scheme are available to better determine viability. Therefore as is usually the case with viability at outline stage a further viability assessment will be required on submission of the reserved matters application but a minimum requirement of 3 units would be secured through the S106. An overage clause would also be required to revisit this element at reserved matters stage and allow for a 'claw back' position should economic circumstances provide.

It should be highlighted that the development would still make a full contribution to the Community Infrastructure Levy as this is non-negotiable. It is however the affordable housing position in particular that suffers when viability issues are raised as this is secured through a Section 106 agreement which is negotiable. In this case a contribution is also sought from the NHS Foundation Trust which the scheme can also not afford to pay according to the viability work undertaken.

### Whether occupiers would be reliant on private modes of transport to reach a suitable level of services and facilities.

Policy TC2 of the adopted Local plan states new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.

The site lies outside of the Built Up Area Boundary (BUAB) for Honiton in the emerging local plan and is approx. 1.2 miles from its town centre. The nearest supermarket is approximately 0.7 miles with the closest employment area being the adjacent Heathpark industrial estate. There is a close by bus stop with a primary and secondary school within a 1.5 miles of this site. The surrounding pedestrian network is in generally good stead with good connectivity in place to Heathpark and beyond.

Taking all of the above into account and noting the distance to a suitable level of services and facilities, as well as the pedestrian routes and transport linkages, the proposal is considered to be in compliance with local plan policy TC2.

### The impact on traffic

Whilst access is a reserved matter the impact on the increase in traffic arising from the introduction of up to 37 dwellings on the surrounding network. To facilitate this development the adjacent residential development, currently under construction, requires the movement of one of the units to allow access to this site. A non material minor amendment has been approved on the planning application of the adjacent planning application which facilitated this.

Additional traffic, will of course, be generated by the proposal which would be routed through the existing estate. However, no objections have been received to date from the county or national highway authorities to this element of the proposal.

### The impact on wildlife

An ecological assessment has been carried out by Tyler Grange Group. The site is not covered by any statutory designation and is not within 10km of a Special Protection Area.

A site specific phase 2 survey has been conducted in order to ascertain any protected species. Whilst no badgers or bats were found reptile surveys recorded a low population of grass snake and slow worms. Therefore safeguarding of such species is suggested.

New hedgerows, SuDs, grassland area and bat boxes would allow for biodiversity enhancements. No objection has been received from Natural England.

### Flooding, Surface and foul water drainage

Policy EN22 of the local plan states that Surface water in all major commercial developments or schemes for 10 homes or more (or any revised threshold set by Government) should be managed by sustainable drainage systems, unless demonstrated to be inappropriate.

Whilst the lead flood authority have not responded to the consultation request it would appear that there was some pre application advice given by DCC in January 2021. DCC states that for discharge rates on a 'brownfield' site it would be expected that at least 50% betterment in rates for a range of return periods and storm durations occurs. A cellular storage tank within the site is proposed with feed in surface sewers routed along the adoptable highway. Drainage calculations have also been provided. At the time of writing no objection has been raised to this element for the experts at DCC and so this does not weigh against the proposal. A condition is necessary to ensure SuDs details are carried through to reserved matters stage in order to secure policy compliance.

No evidence has been submitted to suggest that the current foul drainage sewage is at capacity and so not able to accommodate the quantum of development proposed. SWW have not objected to the proposal.

#### Provision of Open Space

From the submitted Heads of Terms and indicative layout on site open space is proposed. Strategy 43 of the local plan states that for proposals between 10-49 dwellings in size amenity open space will be required. The layout, which is a reserved matter, should include details of this open space in line with the current requirement standards. At this outline stage a commitment to the provision of open space in the form of a S106 would be required.

#### Consideration of the potential benefits in favour of this proposal

The Framework seeks to significantly boost the supply of housing. The proposal would provide for up to 37 dwellings to bolster the needed supply of housing in the district. This would bring about economic benefits (as will be noted below), as well as social benefits in bringing housing at a time when it is much needed. This provision of housing, in accordance with one of the main thrusts of the Framework, is given significant weight in the planning balance.

Although this proposed development is not in accordance with the adopted Local Plan it is worth noting that the consultation on the draft new Local Plan identifies this site as a preferred allocation. The site is referred to as "Gitti\_6" in the published assessment work which notes its good access road, accessibility to employment opportunities and facilities and its limited impact on the historic environment. The assessment notes the sites low-medium sensitivity in landscape terms but that trees and hedgerows on adjoining land reduce its impact including on the nearby AONB.

The only significant concern raised in the local plan assessment work is the limited transport links into the town. Although the emerging Local Plan cannot carry weight at this early stage it is worth noting the assessment work that has been carried out and the significant potential for this site to be allocated in the future.

#### Whether the proposal conflicts with the development plan, taken as a whole.

As can be seen from the forgoing sections there has not been severe conflict with the individual policies of the adopted local plan. Footnote 8 of the Framework 'triggers' the need for a development proposal to be considered against paragraph 11 d) ii. but this, in itself, does not determine the weight to be attached to the conflict with any development plan policies relevant to that proposal. If there is no 5 year housing land supply the most important policies are deemed to be out-of-date for the purpose of paragraph 11 d). However, the Framework does not prescribe the weight which should be given to the conflict with those development plan policies in such circumstances.

At the time of writing the housing supply deficit is approximately half a year behind meeting its 5 year target. Although this deficit is not considered a 'significant' shortfall it nevertheless has direct bearing on this proposal.

#### The paragraph 11 balance

It can be seen from the above that paragraph 11 d is applicable because of the 5 year housing land supply position within the district. There are no land designations, as stipulated in the exhaustive footnote of the same paragraph, preventing the application of this tilted balance. The proposed development outside of the build-up area represents encroachment into the countryside. This change in the character of the landscape results in modest harm. However, the proposal would provide much needed housing within the district and provide some affordable housing which, although very modest, is nevertheless socially beneficial. As this can be achieved whilst mitigating the impact of the development on ecology and, to a degree landscape, it is clear that benefits of the proposal outweigh the adverse impacts.

The proposal would bring some economic benefits including short term through the construction phase and longer term through additional spend generated by new residents, who would also help to sustain local services. These benefits are attributed moderate weight in the planning balance.

Taken in the round the above considerations have not established that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

#### Final planning balance - S38(6)

The Framework indicates that where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites the policies in the development plan are to be considered out of date. In such cases planning permission should be approved without delay unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme.

Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, in accordance with section 38(6) of the Planning and Compulsory Purchase Act (2004). The Framework is only one such material consideration and even where paragraph 11 applies, it remains necessary to reach a final conclusion against section 38(6).

It can be seen that this proposal would provide homes towards meeting the housing need within the district. This can be achieved in a relatively suitable location with transport links to an appropriate level of services and facilities. The harm that would arise to landscape and the character of the area, would not significantly and demonstrably outweigh the very substantial benefits the scheme would provide in relation to housing provision and other identified benefits.

The outcome of the Framework paragraph 11 d) process indicates that this decision should be taken otherwise than in accordance with the development plan. The proposal would therefore amount to sustainable development when assessed against the Framework, taken as a whole. This is a material consideration which would outweigh the identified limited landscape conflict.

### Conditions and S106 legal matters

As the absence of a 5 year housing land supply has carried significant weight in the assessment of this application it is considered appropriate to consider whether a reduced timescale for the submission of reserved matters and commencement of development is appropriate.

There is a need to bring forward development quickly to bolster supply and the fact that this application is only in outline at this stage indicates the level of work needed to bring it forward. It will only benefit our 5 year land supply position if this happens more quickly than the usual timescales which at 3 years for submission of reserved matters and 2 years from their approval to commence could lead to development not actually commencing until later than 5 years from now. It is therefore recommended that reserved matters be submitted within 1 year and commencement within 2 years to bring the timescales for delivery to within the next 5 years and in-line with those for commencement under a full consent.

In order to mitigate the impact of this development a legal agreement would be needed to secure the planning obligations set out in the report. At the time of writing a S106 legal agreement securing the above requirements has not been secured. Accordingly, the recommendation to Members is that of a resolution to approve, subject to the completion of the S106 and the conditions below.

## **RECOMMENDATION**

APPROVE subject to completion of a legal agreement to secure:

- Provision of on-site affordable housing
- Provision of Open space and maintenance
- Arrangement of maintenance for any grassland/parkland/communal areas.
- Revisiting of viability at reserved matters stage and beyond (overage clause)

and the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).
2. Approval of the details of the layout, scale and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason - The application is in outline with one or more matters reserved.)
3. No development shall take place until a revised Construction and Environment Management Plan (CEMP) (to include schemes for the suppression of dust and air quality measuring and mitigation has been submitted to and agreed in writing with the Local Planning Authority. The development shall not proceed otherwise than in strict accordance with the CEMP as may be agreed unless otherwise agreed in writing with the Local Planning Authority.  
(Reason - To ameliorate and mitigate against the impact of the development on the local community in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan)
4. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.  
(Reason - To ameliorate and mitigate against the impact of the development on the local community in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan)
5. No development shall take place until the applicant (or their heir or successor in title) has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

(Reason - To ensure that an appropriate record is made of archaeological evidence that may be affected by the development.)

6. Prior to their installation, a schedule of materials and finishes, including British Standard or manufacturer's colour schemes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls, roofs and ground surface materials of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

7. The development shall not proceed other than in strict accordance with the Flood Risk Assessment dated March 2022 conducted by Focus on Design.  
(Reason -To ensure the development complies with the guidance as set out in the National Planning Policy Framework) and policy EN21 of the East Devon Local Plan).

8. The development shall not proceed other than in strict accordance with the recommendation, mitigation measures and enhancements detailed in the Ecological Assessment dated 8th April 2022 reference 13353\_R02-TLR-CW conducted by Tyler Grange.

(Reason -To ensure protected species are managed in an appropriate way in accordance with Policy EN6 (Wildlife Habitats and Features) of the East Devon Local Plan.)

9. Due to elevated levels of Benzo[b]fluoranthene, Benzo(a)pyrene and Dibenz(a,h)Anthracene, above the S4UL for residential site use with home grown produce further investigation is required post demolition under buildings and in the vicinity of DS03.

Prior to the commencement of development (excluding demolition) a new investigation and risk assessment must be undertaken in accordance with the requirements of the phase I & Phase II investigation and where remediation is necessary a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation strategy a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority.

(Reason: To ensure that any contamination existing and exposed during the development is identified and remediated, in accordance with policy EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031).

10. The landscaping scheme approved at the reserved matters stage shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be

maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan)

11. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arborocultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

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

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

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

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

(Reason - To ensure retention and protection of trees on the site 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), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan.)

12. No development hereby permitted shall commence until the following information has been submitted prior to reserved matters / discharge of conditions stage and approved in writing by the Local Planning Authority:
  - (a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with our DCC groundwater monitoring policy.
  - (b) Evidence that there is a low risk of groundwater re-emergence downslope of the

site from any proposed soakaways or infiltration basins/tanks.

(c) A detailed drainage design based upon the approved Flood Risk Assessment  
And Drainage Strategy dated March 22 conducted by Focus on Design and the results of the information submitted in relation to (a) and (b) above

(d) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(f) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(g) A plan indicating how exceedance flows will be safely managed at the site.

(h) A detailed assessment of the condition and capacity of the existing surface water drainage system that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

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

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

0756-101	Location Plan	15.06.22
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List of Background Papers

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

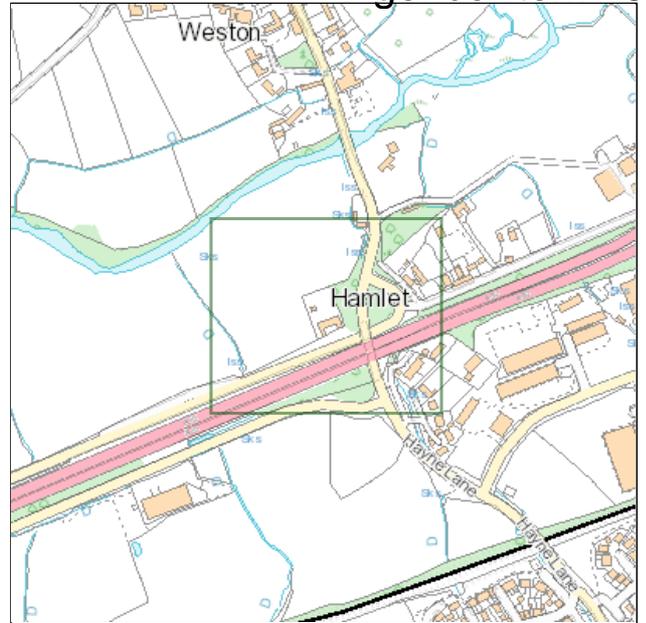
**Ward** Feniton

**Reference** 22/1622/FUL

**Applicant** Mr Mark And Mrs Lisa Clouter

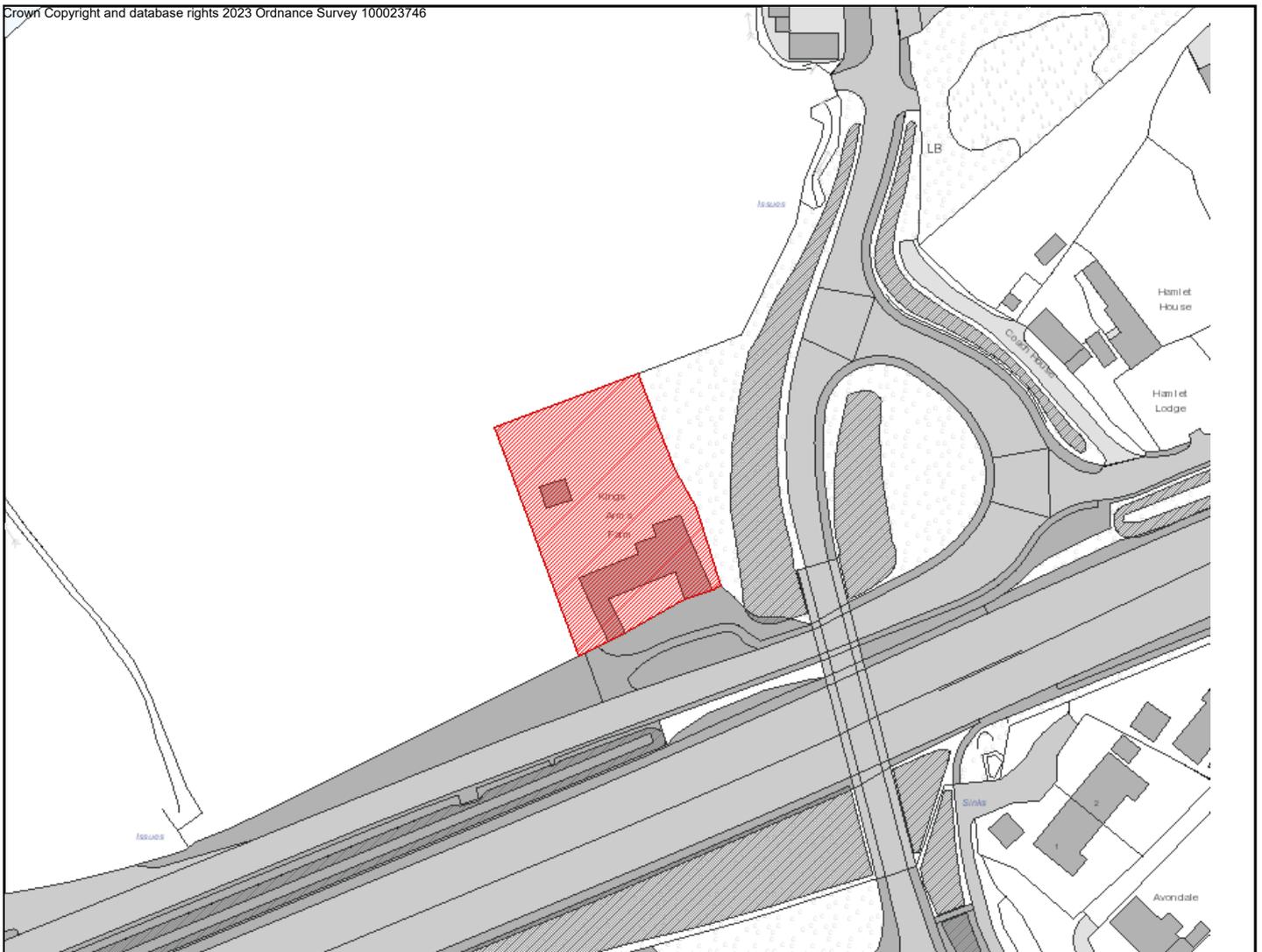
**Location** Kings Arms Farm Nags Head Road Gittisham Devon EX14 3AP

**Proposal** Construction of a two storey 18-unit residential home for vulnerable people.



**RECOMMENDATION: Refusal**

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		<b>Committee Date: 31.01.2023</b>
<b>Feniton (Gittisham)</b>	<b>22/1622/FUL</b>	<b>Target Date: 28.09.2022</b>
<b>Applicant:</b>	<b>Mr Mark And Mrs Lisa Clouter</b>	
<b>Location:</b>	<b>Kings Arms Farm Nags Head Road</b>	
<b>Proposal:</b>	<b>Construction of a two storey 18-unit residential home for vulnerable people.</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

**The proposal seeks planning consent for the creation of a detached two storey 18 unit residential home for vulnerable people. There is an existing dwelling on the site which is currently being operated for this purpose. The proposed building would be positioned behind this existing building in a form of tandem development. Whilst there is not an objection raised in principle to the development as an expansion of the existing C2 use of the site there are two main issues which could result in harm.**

**Due to the proximity of the River Otter part of the proposed building would be within floodzone 2. Therefore the sequential test is required to be carried out. The submitted Flood Risk Assessment does not provide cogent reasoning for the provision of such a C2 use within a floodzone or why other sites (outside of floodzone 2 and 3) could not accommodate this development.**

**During the processing of the planning application a Tree Protection Plan and Arboricultural Method Statement were requested to account for the impact on existing trees which provided significant screening of the site and the development proposed. However, this was not carried out and instead these trees were significant lopped so as to no longer provide for a constraint. The consequence of this is that the site, as it stands at the time of writing, is significantly more exposed from the public realm.**

**The design of the block lacks reference to the surrounding built form, is purely functional and has a lean to roof with a shallow pitch adding to its bulk. Given that the site context has now changed this lack in quality is now exposed, such that there is conflict with policies which seek to reinforce local distinctiveness and ensure development is sympathetic to the local character.**

**Therefore due to these two reasons a recommendation of refusal is made. As this recommendation conflicts with the comments of a ward member this proposal is referred to members of the Development Management Committee.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Gittisham parish council has no objection to this application.

#### Feniton - Cllr Alasdair Bruce

Having received a copy of your email to Mr Clouter regarding their application I am somewhat what concerned at the apparent sudden appearance of your objections given the positive information they received in August of 2022.

In light of this I would ask that you defer putting this application forward for your discussion with the chair of planning committee, so that further discussions can take place to see if your belated objections can be addressed. If you are not prepared to do this then I wish to register to have this application be called in to the next committee meeting.

### **Technical Consultations**

#### Police Architectural Liaison Officer - Kris Calderhead

22/1622/FUL | Construction of a two storey 18-unit residential home for vulnerable people. | Kings Arms Farm Nags Head Road Gittisham Devon EX14 3AP

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application.

I have liaised with the local neighbourhood policing team who have no objection to the scheme.

I would like to make the following comments from a designing out crime perspective.

- o Boundary treatments are somewhat unclear on the site plan, but they must be substantial enough to prevent casual intrusion to private space. 1.8m high fencing or similar is appropriate. Any open access, particularly to the rear, leaves the site vulnerable to burglary, theft offences and more challenging to monitor movement at the site.

- o Access control: what access control measures will be in place? Unauthorised access and casual intrusion on to site should be prevented with private space clearly defined. Visitors should be directed to staff and not be granted access beyond the public realm without permission.

- o Will there be any systems in place to monitor staff and resident movements i.e. comings and goings etc?

- o Presumably management plans, policies and procedures are in place to deal with incidents, behaviour, care, safeguarding etc?

- o It is recommended that external doors and accessible windows are certificated to a nationally recognised security standard such as PAS24:2016 for example, as directed by Part Q Building Regulations.

- o Consider the use of defensive planting (1m high by 1m deep) on elevations with ground floor windows to prevent unimpeded access to open windows.
- o The bin store should be robust enough to be easily secured with a lock to the door that prevents residents being accidentally locked in e.g. thumb turn egress.

### Environment Agency

#### CONSTRUCTION OF A TWO STOREY 18-UNIT RESIDENTIAL HOME FOR VULNERABLE PEOPLE KINGS ARMS FARM NAGS HEAD ROAD GITTISHAM DEVON EX14 3AP

Thank you for consulting us on the above planning application.

#### Environment Agency position

We object to the application on grounds that insufficient information has been submitted to demonstrate that the proposed private package treatment plant is justified in this location and, if so, is viable and will not be detrimental to the environment. We recommend that the application is not determined until a satisfactory Foul Drainage Assessment has been submitted.

The reasons for this position are provided below.

#### Reasons - Foul drainage

The information submitted with the application indicates that foul drainage will be disposed of to a non-mains foul drainage system.

Government guidance within the National Planning Practice Guidance (paragraph 020 in the section on water supply, wastewater and water quality - Reference ID: 34-020-20140306) stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered. We note that the site is located relatively close to mains drainage, so it is important that the applicant provides sufficient justification as to why their proposal cannot connect to the mains drainage.

Paragraph 20 also states that 'applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment'. Any planning application for a non-mains system should therefore be accompanied by a Foul Drainage Assessment (FDA) form including a justification for why connection to the mains sewerage system is not feasible and sufficient information to demonstrate that the proposed system will be viable in this location and will not be detrimental to the environment. Sufficient information would normally include the provision of the following:

- o Full details of the proposed flows (based on Flows and Loads 4);
- o A plan showing the location of the proposed treatment plant and appropriately sized soakaway field/discharge point; and

o Percolation test results to demonstrate the viability of soakaways in this location.

The FDA form is available online at <https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

In the absence of this information we advise that the proposal is unacceptable because it does not provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development.

#### Advice to applicant - Environmental Permitting

Any non-mains foul drainage system associated with this development will require an Environmental Permit from the Environment Agency under the Environmental Permitting Regulations 2010, unless it satisfies the General Binding Rules for small sewage discharges in England. The General Binding Rules can be found online at <https://www.gov.uk/government/publications/small-sewage-discharges-in-england-general-binding-rules>.

If the proposed foul discharge will not satisfy the General Binding Rules the applicant is advised to contact our National Permitting Service on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted, particularly if the discharge is located within an area served by a mains sewer. Additional 'Environmental Permitting Guidance' can be accessed online at <https://www.gov.uk/permits-you-need-for-septic-tanks>.

#### Other Representations

None received to date.

#### **PLANNING HISTORY**

Reference	Description	Decision	Date
94/P0446	Change Of Use From Antique Storage To Workshop	Approve	06.06.1994
06/0999/COU	Change of use to residential single dwelling	Approve	05.06.2006

#### **POLICIES**

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

Strategy 7 (Development in the Countryside)

EN5 (Wildlife Habitats and Features)

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

TC2 (Accessibility of New Development)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

D2 (Landscape Requirements)

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)  
EN21 (River and Coastal Flooding)  
TC9 (Parking Provision in New Development)  
TC7 (Adequacy of Road Network and Site Access)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

### **ANALYSIS**

#### The proposed use and principle of the development

It is understood that the premises is used as a care home under use class C2, however no planning permission has ever been granted for this use. The most recent planning application for the site was in 2006 for its change of use to a private dwelling and was made by the previous owner. It is understood that the application was submitted to try and facilitate an alternative sale, but although granted, the consent was never implemented (the proximity of property to the A30 and associated noise and difficulty of drainage were suggested reasons why it was not pursued).

The applicants understanding is that he bought Kings Arms Farm as an House in Multiple Occupation (HMO) for vulnerable people. The site has for the previous 17 years had "on site assistance for residents" (so meaning the site and its use have been Use Class C2 since purchase in 2006). The applicant claims that, by default of the passing of 10 years, this C2 use is now lawful.

The submitted Design and Access Statement states that the existing building is currently occupied by 6 residents with learning difficulties. This operation is managed by United Response. The D & A described this as a HMO that could fall into a C4 use (Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom) or C2 depending on the level of care provided.

The Use Classes Order defines a C2 use as "use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)). Use as a hospital or nursing home. Use as a residential school, college or training centre." Care is defined in the Order as "personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs, or past or present mental disorder and treatment." The use of the existing building for the care of the 6 residents with learning difficulties with a care element would fall within a C2 use. Council tax records notes the property type as a 'residential institution – communal residences' which was last updated in June 2013. Informal enquiries made to the planning authority also suggest that a care home use existed during this time. Therefore, on the balance of probability, and without evidence to the contrary it is likely that the existing C2 use of the building is established for the purposes of assessing this development.

As such, no affordable housing requirement exists in Policy terms, there is no conflict with Strategy 34 of the LP and there is no requirement for a planning obligation in this respect.

The proposal takes place within the open countryside where rural restrictive policies generally limit development unless it accords with a specific policy of the local plan. Although there is no specific policy covering the expansion of existing care homes in the countryside there is policy support for the expansion of existing residential and business premises and support for the provision of care homes. There is not therefore considered to be any objection to the principle of developing the site as proposed. Therefore, with the principle established, it is necessary to consider contextual matters.

### The impact on trees

The boundary of the plot was surrounded by mature trees with mid to large canopies. These offered significant screening of the site and would have minimised the impact of the development on the surrounding landscape by reducing the overall prominence and breaking up the massing, when viewed from adjacent public vantage points.

During the processing of this planning application a tree protection plan and arboricultural method statement was requested to ensure the longevity of the trees - in order to provide suitable screening for the building proposed. These pieces of additional information were not carried out and instead the trees surrounding the footprint of the proposed building were chopped to a significant extent. Whilst what remains of the significantly lopped trees can no longer form a constraint on the development the site is now significantly more exposed. So during the processing of this application the context of the development has now been altered. This needs to be factoring in the decision taking on the potential impact on the character and appearance of the area.

### The proposed design and impact on the character and appearance of the area

The proposal seeks planning consent for the creation of a two storey 18 bedroom residential block to cater for vulnerable people. Configured in an L shape building the focus is on the courtyard/garden area within the centre of the site. Mono-pitched roofs sit atop two floors of accommodation. Internally additional areas are dedicated towards staff with some dedicated communal rooms.

There are some surrounding dwellings of a traditional appearance in the area. These are either detached or form a traditional terrace fronting the adjacent highway. The character and appearance of the surrounding area is open and rural in nature with sporadic residential and agricultural development. The land to the north and west of the site is generally flat as this consists of the flood plain for the River Otter. Long distance views of the rolling hills of the Blackdowns can be seen further to the north east. The site contributes towards this open setting with a traditional design and well - proportioned dwelling fronting the adjacent highway. The overpass of the A30, and indeed the A30 dual carriageway itself lies in close proximity to the east of the application site and are urbanising features. However, it should be noted that the 'off ramp' of the overpass on the north side of the A30 is somewhat screened with

vegetation. Despite these noted features the site still retains a predominantly rural context.

The proposed block is not subservient to the host dwelling and reflects none of its character and features. Nor does it represent an attractive or distinctive design to provide appropriate contrast. By erring on the side of functionality the design would form a formulaic block with wings of accommodation such as those found at a school or hospital in an urban setting. This arrangement, volume and shape results in a large bulk in stark contrast to the modest proportions of the existing building. The shallow mono pitch roof form, introduced to aid optimal thermal use of the building, has the effect of adding significant bulk to the building and is a roof form which is not reflective of surrounding buildings. This roof form and associated bulk would be readily apparent from surrounding vantage points and especially on the approach to the site when heading in an easterly direction.

Clearly perceptible within the landscape due to the removal of landscape screening this utilitarian style of accommodation is at odds with the more traditional domestic scale and style of its surrounds and the traditional materials common to the area. The proposal upsets the balance and harmony with the existing building, and appears incongruous with other similarly proportioned dwellings in the area. The proposal therefore fails to integrate with the surrounding area in a meaningful way.

Whilst there are existing detracting features within the surrounds, such as the nearby overpass and dual carriageway, these do not alter the largely rural character of the site and does not mean that further degradation of the environment is justified or would meet the policy requirements.

There is conflict with strategy 7 and policy D1 of the local plan in this regard which requires development to reinforce the local distinctiveness of the area.

### The Potential for Flooding

The River Otter lies to the north of the application site. As a result of the position of this River much of the surrounding land falls within its flood zone. The application site in particular is encroached by flood zone 2 and specifically this covers the north west corner. Part of the footprint of the building falls within flood zone 2 and so the sequential test is applicable to this development in accordance with the NPPF. The sequential test aims to assess whether there are any reasonable available sites which could accommodate the development in an area less prone to flooding i.e. flood zone 1. 'Reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. It is incumbent on the applicant to demonstrate why this site is most appropriate and why there is no other reasonable available sites to place the development. Alterations to ground levels in the past have not overcome these requirements, and indeed ground level movements could alter flood risk elsewhere outside of the site.

As a result of the above during the processing of this planning application it was advised that a site specific FRA (Flood Risk Assessment) was produced in order to

provide the opportunity to express that this location, above any other, would be suitable. An FRA was produced following this which stated;

The NPPF (Annex 3: Flood risk vulnerability classification) classifies the proposed development as 'More vulnerable' (in this case the development is a 'Residential institutions - residential care homes (extension of)').

The NPPF identifies and details 'more vulnerable' uses being compatible in Flood Zone 2, and no Exception Test is required.

The NPPG helpfully provides interpretation of how the sequential (and if successful the exception test) is to be applied. Residential institutions do indeed fall under the 'more vulnerable' category and table 2 states that within flood zone 2 more vulnerable uses do not require the application of the exception test. However, as per the notes to table 2, 'This table does not show the application of the Sequential Test which should be applied first to guide development to the lowest flood risk areas; nor does it reflect the need to avoid flood risk from sources other than rivers and the sea'. Therefore the submitted FRA is incorrect in terms of its claim that further assessment is not required. The development is not exempt from application of the sequential test, and clearly table 2 is not aimed at addressing the sequential test.

In the absence of evidence to suggest that the accommodation provided would address any more localised need for residential development, the view is taken that the geographical area to which the sequential test should be applied is the district of East Devon. No exploration of alternative sites in flood zone 1 has been attempted or reasons made explicit as to why this site would benefit in terms of its operation being situated adjacent to an existing care facility. The link with the existing facility is unclear and if there is an operational need for this development to be on the same site then the development could be re-sited or redesigned to avoid the parts of the site that are within flood zone 2.

Therefore no cogent evidence has been presented as to how and why the proposal would meet the sequential test, despite the delay in the processing of this planning application to allow for an updated FRA. Neither have any attempts been made to relocate the proposal outside of the flood zone. There is therefore conflict with the NPPF and policy EN21 of the local plan which seeks to ensure development is positioned in appropriate areas free of potential flood risk.

### The impact on traffic

Given the amount of bedrooms proposed and the increase in staff and visitors it is reasonable to expect an increase in traffic using the sites access and exit junction with the adjacent highway. The existing junction is free of any hindrance that could potentially effect visibility and the road is relatively straight for a stretch of approximately 60 metres in each direction. The road appears lightly trafficked, as the adjacent dual carriage way which covers much of the same route is clearly preferred by road users.

Accordingly, and without any objections raised by the Highway Authority, this issue does not weigh against the proposal.

### Potential benefits

It needs to be recognised that in providing a C2 use for vulnerable people this contributes towards a social dimension which needs to be given weight in the planning balance. It is clearly important that care facilities are provided to help those in need and there is no objection in-principle to this facility being expanded to help to meet those needs and these benefits being delivered subject to an appropriate design and the flood risk issues being addressed.

There would also be short term benefits arising from the construction phase resulting in some employment.

### Other matters

Updated plans have been received showing a sewage treatment plant to counter the objection by SWW. A separate FDA1 form has now been submitted upon request. Therefore there are no objections to treatment of foul water.

In addition to the issue regarding foul drainage the applicant was also given the opportunity to address the flood risk issues and protection of trees prior to the formation of a recommendation. The submitted information on flood risk did not overcome concern, as explained above. Further, the changes to the site conditions as a result of recent actions required reassessment of the impact of the design on its local context. Therefore officers have attempted to work with the applicant to address these fundamental issues but this has not been successful.

### Conclusions

The proposal seeks to create a residential home for vulnerable people as an expansion to the existing accommodation on the site. The social benefits of providing this service is recognised, however part of the building lies within floodzone 2 and there has not been any exploration to discount other sites, outside of flood zones 2 or 3, which could contain this kind of residential development. Nor has any attempt been made to relocate or redesign the block to address the flooding constraints on the site.

Furthermore, significant lopping and chopping of perimeter trees has exposed this site to wider public viewpoints. The proposed design does not sit well in relation to the host building and is not of a quality which takes opportunities to enhance the site. Within this context the lack of quality design of the proposal represents a further reason for refusal.

Therefore although the principle of the development is sound these restrictions due to the potential flood risk and poor quality of design weighs heavily against the proposal and so a recommendation of refusal is made.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The Environment Agency Flood Map indicates that the site lies in flood zone 2 where there is a significant risk of flooding. There are other reasonably available sites within the district of East Devon with a lower probability of flooding than the application site which would be appropriate for the type of 'more vulnerable' residential home development for vulnerable people. In the absence of a sequential test showing there are no alternative sites for a residential home for vulnerable people there is a lack of evidence that the proposal would bring about wider sustainability benefits for the community that would outweigh the flood risks for the buildings and potential occupiers over the lifetime of the buildings on a site within the existing parameters of flood zone 2. The proposals is therefore contrary to guidance within the National Planning Policy Framework and National Planning Policy Guidance and Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan.
2. The proposed design, by virtue of its scale, massing, roof design and poor articulation fails to provide suitable reference to its rural surrounds or provide suitable subservience to the original building. This resulting harm is made more prominent from the public realm by the felling of the natural boundary screening. As such the proposal is considered to conflict with the requirements of strategy 7 (Development in the Countryside) and policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and guidance contained with the National Planning Policy Framework and National Design Guidance.

### 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 proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

#### Informative:

The applicant/developer is advised that before any dropped kerbs are installed you should contact the Area Highways Management Team at Sowton Exeter on 0845 155 1004 or email [eastareahm@devon.gov.uk](mailto:eastareahm@devon.gov.uk) for a licence under Section 184 of the Highways Act 1980.

#### Plans relating to this application:

	Location Plan	25.07.22
P5	Proposed Elevation	25.07.22

P4	Proposed Elevation	25.07.22
P1	Existing Combined Plans	25.07.22
P2	Proposed Floor Plans	25.07.22
P3	Proposed Floor Plans	25.07.22

List of Background Papers

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

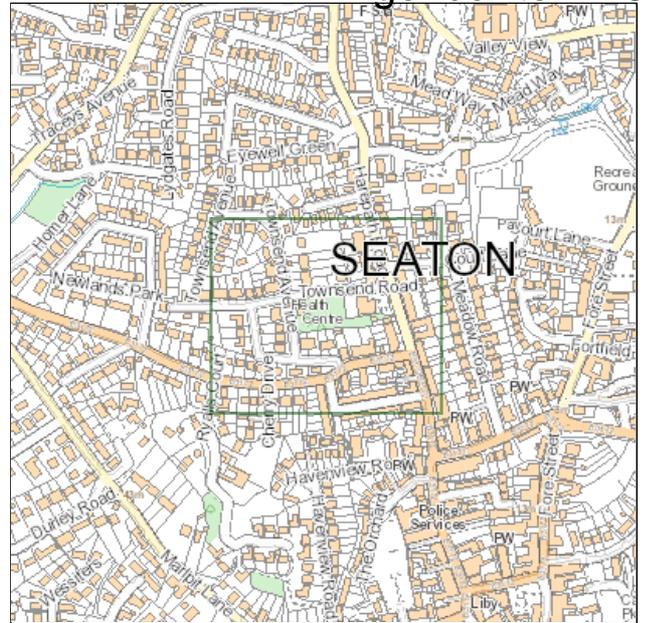
**Ward** Seaton

**Reference** 22/1386/OUT

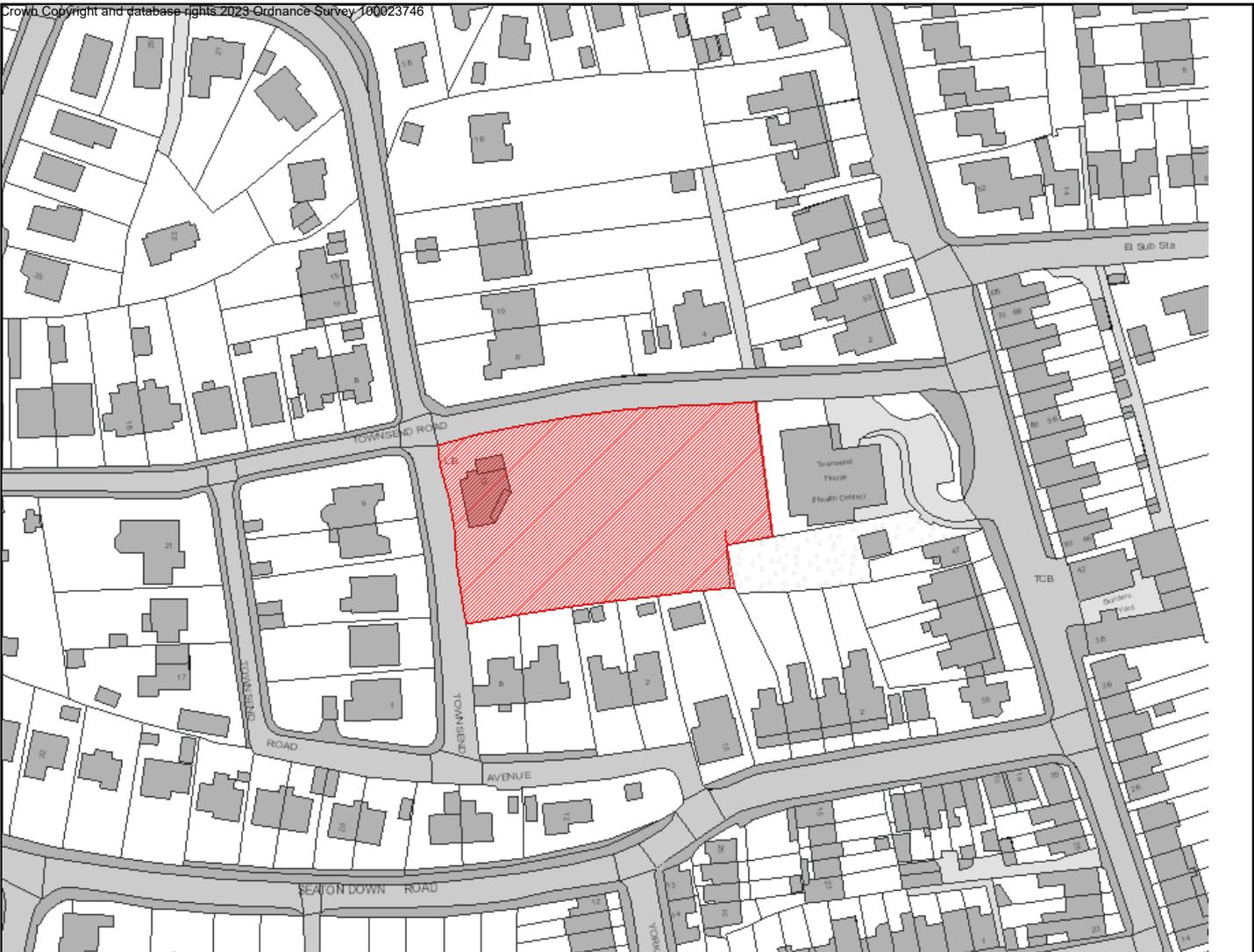
**Applicant** Townsend Park Ltd

**Location** 15 Townsend Road Seaton EX12 2AY

**Proposal** Erection of 5 dwelling houses with garaging (demolition of existing dwelling house). Provision of new vehicular access (closure of existing access).



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 31<sup>st</sup> January 2023</b>
<b>Seaton (Seaton)</b>	<b>22/1386/OUT</b>	<b>Target Date: 29.08.2022</b>
<b>Applicant:</b>	<b>Townsend Park Ltd</b>	
<b>Location:</b>	<b>15 Townsend Road Seaton</b>	
<b>Proposal:</b>	<b>Erection of 5 dwelling houses with garaging (demolition of existing dwelling house). Provision of new vehicular access (closure of existing access).</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**The application is required to be considered at Planning Committee because a Member has an interest in the site.**

**Consent is sought for outline planning permission for 5 new houses and the means of access. All other matters are reserved. The site lies in the BUAB of Seaton and so is in principle suitable for residential development.**

**It is surrounded by existing residential development and currently is occupied by a single two-storey dwelling in poor repair with associated garden/grounds. The plot is far larger than any neighbouring plots and so could accommodate some development having due regard to the quality of the design and the effect on neighbouring properties, which will be considered at the reserved matters stage. The illustrative block plan indicates that it will be possible to achieve a development with a density which is sympathetic to the existing surrounding development.**

**A previous application was refused in February last year as it was considered to be too cramped leading to poor amenity space for its intended occupants and the unacceptable overlooking of neighbours.**

**An ecological survey has found that the site is/was used by slow worms which are a protected species. These have since been translocated to land west of Colyton under the supervision of an ecologist and fencing remains on site to avoid re-colonisation.**

**While the previous application proposed to dispose of surface water drainage via the public sewer, to which SWW objected, this scheme proposes use of a**

**sustainable drainage system, details of which will be required at the reserved matters stage.**

**In summary, the proposal is considered acceptable.**

## **CONSULTATIONS**

### **Local Consultations**

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

Seaton Town Council have no objections to this outline planning application.

### **Technical Consultations**

#### **Devon County Highway Authority**

Observations:

The proposal includes new direct accesses onto Townsend Road, which can obtain suitable visibility in both the left and right direction.

Each property is able to accommodate off-carriageway turning and parking. Townsend Road has no collision record within the vicinity, in accordance with our rolling period of record (currently 2017 - 2021).

Therefore I do not believe the net total of 4 additional dwellings in comparison to the existing layout will cause a trip generation intensification problem to the local highway network.

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**

#### **DCC Historic Environment Officer 1.11.22**

My ref: Arch/DM/ED/37830b

I refer to the above application and your recent consultation. I have now received the report setting out the results of the archaeological field evaluation undertaken here. These investigations recovered a small but significant assemblage of Mesolithic or early Neolithic flint artefacts - dating from around 4,000BC - however, no evidence of any Palaeolithic deposits were identified by these investigations.

In the light of these results I would like to withdraw the Historic Environment Team's previous objection and instead offer the following advice:

The presence of Mesolithic or early Neolithic artefactual material here may indicate human activity from these periods within or in proximity to the proposed development site and additional artefactual material or deposits may be exposed and disturbed by groundworks for the construction of the proposed development. The impact of development upon the archaeological resource should be mitigated by a programme

of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

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

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 205 of the National Planning Policy Framework (2021) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

#### Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development'

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

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

'The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'

#### Reason

'To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

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

DCC Historic Environment Officer 22.7.22

My ref: ARCH/DM/ED/37830a

I refer to the above application. The proposed development lies in an area of archaeological potential in an area where the Historic Environment Record shows a nearby findspot of a Palaeolithic hand axe. This ancient artefact may have been deposited within the underlying gravel during an interglacial period, and then subsequently disturbed and recovered from the underlying geology. There is therefore the potential for the proposed development site to contain similar deposits associated with early human activity here. The information submitted in support of this application is not sufficient to enable an understanding of the significance of the heritage assets within the application area or of the impact of the proposed development upon these heritage assets.

Given the potential high significance of below ground deposits associated with Palaeolithic activity in this area and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. The requirement for this information is in accordance with East Devon Local Plan Policies EN7 - Proposals Affecting Sites Which May Potentially be of Archaeological Importance - and EN8 - Significance of Heritage Assets and their Setting, and paragraphs 194 and 195 of the National Planning Policy Framework (2021).

The additional information required to be provided by the applicant would be the results of intrusive archaeological field evaluation to determine the nature of the underlying geology and the potential for the presence and exposure of further Palaeolithic deposits by the proposed development.

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

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

### Environmental Health

A Construction and Environment Management Plan (CEMP) 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. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. 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 and no high frequency audible reversing alarms used on the site.

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

### Other Representations

3 letters objection raising the following concerns:

- Bungalows would be more in keeping with the surrounding area.
- Views of the sea and harbour would be blocked.
- Nearby roads cannot accommodate additional traffic.
- There should be double red lines and a one-way system
- Site has several stone-age and possibly Roman artefacts exposed on the surface.
- Site is bounded on 3 sides by ancient Devon banks which need protecting for their historic and natural habitats.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
20/2865/FUL	Demolition of existing house and erection of 8 dwellings, 5 no. 4 bed and 3 no. 3 bed, and enlargement of existing access.	Refused	18/2/22

## **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 5 (Environment)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 25 (Development at Seaton)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN16 (Contaminated Land)

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

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 is occupied by a large detached house in poor repair with associated large garden. It is surrounded by a more dense development of dwellings. Much vegetation has been cleared from the site and slow worms have also been translocated from the site, over the course of the previous application.

While the previous planning application was for full permission, this application seeks only outline permission with approval for access being sought at this stage; scale, appearance, layout and landscaping are all matters reserved for future consideration. Although the application is for outline permission, a layout plan is submitted which shows not just the location of the proposed accesses but also the location of the proposed houses.

The previous application was refused on three grounds:

1. The design of the development, by virtue of its amount, layout and scale and its relationship with existing surrounding development, would leave a number of the proposed dwellings with poor quality amenity space, lead to a high degree of overlooking and loss of privacy of neighbouring dwellings to the south of the site and it would appear out of character with the surrounding existing development being of a much higher density. It is therefore contrary to policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 and paragraphs 130 and 134 of the NPPF.
2. It has not been demonstrated that the surface water drainage proposals to discharge surface water into the public foul sewer are the most sustainable option available and so the development is contrary to policy EN22 of the East Devon Local Plan 2013-2031.
3. The translocation habitat proposed for the slow worms on the site has no mechanism in place to secure it from future development and to manage it in the long term, contrary to the Natural England Standing Advice (13 October 2014; updated 28 March 2015) on reptiles and contrary to Strategy 3 (Sustainable Development), Strategy 5 (Environment) and to policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031 and paragraph 174 of the NPPF.

## **ANALYSIS**

### Principle

The site clearly lies in the Built Up Area Boundary of Seaton and so is in principle an acceptable location for development. It would be located amongst other existing residential development and so would be compatible in that context. The indicative block plan submitted illustrates that the development can be made suitable in terms of density and its relationship with neighbouring residential properties, subject to detailed designs.

### Design

The development site is surrounded on three sides by fairly uniform bungalow and 'chalet-bungalow' development, most of which have seen alterations or extensions over time. Some two-storey properties exist nearby but a bit further afield. The eastern boundary abuts a medical centre. The site itself is occupied by a single two-storey house which sits at the highest end of its comparatively extensive garden,

however the overall character of the area is defined predominantly by the surrounding properties.

The site slopes from its high point on the western boundary down to the eastern and it sits somewhat elevated above the neighbouring properties on the southern boundary (see photos).

The proposal would see the development of five dwellings in place of the existing single dwelling. The previously refused application proposed eight dwellings which was too cramped, provided poor amenity space and would have severely overlooked neighbours.

The proposals shown on the indicative block plan offer a more spacious group of houses. It would be possible to design a layout with more space around the houses for amenity space. The block plan shows that all the gardens would likely be south facing and reasonable in size which is a great improvement over the former designs which had some north facing gardens of less than 2m depth.

### Amenity

While layout, scale and appearance are reserved matters, the block plan indicates that it would be possible to design dwellings that would have reasonable separation with existing neighbouring properties and are of an appropriate scale. The indicative layout suggests that reasonable front and rear garden spaces can be provided to provide for the amenities of residents of the proposed dwellings and provide adequate separation to protect those of adjacent properties. Therefore there are no reasonable grounds to object due to effects on amenity.

### Access

The application seeks permission for 5 dwellings (with the existing dwelling being demolished) and it is propose to provide 5 separate individual accesses to serve them. Sufficient space for two vehicles to park and turn are indicated on the layout plans and there is no reason to doubt that this could be provided for a development of 5 houses on this site.

The Highway Authority has not expressed any concerns over the safety of the proposed access points and notes that the increase in access points is actually only 4 as there is an existing access.

While the number of access points may have implications for the appearance of the northern frontage of the site, which is presently a hedgebank, landscaping is a reserved matter and it is envisaged that a suitable/sympathetic treatment for this frontage could be designed at a later stage.

### Drainage

During the previous application the proposal included use of the mains sewer to dispose of surface water drainage, South West Water objected and this formed a reason for refusal.

This application now being considered proposes use of a sustainable drainage system, although being an outline application there are no details of this at present. No objection has been raised by SWW in relation to the current application. Detailed drainage designs will be necessary for any reserved matters application.

### Trees

A single TPO'd tree exists on the north-west corner of the site. The plans do not indicate the presence of this either on the site location plan or the illustrative layout plan, however under the previous planning application the Council's Tree Officer observed that the tree is of low quality and its removal will not be detrimental to the local landscape and that there is potential to improve the site with a good landscaping scheme, details of which will need to be agreed as a reserved matter.

### Biodiversity

The site is located within the bat sustenance zone for Beer Quarry and Caves SAC and SSSI, therefore it is necessary to consider whether the proposed development will affect the conservation objectives outlined for the SAC. The conservation objectives are to ensure that the integrity of the site is maintained and restored as appropriate, and to ensure that the site contributes to achieving the 'Favourable Conservation Status' of its qualifying features by maintaining or restoring:

- The extent and distribution of qualifying natural habitats and habitats of qualifying species;
- The structure and function (including typical species) of qualifying natural habitats;
- The structure and function of the habitats of qualifying species;
- The supporting processes on which qualifying habitats and the habitats of qualifying species rely;
- The populations of qualifying species; and,
- The distribution of qualifying habitats within the site.

The site is surrounded by housing and bound on two sides by residential roads with street lights. Additionally the hedgebanks are isolated from the wider countryside thereby reducing the likelihood that bats from the SAC, which typically commute using hedgerows, would regularly utilise the site. The habitats on site do not benefit from grazing or support waterbodies and therefore it is considered unlikely that bats would regularly forage at the site. Therefore, it is considered that development of the site would not significantly impact on the integrity of the roosts at Beer Quarry and Caves.

A low level of roosting activity was identified within the house and attached garage therefore the house was confirmed as a low conservation significance bat roost for a common species. A single tree on the northern boundary was assessed with low potential to support roosting bats.

A condition is suggested to secure the following recommendations contained in the survey:

#### Hedgerows

Where species rich hedgebanks along the western and northern boundary can be retained, they must be protected with tree protection measures which extend to include the root protection zones.

#### Badgers

During the construction period, all excavations on site over 1m deep should be either covered overnight or have a means of escape for any badgers that might investigate them, such as a sloping plank. This will avoid trapping any badgers that may potentially access the excavation.

#### Roosting bats

Due to the confirmation of a low level of bat roosting use of the building by individuals of a common species there is the requirement for a protected species licence ahead of any works that might disturb them. In this case the Low Impact Class Licensing (LICL) approach overseen by Natural England is the most appropriate way forward. Provision can be made by use of bat tubes such as the Schwegler 1FR or equivalent placed at the eaves of the buildings closest to the footprint of the existing house.

#### Birds

It is recommended that any further removal of hedge banks, scrub and trees is undertaken outside of the bird breeding season (March to August inclusive).

#### Reptiles

While the site was occupied with slow worms last year, these have since been trapped and translocated to farmland west of Colyton under the supervision of qualified ecologists. The reptile barriers remain on site to prevent re-colonisation. Any individuals found on site will need to be carefully translocated in the same manner and an appropriate condition could ensure this takes place.

In summary, the development will not adversely affect biodiversity.

#### Other matters

##### Archaeology

An investigative survey of the site has revealed a small but significant assemblage of Mesolithic or early Neolithic flint artefacts - dating from around 4,000BC - however, no evidence of any Palaeolithic deposits were identified by these investigations. As a consequence DCC has withdrawn its objection but still recommends a watching brief via a suitable planning condition.

##### Objections

There are a number of matters raised by residents that are not addressed in the assessment set out above. Some residents have suggested that the new properties

should be bungalows only, however there is not considered to be a need to specify that they should only be bungalows but the designs will need to be appropriate in their local context and this will be tested at reserved matters stage. Comments regarding the loss of views are noted, however this is not a material planning consideration. The highway authority have not recommended any form of one way system or parking restrictions and so these suggestions from residents would not be justified.

## **CONCLUSION**

While the application is now in outline form (the previous application being a full application) it is clear from the indicative block plans that the reduced number of dwellings will make it possible to design five dwellings on the site that will be appropriate in their context without undue detriment to matters of acknowledged public interest. In addition the proposal will provide an increase of four dwellings which will assist in the delivery of the Local Plan's required housing objectives.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. Approval of the details of the layout, scale and appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason - The application is in outline with one or more matters reserved.)
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).
3. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice, in relation to access only noting all other matters are reserved.  
(Reason - For the avoidance of doubt.)
4. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.'

(Reason- To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph

205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development)

5. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

(Reason - To protect water quality and minimise flood risk in accordance with Policy EN22 - Surface Run-Off Implications of New Development of the Adopted New East Devon Local Plan 2016 and the guidance contained with the National Planning Policy Framework.)

6. A Construction and Environment Management Plan (CEMP) 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. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. 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 and no high frequency audible reversing alarms used on the site.

(Reason - To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with policy EN14 of the East Devon Local Plan.)

7. The development shall proceed in accordance with the recommendations within the Preliminary Ecological Appraisal Rev 06 (August 2021).

(Reason - To ensure the development does not adversely affect any protected species that may be present on the site in accordance with Strategy 47 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:

P100	Proposed Site Plan	04.07.22
E100	Location Plan	21.06.22

List of Background Papers

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