

**Agenda for Planning Committee
Tuesday, 27th February, 2024, 10.00 am**



Members of Planning Committee

Councillors B Bailey, I Barlow, C Brown, J Brown,
A Bruce, S Chamberlain (Vice-Chair),
S Gazzard, D Haggerty, A Hall, J Heath,
M Howe, Y Levine, E Rylance, S Smith,
D Wilson and E Wragg (Chair)

East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

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Venue: Council Chamber, Blackdown House, Honiton

Contact: Wendy Harris, Democratic Services Officer
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(or group number 01395 517546)

Issued: Friday, 16 February 2024

This meeting is being recorded for subsequent publication on the Council's website and will be streamed live to the [East Devon District Council Youtube Channel](#)

[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 Tuesday, 20 February 2024 up until 12 noon on Friday, 23 February 2024 by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

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

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

Speakers list removed

2 **Minutes of the previous meeting** (Pages 4 - 8)

Minutes of the Planning Committee meeting held on 30 January 2024.

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 9 - 20)

Update from the Development Manager

Applications for Determination

8 **23/2242/VAR (Major) BROADCLYST** (Pages 21 - 30)

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

9 **23/2722/FUL (Minor) BROADCLYST** (Pages 31 - 51)

Exeter Science Park, Clyst Honiton.

10 **23/1752/FUL (Minor) EXMOUTH LITTLEHAM** (Pages 52 - 62)

Unit 6 & 7 Sideshore, Queens Drive, Exmouth.

11 **22/2717/FUL (Minor) EXMOUTH LITTLEHAM** (Pages 63 - 75)

13 Foxholes Hill, Exmouth, EX8 2DF.

12 **23/2639/FUL (Minor) SIDMOUTH TOWN** (Pages 76 - 81)

28 Connaught Road, Sidmouth, EX10 8TT.

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 Chair 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 30 January 2024****Attendance list at end of document**

The meeting started at 10.08 am and ended at 4.36 pm. The meeting adjourned for lunch at 1.20 pm and reconvened at 1.50 pm and a brief adjourned took place at 3.15 pm and reconvened at 3.26 pm.

In the absence of the Chair, Councillor Eileen Wragg, the Committee agreed to Councillor Sarah Chamberlain being the Chair for this meeting and to Councillor Mike Howe being Vice Chair for the first half of the meeting and to Councillor Eleanor Rylance for the second half of the meeting.

107 Minutes of the previous meeting

The minutes of the Planning Committee held on 19 December 2023 were confirmed as true records.

108 Declarations of interest

Minute 112. 23/0571/MFUL (Major) SIDMOUTH TOWN.

In accordance with the Code of Good Practice for Councillors and Officers dealing with planning matters as set out in the constitution Members advised lobbying in respect of this application.

Minute 113. 22/2795/MRES (Major) COLY VALLEY.

In accordance with the Code of Good Practice for Councillors and Officers dealing with planning matters as set out in the constitution Councillor Anne Hall advised lobbying in respect of this application.

Minute 115. 23/2624/FUL (Minor) EXMOUTH LITTLEHAM.

Councillors Anne Hall, Brian Bailey, Ian Barlow, Colin Brown, Jenny Brown, Steve Gazzard, John Heath, Yehudi Levine, Eleanor Rylance, Affects Non-registerable Interest, Land is owned by East Devon District Council.

Minute 116. 23/2575/FUL (Minor) SEATON.

Councillor Anne Hall, Brian Bailey, Ian Barlow, Colin Brown, Jenny Brown, Steve Gazzard, John Heath, Yehudi Levine, Eleanor Rylance, Affects Non-registerable Interest, Known to the applicant.

Non Committee Members

Minute 113. 22/2795/MRES (Major) COLY VALLEY.

Councillor Paul Arnott, Affects Non-registerable Interest, Colyton Parish Councillor.

Minute 115. 23/2624/FUL (Minor) EXMOUTH LITTLEHAM.

Councillor Nick Hookway, Affects Non-registerable Interest, Exmouth Town Councillor.

109 Matters of urgency

There were none.

110 **Confidential/exempt item(s)**

There were none.

111 **Planning appeal statistics**

The Committee noted three planning applications from the planning appeals statistics.

The first related to an appeal that had been lodged for planning application 22/1973/MOUT – land east of Sidmouth Road, Ottery St Mary, for 63 dwellings.

The second related to application 22/2120/MFUL – Churchill Retirement Living for 54 retirement living apartments and 6 retirement living cottages in Exmouth. The Development Manager advised that the appeal had been allowed which was not unexpected following legal advice not to defend the reasons for refusal.

Finally, the Development Manager advised about an appeal in progress for application 23/0532/CPE – land adjacent to Main Yard Lodge Trading Estate, Broadclyst that was now being considered by written representations and not by public inquiry.

112 **23/0571/MFUL (Major) SIDMOUTH TOWN**

Applicant:

Mr Paull (McCarthy and Stone Retirement Lifestyles Ltd.)

Location:

Former Council Offices, Knowle, Sidmouth, EX10 8HL.

Proposal:

Redevelopment of site to provide:

- a. Care home building (Class 2) with associated parking, landscaping, staff and resident facilities and associated works.
- b. Extra car apartment building (53 units) with associated communal lounge, wellbeing suite, restaurant and car provision (Class C2).
- c. Retirement living apartment building (33 units) with associated communal lounge.
- a. Erection of 4 houses and 3 townhouses (Class 3) along with accesses; internal car parking, roads, paths, retaining walls, refuse and landscaping associated with development. Retention/refurbishment of building B, erection of habitat building and sub-stations. Demolition of buildings and other than building B.

RESOLVED:

Refused contrary to officer recommendation for the following reasons:

The scale, massing and design of the development, in particular the two blocks closest to the southern site boundary, fails to reflect local distinctiveness and is not compatible with the character of the site and does not relate well to its context and its surroundings and so will adversely affect the townscape and local landscape of Sidmouth. As such the development is contrary to Strategies 6 and 26 and Policy D1 of the East Devon Local Plan 2013-2031, Policy 7 of the Sid Valley Neighbourhood Plan, 2018-2032 and the National Planning Policy Framework, 2023 in particular paragraphs 131, 135 and 139.

The scale and orientation of large windows and balconies in the west elevation of the southwestern block of accommodation will result in an unacceptable level of overlooking

and overbearing impact on neighbouring properties on Knowle Drive. As such the development is contrary to Policy D1 of the East Devon Local Plan 2013-2031 and the National Planning Policy Framework in particular paragraph 135.

Councillors Mike Howe and Alasdair Bruce left the meeting.

113 **22/2795/MRES (Major) COLY VALLEY**

Councillor Simon Smith joined the meeting.

Applicant:

Miss Lucy Downs (Housing Developers).

Location:

Land north of Sidmouth Road, (Ceramtec), Colyton.

Proposal:

Reserved matters application (seeking approval of appearance, landscaping, layout and scale pursuant to outline permission 18/1850/MOUT) for the development of 72 new houses and 6 B1 use class light industrial units. The proposal includes the discharge of Conditions 6, 7, 8, 9, 10, 11, 12, 14, 17, 18, 22, 23, 24, and 25 of the outline planning application.

RESOLVED:

Approved with conditions as per officer recommendation.

114 **23/1978/FUL (Minor) TALE VALE**

Applicant:

Mr & Mrs Dan and Claire McCandish

Location:

Land adjacent to Park House, Plymtree

Proposal:

Proposed new dwelling and relocated site access with associated landscaping and parking.

RESOLVED:

Refused as per officer recommendation.

115 **23/2624/FUL (Minor) EXMOUTH LITTLEHAM**

Applicant:

Mr Jorge Pineda-Langford (EDDC)

Location:

Toilets, Foxholes Car Park, Queens Drive, Exmouth, EX8 2AY.

Proposal:

Demolish existing public toilets and replace with a new toilet building.

RESOLVED:

Approved with conditions as per officer recommendation.

116 **23/2575/FUL (Minor) SEATON**

Applicant:

Mr Daniel Ledger & Ms Abigail Down.

Location:

29 Poplar Tree Drive, Seaton, EX12 2TW.

Proposal:

Raising of roof and conversion of roof space to habitable space, including front and rear dormers and balcony.

RESOLVED:

Approved with conditions as per officer recommendation.

Attendance List

Councillors present (for some or all the meeting):

B Bailey
I Barlow
C Brown
J Brown
A Bruce
S Chamberlain (Vice-Chair)
S Gazzard
A Hall
J Heath
M Howe
Y Levine
E Rylance
S Smith

Councillors also present (for some or all the meeting)

P Arnott
N Hookway
J Loudoun
T Olive
S Richards

Officers in attendance:

Wendy Harris, Democratic Services Officer
Jeremy Ebdon, Principal Planning Officer (East)
Paul Golding, Senior Planning Officer
Damian Hunter, Planning Solicitor
Wendy Ormsby, Development Manager
Gareth Stephenson, Principal Planning Officer
Peter Lang, Planning Officer

Councillor apologies:

H Riddell

D Wilson
E Wragg

Chairman

Date:

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

Ref: 23/1419/FUL **Date Received** 24.01.2024
Appellant: Ms J Grigg
Appeal Site: 41 Fleming Avenue Sidmouth Devon EX10 9NH
Proposal: Erection of first floor side extension
Planning APP/U1105/D/24/3337466
Inspectorate Ref:

Ref: 23/0885/FUL **Date Received** 25.01.2024
Appellant: Mr Harry Carter
Appeal Site: H Carter And Sons 50 High Street Budleigh Salterton
Devon EX9 6LJ
Proposal: Proposed first floor extension to provide 1no. one bedroom
studio/flat.
Planning APP/U1105/W/24/3337549
Inspectorate Ref:

Ref: 23/2343/FUL **Date Received** 31.01.2024
Appellant: Mr James Werb
Appeal Site: 13 Parkside Crescent Exeter EX1 3TW
Proposal: New garage and parking spaces.
Planning
Inspectorate Ref:

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

Ref: 23/0891/FUL **Appeal Ref:** 23/00042/HH
Appellant: Johanna Leonard
Appeal Site: 6 Ash Grove Exmouth EX8 3BN
Proposal: Retention of porch to front of dwelling.
Decision: **Appeal Dismissed** **Date:** 17.01.2024
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policy D1, ENP Policy EB2).
BVPI 204: **Yes**
Planning APP/U1105/D/23/3330810
Inspectorate Ref:

Ref: 22/2485/FUL **Appeal Ref:** 23/00032/REF
Appellant: Mr and Mrs Browne
Appeal Site: Stables And Sand School adj Willowmead Toby Lane Woodbury Salterton
Proposal: Change of use from stable to self-build dwelling including associated works and parking.
Decision: **Appeal Dismissed** **Date:** 26.01.2024
Procedure: Written representations
Remarks: Delegated refusal, accessibility reasons upheld (EDLP Policy TC2 & Strategy 5B). Application for a full award of costs against the Council refused.
BVPI 204: **Yes**
Planning APP/U1105/W/23/3326441
Inspectorate Ref:

Ref: 22/2353/FUL **Appeal Ref:** 23/00033/REF
Appellant: Mr & Mrs J Taylor - Bashford
Appeal Site: Land Adjoining 12 The Copse Exmouth Devon EX8 4EY
Proposal: Erection of a two storey 3-bed detached dwelling.
Decision: **Appeal Dismissed** **Date:** 26.01.2024
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policies D1, D3, TC9 & Strategy 6, ENP Policy EB2).
BVPI 204: **Yes**
Planning APP/U1105/W/23/3326573
Inspectorate Ref:

Ref: 22/2533/MOUT **Appeal Ref:** 23/00019/NONDET
Appellant: Morrish Homes & Messrs Compton, Stephenson, Olliff & Sanders
Appeal Site: Land North of Oak Road West Hill EX11 1SJ
Proposal: Outline application for the erection of 23no. dwellings with all matters reserved save for formation of vehicular and pedestrian access.

Decision: **Appeal Withdrawn** **Date:** 06.02.2024
Procedure:
Remarks:
BVPI 204: **No**
Planning APP/U1105/W/23/3322776
Inspectorate Ref:

East Devon District Council List of Appeals in Progress

App.No: 22/0058/FUL
Appeal Ref: APP/U1105/W/22/3305830
Appellant: Sophie, Harriet and Oliver Persey
Address: Pitmans Farm Dulford Cullompton EX15 2ED
Proposal; Proposed demolition of existing buildings; construction of residential dwelling and detached garage; installation of solar photovoltaic array; landscaping; and associated works.
Start Date: 28 February 2023
Procedure:
Written reps.
Questionnaire Due Date: 7 March 2023
Statement Due Date: 4 April 2023

App.No: 22/2216/MFUL
Appeal Ref: APP/U1105/W/23/3319803
Appellant: Enso Green Holdings B Limited
Address: Pound Road BESS Land northeast of Axminster National Grid Substation Pound Road Hawkchurch
Proposal; Installation of a battery energy storage system with associated infrastructure and works.
Start Date: 9 May 2023
Procedure:
Inquiry
Questionnaire Due Date: 16 May 2023
Statement Due Date: 13 June 2023
Inquiry Date: 5 September 2023

App.No: 23/F0056
Appeal Ref: APP/U1105/C/23/3320164
Appellant: Donovan George Galling
Address: The Workshops Deer Park Farm Buckerell Honiton
Proposal; Appeal against an enforcement notice served in respect of the change of use from workshop to gymnasium, without planning permission.
Start Date: 10 May 2023
Procedure:
Written Reps.
Questionnaire Due Date: 24 May 2023
Statement Due Date: 21 June 2023

App.No: 22/1836/FUL
Appeal Ref: APP/U1105/D/23/3319877
Appellant: Mr Joe Friday
Address: Hux Shard Church Hill Exeter Devon EX4 9JJ
Proposal; Erection of annexe
Start Date: 14 June 2023
Procedure:
Householder
Questionnaire Due Date: 21 June 2023

App.No: 22/2030/FUL
Appeal Ref: APP/U1105/W/23/3323724
Appellant: Alice Johnson (Queen's Drive CIC)
Address: 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
Start Date: 27 September 2023
Procedure:
Written Reps.
Questionnaire Due Date: 4 October 2023
Statement Due Date: 1 November 2023

App.No: 23/0532/CPE
Appeal Ref: APP/U1105/X/23/3330560
Appellant: Richard Holman
Address: Land Adjacent to Main Yard Lodge Trading Estate Broadclyst Devon EX5 3BS
Proposal; Certificate of lawfulness for the continued use of storage/distribution (class B8)
Start Date: 6 October 2023
Procedure:
Written Reps.
Questionnaire Due Date: 20 October 2023
Statement Due Date: 17 November 2023

App.No: 22/2802/AGR
Appeal Ref: APP/U1105/W/23/3325082
Appellant: Mr Justin Lacey
Address: Land At Woodhouse Fields Lyme Road Uplyme
Proposal; General purpose forestry building
Start Date: 11 October 2023

Procedure:
Written Reps

Questionnaire Due Date: 18 October 2023
Statement Due Date: 15 November 2023

App.No: 23/0298/FUL
Appeal Ref: APP/U1105/W/23/3330631
Appellant: F W S Carter & Son
Address: Greendale Farm Shop NHS Drive Through Vaccination
Centre Sidmouth Road Farringdon Devon
Proposal; Retention of NHS Vaccination Centre and associated car park
Start Date: 13 October 2023

Procedure:
Hearing

Questionnaire Due Date: 20 October 2023
Statement Due Date: 17 November 2023
Hearing Date: 9 January 2024

App.No: 23/0027/CPL
Appeal Ref: APP/U1105/X/23/3330294
Appellant: Mr Gary Burns
Address: Salcombe Regis Camping and Caravan Park Salcombe
Regis Devon EX10 0JH
Proposal; Proposed lawful development for the use of land for the siting
of static caravans.
Start Date: 17 October 2023

Procedure:
Hearing

Questionnaire Due Date: 31 October 2023
Statement Due Date: 28 November 2023
Hearing Date: To be confirmed

App.No: 23/0401/OUT
Appeal Ref: APP/U1105/W/23/3325280
Appellant: Philip Jordan
Address: Exton Lodge Mill Lane Exton EX3 0PJ
Proposal; Outline proposal for a single dwelling with all matters reserved other than access
Start Date: 18 October 2023
Procedure:
Written Reps.
Questionnaire Due Date: 25 October 2023
Statement Due Date: 22 November 2023

App.No: 22/0975/MFUL
Appeal Ref: APP/U1105/W/23/3330735
Appellant: Eagle One MIII Limited
Address: Land Adjacent Old Tithebarn Lane Clyst Honiton
Proposal; Construction of four commercial, business and service units (Class E) and nine dwellings with associated access, parking and infrastructure
Start Date: 19 October 2023
Procedure:
Hearing
Questionnaire Due Date: 26 October 2023
Statement Due Date: 23 November 2023
Hearing Date: 21 February 2024

App.No: 22/0781/FUL
Appeal Ref: APP/U1105/W/23/3325946
Appellant: Mr Alan Marriott
Address: Mundys Farm West Down Lane Exmouth EX8 2RH
Proposal; Retention of a replacement shed.
Start Date: 23 October 2023
Procedure:
Written Reps.
Questionnaire Due Date: 30 October 2023
Statement Due Date: 27 November 2023

App.No: 22/0074/FUL
Appeal Ref: APP/U1105/W/23/3321677
Appellant: Penelope Jane Cook
Address: Country West Trading Estate Tytherleigh Axminster EX13 7BE
Proposal; Construction of 5 no. dwellings, means of access and associated works
Start Date: 26 October 2023
Procedure:
Written Reps.
Questionnaire Due Date: 2 November 2023
Statement Due Date: 30 November 2023

App.No: 22/0686/MFUL
Appeal Ref: APP/U1105/W/23/3323252
Appellant: Mr Troy Stuart
Address: Hill Barton Business Park Sidmouth Road Clyst St Mary
Proposal; Change of use of land for the purposes of parking, associated with the existing operations at Hill Barton Business Park, for a temporary period of 3 years (retrospective application)
Start Date: 26 October 2023
Procedure:
Written Reps.
Questionnaire Due Date: 2 November 2023
Statement Due Date: 30 November 2023

App.No: 22/2779/PIP
Appeal Ref: APP/U1105/W/23/3326363
Appellant: Mr Tony Bowden
Address: Land at Down Close Newton Poppleford
Proposal; Permission in principle application for the construction of up to nine no. dwellings (1 no. minimum, 9 no. maximum).
Start Date: 30 October 2023
Procedure:
Written Reps.
Questionnaire Due Date: 6 November 2023
Statement Due Date: 4 December 2023

App.No: 23/0402/FUL
Appeal Ref: APP/U1105/W/23/3326357
Appellant: Mr K Mooney
Address: Land Lying to the south of Rull Barton Rull Lane Whimble
Proposal; Construction of dwelling and associated works
Start Date: 1 November 2023
Procedure:
Written Reps.
Questionnaire Due Date: 8 November 2023
Statement Due Date: 6 December 2023

App.No: 22/0974/FUL
Appeal Ref: APP/U1105/W/23/3327489
Appellant: Mr Andrew Rennie
Address: 11 Mill Lane Branscombe Devon EX12 3DS
Proposal; Retrospective planning application for the installation of one 7KW Air Source Heat Pump (ASHP).
Start Date: 14 November 2023
Procedure:
Written Reps.
Questionnaire Due Date: 21 November 2023
Statement Due Date: 19 December 2023

App.No: 23/0064/FUL
Appeal Ref: APP/U1105/W/23/3327756
Appellant: Mrs Joanna Uffendell
Address: The Bungalow Shorebottom Stockland Devon EX14 9DQ
Proposal; Two storey side extension
Start Date: 11 December 2023
Procedure:
Written Reps.
Questionnaire Due Date: 18 December 2023
Statement Due Date: 15 January 2024

App.No: 23/0743/FUL
Appeal Ref: APP/U1105/D/23/3334607
Appellant: Mr I Davies
Address: Magnolia Cottage Coburg Road Sidmouth Devon EX10 8NF
Proposal; Retention of a boundary screen.
Start Date: 21 December 2023
Procedure:
Householder
Questionnaire Due Date: 28 December 2023

App.No: 23/0615/VAR
Appeal Ref: APP/U1105/W/23/3331385
Appellant: Mr Gary Burns (Serenity Leisure Parks Ltd)
Address: Salcombe Regis Camping and Caravan Park Salcombe
Regis Sidmouth EX10 0JH
Proposal; Variation of condition no. 3 (Shop with residential
accommodation to replace existing) of application 87/P0699
;the building should be used solely for the permitted purpose
of a residential dwelling, site office and shop in conjunction
with and solely for the permitted use of the caravan site.
Start Date: 10 January 2024
Procedure:
Written Reps.
Questionnaire Due Date: 17 January 2024
Statement Due Date: 14 February 2024

App.No: 22/1082/FUL
Appeal Ref: APP/U1105/W/23/3326385
Appellant: Pete Gibbins
Address: Wild Flowers Seaton Road Colyford EX24 6QW
Proposal; Construction of 1 no. dwelling, means of access and
associated works
Start Date: 15 January 2024
Procedure:
Written Reps.
Questionnaire Due Date: 22 January 2024
Statement Due Date: 19 February 2024

App.No: 23/1111/OUT
Appeal Ref: APP/U1105/W/23/3332359
Appellant: Mr A Watts
Address: Land Adjacent 1 Ball Knapp Dunkeswell Honiton EX14 4QQ
Proposal; Outline application with all matters reserved for the erection of
one dwelling
Start Date: 16 January 2024
Procedure:
Written Reps.
Questionnaire Due Date: 23 January 2024
Statement Due Date: 20 February 2024

App.No: 23/0017/CPE
Appeal Ref: APP/U1105/X/23/3333743
Appellant: Mr Paul Sparks
Address: Barn Close Combe Raleigh Honiton EX14 4SG
Proposal; Certificate of existing lawful development to confirm material start to planning ref. 02/P0677 and breach of condition 3 (landscaping details).
Start Date: 19 January 2024
Procedure:
Written Reps.
Questionnaire Due Date: 2 February 2024
Statement Due Date: 1 March 2024

App.No: 22/2801/FUL
Appeal Ref: APP/U1105/W/23/3333333
Appellant: Mr and Mrs Peter Tyldesley
Address: 1 Cowley Barton Cottages Cowley Exeter EX5 5EL
Proposal; First floor extension above existing single storey element
Start Date: 23 January 2024
Procedure:
Written Reps.
Questionnaire Due Date: 30 January 2024
Statement Due Date: 27 February 2024

App.No: 22/1516/FUL
Appeal Ref: APP/U1105/W/23/3327760
Appellant: Gill Parry
Address: 1A Jarvis Close Exmouth Devon EX8 2PX
Proposal; Construction of additional two storey dwelling with associated car parking and amenity space
Start Date: 30 January 2024
Procedure:
Written Reps.
Questionnaire Due Date: 6 February 2024
Statement Due Date: 5 March 2024

App.No: 23/1822/FUL
Appeal Ref: APP/U1105/D/23/3333553
Appellant: Janette Grant
Address: 21 Marpool Hill Exmouth Devon EX8 2LJ
Proposal; Formation of new access and associated development
Start Date: 8 February 2024
Procedure:
Householder
Questionnaire Due Date: 15 February 2024

App.No: 23/2237/FUL
Appeal Ref: APP/U1105/D/24/3336866
Appellant: Mr M Tubbs
Address: 7 Greenway Seaton EX12 2SE
Proposal; Construction of garden room.
Start Date: 8 February 2024
Procedure:
Householder
Questionnaire Due Date: 15 February 2024

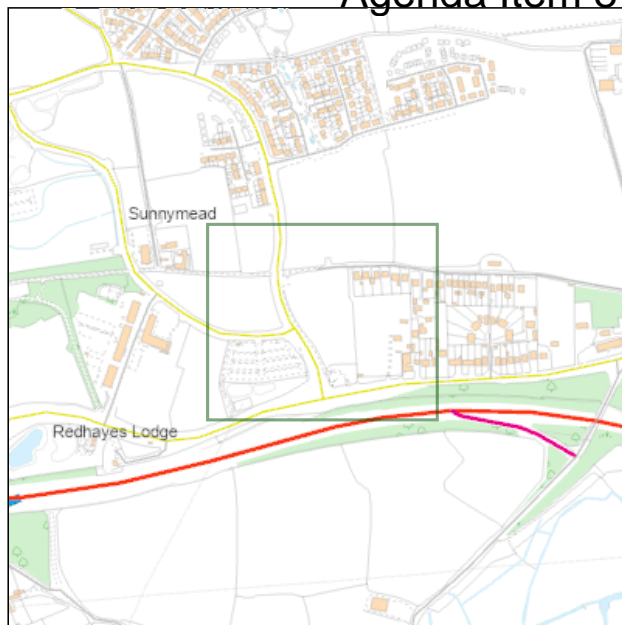
Ward Broadclyst

Reference 23/2242/VAR

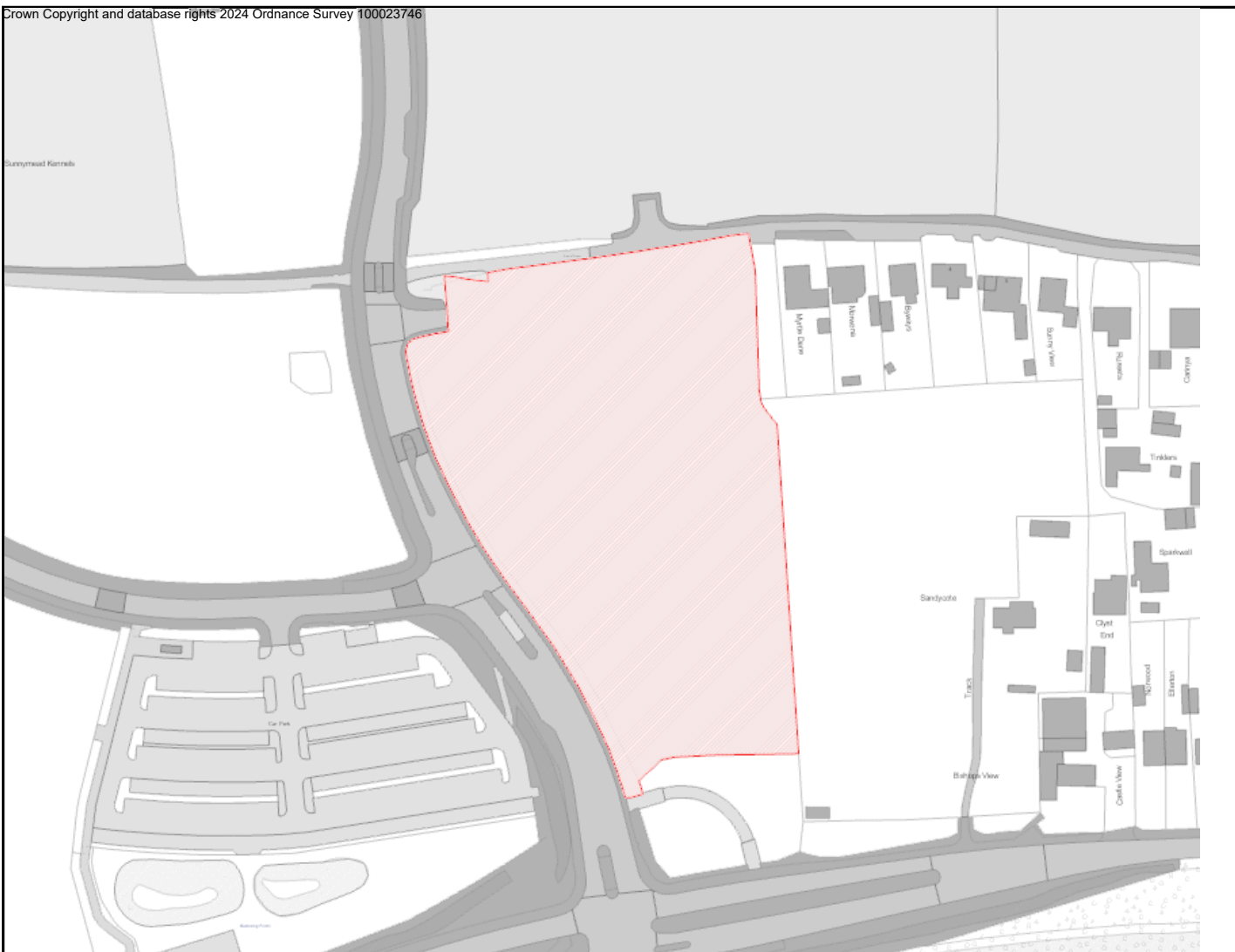
Applicant Mr Paul Withers (Eagle One MIII Ltd)

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

Proposal Variation of condition 22 (requiring the development to connect to the Decentralised Energy Network) of planning permission 21/3148/MOUT (up-to 6000 sqm of office development) to allow flexibility for alternative heating options to be considered



RECOMMENDATION: Refusal



		Committee Date: 27.02.2024
Broadclyst (Broadclyst)	23/2242/VAR	Target Date: 19.01.2024
Applicant:	Mr Paul Withers (Eagle One MMLIII Ltd)	
Location:	Land To The East Of Anning Road/ Tithebarn Way Redhayes	
Proposal:	Variation of condition 22 (requiring the development to connect to the Decentralised Energy Network) of planning permission 21/3148/MOUT (up-to 6000 sqm of office development) to allow flexibility for alternative heating options to be considered.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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

Planning permission is sought under Section 73 of the Town and Country Planning Act to vary the wording of condition 22 of planning permission 21/3148/MOUT for upto 6000sqm of office development, to allow greater flexibility for alternative heating options to be considered in favour of a connection to the District Heating Network for the approved office development. This application differs slightly from a planning application 23/0976/VAR which was refused by the Planning Committee in line with officer recommendation on the basis that insufficient evidence has been submitted to demonstrate that connection to the district heating network in the locality of the application site would render the development unviable.

The application differs from that previously refused as it proposes a change to the wording of condition 22 to allow the development to connect to the DHN or for an alternative heating solution which has a lower carbon footprint than the Decentralised Energy Network to be provided.

The strategic approach set out within Strategy 40 of the Local Plan is very clear in that new developments with a floor space of at least 1000 sqm will be expected to connect to an existing DHN unless it has been demonstrated that it is unviable to do so. The Science Park is served by the Monkerton District Heating Network and so there is a connection available for the office development and no information has been submitted to demonstrate that the

viability of the development would be affected as a result of the network connection. Strategy 40 does not allow flexibility for alternative lower carbon heating solutions to be considered because the DHN relies on users to connect to make it viable and the more developments that connect the more viable the system becomes and further reductions in carbon achievable. The council requires the connection to the district heating to ensure that the long-term viability of the system is not undermined.

In the absence of this information, the proposal is considered to undermine the strategic approach set out within the Local Plan and that advocated by national planning policy such that officers are unable to support the proposed variation of condition 22 of the 21/3148/MOUT permission.

The application is therefore recommended for refusal.

CONSULTATIONS

Local Consultations

Parish/Town Council

Thank you for consulting Broadclyst Parish Council.

At the Full Council meeting on 4th December 2023. Council OBJECTED to the Variation of Condition 22.

The Broadclyst NP supports this objection through the following policies

DC1

DC5

DC6

The Broadclyst Parish Council Planning Committee reconsidered its previous response to application ref 23/2242/VAR at its meeting last night following further explanation of the proposal and alternative systems.

It was resolved (majority vote, 1 abstention) that the Committee supports the removal of the condition that required the development to connect to the Decentralised Energy Network (DEN), thereby facilitating connection to alternative(s) which are at least as sustainable as the DEN.

Other Representations

None received at the time of writing this report.

PLANNING HISTORY

Reference	Description	Decision	Date
23/0976/VAR	Variation of condition 22 (requiring the development to connect to the Decentralised Energy Network) of planning permission 21/3148/MOUT (up-to 6000 sqm of office development) to allow flexibility for alternative heating options to be considered.	Refused	31.08.2023
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)	Approval with conditions	23.03.2023

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)

Broadclyst Neighbourhood Plan

Planning History:

Outline planning permission was recently granted under planning reference 21/3148/MOUT for up to 6,000 sqm GIA (6,350 sqm GEA) of office development with associated infrastructure (all matters reserved except access). The planning permission was granted subject to a condition (22) which states:

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).

Planning permission was refused in August 2023 by Planning Committee for a variation of condition 22 (requiring the development to connect to the Decentralised

Energy Network) of planning permission 21/3148/MOUT (up-to 6000 sqm of office development) to allow flexibility for alternative heating options to be considered. The application was refused for the following reason:

In the opinion of the Local Planning Authority, insufficient evidence has been submitted to demonstrate that connection to the district heating network in the locality of the application site would render the development unviable. The application is therefore considered to be contrary to the provisions of paragraph 157 of the National Planning Policy Framework and Strategy 40- Decentralised Energy Networks of the East Devon Local Plan (2013-2031).

Proposed Development:

Planning permission is sought under Section 73 of the Town and Country Planning Act to vary the wording of condition 22 to allow greater flexibility for alternative heating options to be considered in favour of a connection to the District Heating Network for the approved office development.

The applicant is proposing that the condition is amended to the following:

The buildings comprised in the development hereby approved shall either be connected to:

(a) the Decentralised Energy Network in the locality, with the buildings constructed so that the internal systems for space and water heating are connected to the Decentralised Energy Network; or

(b) an alternative heating solution which has a lower carbon footprint than the Decentralised Energy Network (at the point at which it is connected to the Hill Barton Energy Plant) details of which shall first be submitted to and approved by the Council prior to their first occupation for their permitted use.

Issues and Assessment:

The principle of development for offices has previously been accepted on this site under planning permission 21/3148/MOUT which remains extant and within the timescales for the submission of reserved matters such that no objections can be sustained to the principle of development. The proposal remains the same as that previously approved which has already been assessed in terms of 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 and considered to be acceptable in these respects.

As such the only issue to consider in the determination of this application is in terms of whether the proposal to allow the approved office development to connect to an alternative means of heating as an alternative to the District Heating Network has been robustly justified and accords with the development plan.

ANALYSIS

National Planning Policy:

The golden thread running through the National Planning Policy Framework, 2023 is sustainable development. Paragraph 7 states 'the purpose of the planning system is to contribute to the achievement of sustainable development'. The environmental objective includes mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 160 of the NPPF states to increase the use and supply of renewable and low carbon energy and heat, plans should:

(c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 162 of the NPPF states that in determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Broadclyst Neighbourhood Plan:

Since the planning permission for offices was granted, the Broadclyst Neighbourhood Plan has been to referendum and therefore now carries significant weight. The support for this application from Broadclyst Parish Council is noted however there are no policies within the NP which expressly relate to proposals connecting to existing district heating networks in the Science Park. There is however a general thrust within the NP for new developments to contribute towards moving towards a low carbon future in mitigating and adapting to climate change.

Policy DC1- Energy Efficient New Buildings of the NP states that all new development that ensures a "fabric first"* approach to reducing carbon emissions will be supported.

*Fabric first' means 'maximising the performance of the components and materials that make up the building fabric before considering the use of mechanical or electrical building services systems. Consideration should also be given to modern methods of construction'.

East Devon Local Plan

Strategy 11 - Integrated Transport and Infrastructure Provision at East Devon's West End of the Local Plan states that Coordinated infrastructure provision will be required to cover:

1. Low carbon heat and power supply;

Strategy 13 - Development North of Blackhorse/Redhayes of the Local Plan states:

The scheme will comprise of:

4. Infrastructure: a) Energy Infrastructure - to include a heat and energy network to achieve low and zero carbon development.

Strategy 40 - Decentralised Energy Networks of the Local Plan states that Decentralised Energy Networks will be developed and brought forward. New development (either new build or conversion) with a floor space of at least 1,000m² or comprising ten or more dwellings should, where viable, connect to any existing, or proposed, Decentralised Energy Network in the locality to bring forward low and zero carbon energy supply and distribution.

Assessment:

District Energy Networks enable the use of large-scale heat and/or electricity generation technologies to supply a number of nearby homes and businesses. Even when using natural gas, Combined Heat and Power (CHP) systems can provide significant carbon emissions reduction. Heat networks are vital to making net zero a reality in the UK and in high density areas, they are often the lowest cost, low carbon heating option. The Committee on Climate Change (CCC) suggest that 20% of heating will need to come from district heating by 2050 if climate targets are to be met.

District energy systems rely on high numbers of users to make them viable, so it is essential that, where new development is happening within reach of an existing or potential heat network, that new users connect to the system and provide infrastructure to easily enable subsequent future development to also connect to the network.

East Devon District Council has two district heating networks, one serving Cranbrook and one serving the West End and Monkerton in Exeter. The development of the district heating networks is part of EDDC's strategy to deliver large scale zero carbon development to achieve carbon neutrality by 2040. The system at present is operated by the energy centres which are currently connected to the national gas main. It was always expected that the system would support decarbonisation. Furthermore, EDDC has adopted a Local Development Order for the West End and Cranbrook to encourage and facilitate the implementation of district heating network.

For major developments over 1000m² or 10 dwellings, a connection to a District Heat Network is required under Strategy 40 of the Adopted Local Plan and Strategy's 11 and 13 require the inclusion of heat and energy networks as part of the development. Additionally, the NPPF (2023), requires development to comply with local plan strategies relating to decentralised energy supply.

Strategy 40 is clear that developments are required to connect where viable, and across the West End and Cranbrook, thousands of homes and commercial buildings have connected to the system. In cases where it is not viable, it expected that

development must demonstrate why a connection is not viable as per the requirements in Strategy 40. Strategy 40 does not include any other exceptions other than viability even if an alternative solution results in lower carbon. The reason for this is that the system relies on users to connect to make the systems viable and the more developments that connect the more viable the system becomes and further reductions in carbon achievable. The council requires the connection to the district heating to ensure that the long-term viability of the system is not undermined.

In cases whereby the council has agreed for a development not to connect, the applicants have provided viability assessments/information to justify the lack of connection. In a number of these cases, the applicant had prior discussion with EON to establish whether a connection was viable or not.

The applicant's request to vary condition 22 to allow for an alternative heating solution with a lower carbon footprint than the DCN is noted however the request is not supported by any viability assessment or information as required by Strategy 40 of the Local Plan to justify the lack of connection. No information has been provided by the applicant of discussions with EON to establish whether a connection was viable or not. Strategy 40 does not allow flexibility for alternative lower carbon heating solutions to be considered because the DHN relies on users to connect to make it viable and the more developments that connect the more viable the system becomes and further reductions in carbon achievable. The council requires the connection to the district heating to ensure that the long-term viability of the system is not undermined.

As such officers remain of the view that proposal would be contrary to the provisions of paragraph 162 of the National Planning Policy Framework and Strategy 40- Decentralised Energy Networks of the East Devon Local Plan (2013-2031).

CONCLUSION:

The strategic approach set out within Strategy 40 of the Local Plan is very clear in that new developments with a floor space of at least 1000 sqm will be expected to connect to an existing DHN unless it has been demonstrated that it is unviable to do so. The Science Park is served by the Monkerton District Heating Network and so there is a connection available for the office development and no information has been submitted to demonstrate that the viability of the development would be affected as a result of the network connection.

This revised application does not overcome the reasons for refusal of planning application 23/0976/VAR and in the absence of a clear demonstration that it would not be viable to connect to the DHN, the proposal would undermine the strategic approach set out within the Local Plan to ensure that the long-term viability of the DHN is not undermined such that officers are unable to support the proposed variation of condition 22 of the 21/3148/MOUT permission.

The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. Insufficient evidence has been submitted to demonstrate that connection to the district heating network in the locality of the application site would render the development unviable. The application is therefore considered to be contrary to the provisions of paragraph 162 of the National Planning Policy Framework, 2023 and Strategy 40- Decentralised Energy Networks of the East Devon Local Plan (2013-2031).

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

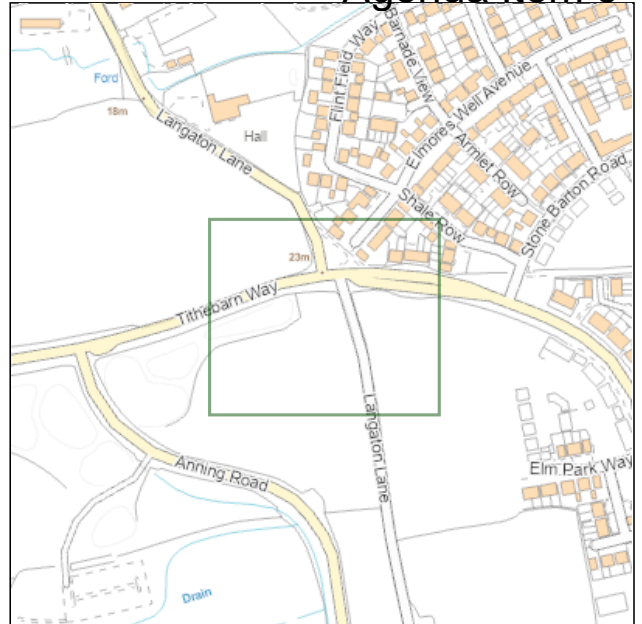
Ward Broadclyst

Reference 23/2722/FUL

Applicant Ms Naomi Harnett (EDDC)

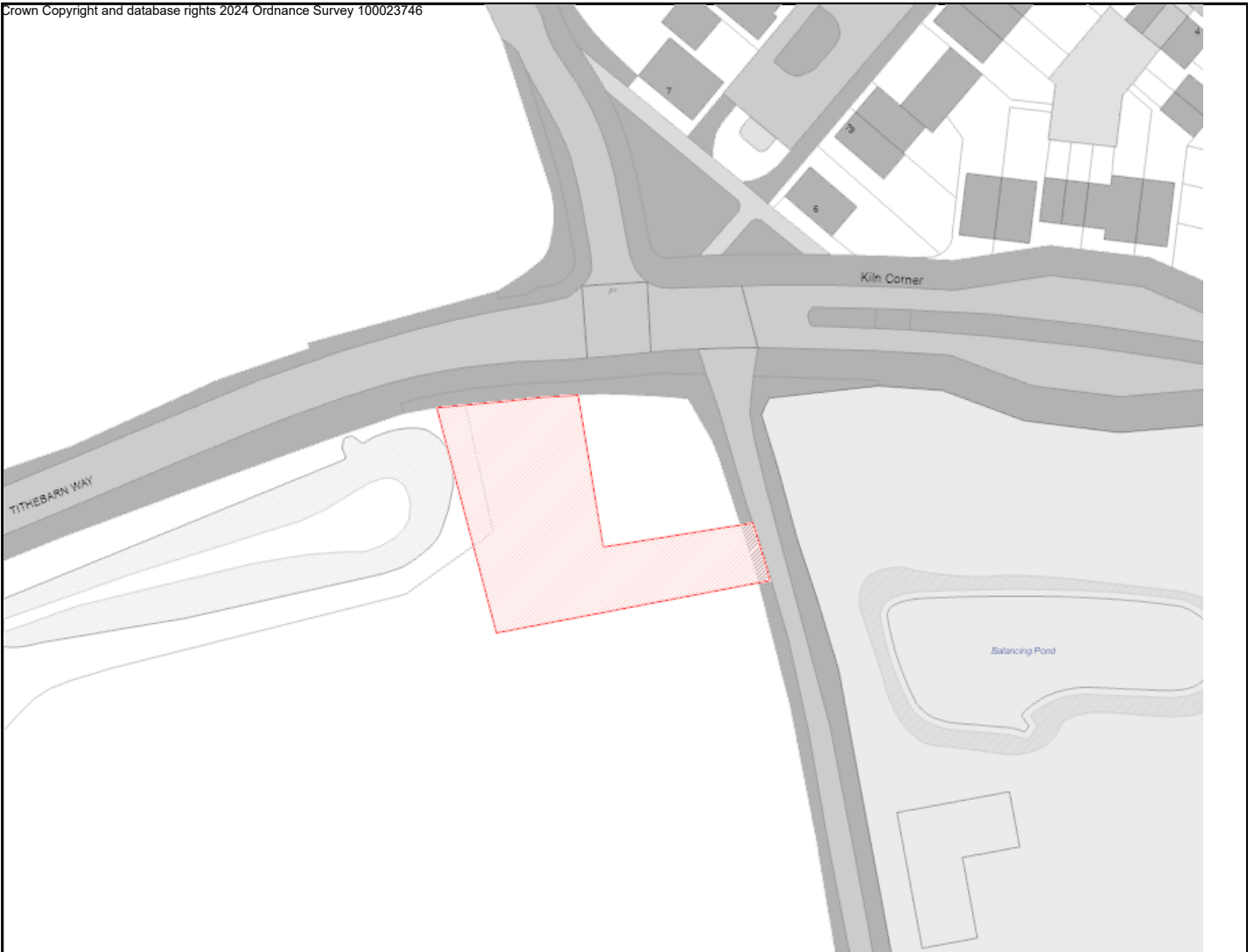
Location Exeter Science Park Clyst Honiton

Proposal Proposal for a new building to house an energy substation with associated vehicle access, boundary fencing, external works, infrastructure and landscaping.



RECOMMENDATION: Approval with conditions

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		Committee Date: 27.02.2024
Broadclyst (Broadclyst)	23/2722/FUL	Target Date: 12.02.2024
Applicant:	EDDC (Ms Naomi Harnett)	
Location:	Exeter Science Park Clyst Honiton	
Proposal:	Proposal for a new building to house an energy substation with associated vehicle access, boundary fencing, external works, infrastructure and landscaping.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before members as the applicant is East Devon District Council.

This application seeks full planning permission for the erection of a substation with access from Langaton Lane, drainage, and landscaping. The building would measure approximately 10.4m in width and 13.9m in length with a maximum ridge height of 5.3m. The building would house the substation's mechanical and electrical equipment to be used in conjunction with the District Heat Network.

The site is located within the Exeter Science Park of which the Masterplan shows this site for infrastructure (a pumping station) and the proposed substation would be adjacent to an existing brick substation also serving the District Heat Network.

Paragraph 160 of the National Planning Policy Framework (2023) and Strategies 9, 11 and 40 of the East Devon Local Plan (2016) support the development of District Heat Networks and support the principle of necessary infrastructure to support the system within the 'West End' of East Devon. The proposal would support the Local Plan's aim to bring forward low and zero carbon energy.

The design of the building is relatively simple and functional with a pitched roof and rectangular form. The building would be finished in red brick with a metal clad roof. The proposal would include boundary treatment and landscaping as well as a turning area for vehicles. The building would be visible from the surrounding area and would be slightly elevated compared to Tithebarn Way however the building would be single storey and partially screened by the existing substation. The building is not considered to harm the overall character and appearance of the area.

The impacts on highway and pedestrian safety, residential amenity and disturbance, archaeology and ecology and biodiversity have been considered in the report and been found to be acceptable. The development results in a biodiversity net gain in accordance with Broadclyst Neighbourhood Plan (2023).

The application originally received an objection from Devon County Council (DCC) Flood Risk who requested additional information in relation to surface water management. The applicant submitted a revised drainage strategy and provided additional information in relation to existing site conditions, the overland flow and proposed flow control. In response DCC Flood Risk were able to remove their objection subject to a condition.

Overall, the proposal is considered to be acceptable and would support the continued growth of the District Heat Network within the West End of East Devon. The proposal is therefore recommended approval, subject to conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council – 17 January 2024

Thank you for consulting Broadclyst Parish Council.

Broadclyst Parish Council supported this planning application with a majority vote held at the full council meeting on Monday 15th January 2024.

The Broadclyst Neighbourhood Plan is supported by policies DC5 District Heating Schemes, NE4 Protection and enhancement of hedgerows.

Cllr Paula Fernley – 8 February 2024

I would like to say that I support the plans for the new substation and it's part in decarbonising the heat network now that the drainage plans seem to have been sorted.

Technical Consultations

Environmental Health – 8 January 2024

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

EDDC Trees – 9 January 2024

No arboricultural concerns. However, the landscaping scheme should include details of large specimen trees to help maintain and improve tree cover in the area. These can be located within the proposed hedging.

DCC Flood Risk SuDS Consultation – 7 February 2024

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.

Observations:

The applicant have submitted Cranbrook Interconnector Commercialisation Surface Water Drainage Strategy (Report ref. 70088092-CI-PA-DS-0001, Rev. 3, dated 20th October 2023) to support the development of a new substation and access road at the Science Park, Exeter.

The total impermeable area created is approximately 440m².

The applicant mentioned that the discharge rate to the Tithebarn Way storm sewer should be limited to 0.2l/s matching the discharge rates from the adjacent EON site. It is proposed that the proposed access road will drain via carrier drains (no longer draining to wrapped filter trench). The substation building itself will drain via rainwater pipes, attenuating runoff prior to connection into the existing surface water highway sewer.

The overland flow from the south are proposed to be captured in a filter trench and bund to the south of the proposed development site.

The current proposed flow control of 20mm is fairly small and prone to blockages. The applicant are using vortex separator to assist in the maintenance.

DCC Highway Authority – 5 February 2024

DCC are, in this instance content with the principle of the proposed surface water drainage discharge into our system, with the detailed design to be agreed. An appropriate licence will be required and obtained from DCC in advance of any associated works being undertaken on the public highway.

DCC Historic Environment – 14 February 2024

I refer to the above planning application. The proposal lies in an area of archaeological potential within a landscape containing evidence of prehistoric, Romano-British and early medieval activity. The proposal is sited just to the south of a large Bronze Age ring ditch (burial mound) that is intersected by the defensive ditches of the late prehistoric and early medieval Pinn Brook Enclosure. Although there has been some development of adjacent land, levels suggest that archaeological deposits may still survive. As such, groundworks for the construction of the proposed new building have the potential to expose and destroy archaeological and artefactual deposits associated with the known archaeology in the surrounding landscape. 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 211 of the National Planning Policy Framework (2023) 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.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)
Strategy 3 (Sustainable Development)
Strategy 5B (Sustainable Transport)
Strategy 9 (Major Development at East Devon's West End)
Strategy 11 (Integrated Transport and Infrastructure Provision at East Devon's West End)
Strategy 40 (Decentralised Energy Networks)
Strategy 47 (Nature Conservation and Geology)
Strategy 48 (Local Distinctiveness in the Built Environment)
TC2 (Accessibility of New Development)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)
EN5 (Wildlife Habitats and Features)
EN14 (Control of Pollution)
EN22 (Surface Run-Off Implications of New Development)
D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)

Government Planning Documents

NPPF (National Planning Policy Framework 2023)
National Planning Practice Guidance

Broadclyst Neighbourhood Plan (2023)

Policy DC5 (District Heating Schemes (DHS))
Policy NE5 (Landscape and Biodiversity)

OFFICER REPORT

Site Location

The application site is located within the Exeter Science Park and comprises of a L-shaped parcel of land which is approximately 0.1ha in size. The site wraps around an existing substation and would be accessible from Langaton Lane. The site is currently greenfield and is bounded by a hedgerow on its boundary with Langaton Lane.

The site gently slopes downwards from the south of the site towards Tithebarn Way. The site is located south of Tithebarn Way, and the Science Centre Building is located around 430m to the south.

The site is not located within a conservation area, there are no listed buildings on the site and there are no TPO protected trees on the site.

Relevant Planning History

The site has the following relevant planning history:

- 09/1107/MOUT | Development of a science park with 76,450 square metres of B1 (A-C) uses including a 150 bed hotel and conference facility and ancillary uses (A1, A3, D1 and D2), plus associated infrastructure including new highways access | APPROVED (11 March 2010)
- 10/0899/CM | Provision of internal roads, landscaping, electricity sub station, foul water sewage pumping stations, infiltration basins and associated fencing and lighting for the proposed Exeter Science Park | NO OBJECTIONS (4 August 2010)
- 14/1134/MFUL | Infrastructure works for Redhayes and Ridgetop Clusters at Exeter Science Park. Provision of internal plot access roads, surface water drainage, foul water drainage, new services, street lighting, vegetation clearance, landscaping/planting, fencing, road markings/signage and an extension to the Redhayes Ridgeline Plateaux landform | APPROVAL (24 July 2014)
- 15/1461/MFUL | Construction of the Tithebarn Cluster car park (89 spaces) and access road including associated infrastructure | APPROVAL (29 September 2015)

The following are also relevant to this application:

- 19/1973/FUL | Creation of a heat substation with associated car parking, landscaping and 2.0m high security fencing | APPROVAL (10 July 2020)
- 23/1102/LDO | Revised boundary for the Adopted Local Development Order (LDO) for District Heating Networks under application number 20/0530/LDO | APPROVED (22nd August 2023)

The Proposed Development

The application seeks full planning permission for the construction of a substation with associated access and landscaping. The applicant is East Devon District Council, and the substation would serve the District Heating Network.

The proposed substation would be a single storey building and would measure approximately 10.4m in width and 13.9m in length. The proposal would have a pitched roof and would measure approximately 4.1m on the eaves and 5.3m on the ridge. The proposal would be finished in red brick and the roof would be metal cladding.

The proposal would include a new vehicular entrance from Langaton Lane with turning area as well as drainage infrastructure and additional landscaping comprising of a hedge around the substation boundary and wildflower grass mix. The site would be bounded by a 1.8m high security fence.

Neighbour Consultation

No responses have been received from neighbouring properties.

OFFICER ASSESSMENT

A) THE PRINCIPLE OF DEVELOPMENT

Paragraph 160 of the National Planning Policy Framework (2023) states that to help increase the use and supply of renewable and low carbon energy and heat, plans should:

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for collocating potential heat customers and suppliers.

Strategy 1 (Spatial Strategy for Development in East Devon) of the adopted Local Plan (2016) sets out that East Devon's West End will accommodate significant residential development and major employment development to attract strategic inward investment, infrastructure and community facilities.

Strategy 9 (Major Development at East Devon's West End) of the East Devon Local Plan (2016) states that high quality development with associated infrastructure, built within a high-quality landscape setting, will be provided in East Devon's West End. Within the West End of East Devon the following schemes will be provided:

5. Exeter Science Park - Research/technology employment site

Strategy 11 (Integrated Transport and Infrastructure Provision at East Devon's West End) of the East Devon Local Plan (2016) states that coordinated infrastructure provision will be required to cover:

1. Low carbon heat and power supply.

Strategy 40 (Decentralised Energy Networks) of the East Devon Local Plan (2016) states that Decentralised Energy Networks will be developed and brought forward...to bring forward low and zero carbon energy supply and distribution.

Policy DC5 (District Heating Schemes (DHS)) of the Broadclyst Neighbourhood Plan (2023) states that across the neighbourhood plan area, including but not limited to the LDO District Heating Area (Figure 27), proposals for new development that demonstrate they will produce less than 150kg of CO₂ per kWh from heating systems will be supported.

The application seeks permission for a heat substation within the Exeter Science Park. The Exeter Science Park was approved under application 09/1107/MOUT for the development of a science park with 76,450 square metres of B1 (A-C) uses including a 150-bed hotel and conference facility and ancillary uses (A1, A3, D1 and D2). The application also included provisions for associated infrastructure to support its development.

The wider area of Tithebarn and Mosshayne as well as Science Park are currently served by District Heating and future development in this area is expected to connect to the existing system in line with Strategy 40. The proposal would support the continued growth of the District Heating System and would support the Local Plan's aim to bring forward low and zero carbon energy.

The application site is located within the Exeter Science Park of which the Masterplan shows this site for infrastructure (a pumping station). It is recognised that the proposed development is not for a pumping station however the proposal is for necessary infrastructure which is crucial to support strategic development at the Science Park and West End Developments. The Masterplan identified this location as suitable for infrastructure development and this Masterplan was approved by Strategic Planning Committee on 4th September 2018.

Strategies 9 and 11 support the need for infrastructure provision at the West End to support development and the proposal is considered to be necessary infrastructure which is crucial to support the continued growth of the District Heat Network.

The proposed development is supported by Strategies 9 and 11 of the adopted Local Plan (2016) and Policy DC5 (District Heating Schemes (DHS)) of the Broadclyst Neighbourhood Plan (2023) and raises no concerns in land use terms subject to the satisfactory resolution of all planning considerations.

B) DESIGN AND LAYOUT

Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) (2023) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Development should establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and development that is not well designed should be refused.

Strategy 48 (Local Distinctiveness in the Built Environment) of the adopted Local Plan (2016) states that local distinctiveness and the importance of local design standards in the development process will be of critical importance to ensure that East Devon's towns and villages retain their intrinsic physical built qualities. Where towns or villages are or have been despoiled we will seek to have qualities reinstated through good design. Use of local materials and local forms and styles will be essential to this distinctiveness.

Policy D1 (Design and Local Distinctiveness) of the adopted Local Plan (2016) states that in order to ensure that new development, including the refurbishment of existing buildings to include renewable energy, is of a high quality design and locally distinctive, a formal Design and Access Statement should accompany applications setting out the design principles to be adopted should accompany proposals for new development. Proposals should have regard to Village and Design Statements and other local policy proposals, including Neighbourhood Plans, whether adopted as Supplementary Planning Guidance or promoted through other means. Proposals will only be permitted where they:

- 1) Respect the key characteristics and special qualities of the area in which the development is proposed.
- 2) Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
- 3) Do not adversely affect:
 - a) The distinctive historic or architectural character of the area.
 - b) The urban form, in terms of significant street patterns, groups of buildings and open spaces.
 - c) Important landscape characteristics, prominent topographical features and important ecological features.
 - d) Trees worthy of retention.
 - e) The amenity of occupiers of adjoining residential properties.
 - f) The amenity of occupants of proposed future residential properties, with respect to access to open space, storage space for bins and bicycles and prams and other uses; these considerations can be especially important in respect of proposals for conversions into flats.
- 4) Have due regard for important aspects of detail and quality and should incorporate:
 - a) Secure and attractive layouts with safe and convenient access for the whole community, including disabled users.
 - b) Measures to create a safe environment for the community and reduce the potential for crime.
 - c) Use of appropriate building materials and techniques respecting local tradition and vernacular styles as well as, where possible, contributing to low embodied energy and CO2 reduction.
 - d) Necessary and appropriate street lighting and furniture and, subject to negotiation with developers, public art integral to the design.
 - e) Features that maintain good levels of daylight and sunlight into and between buildings to minimise the need for powered lighting.
 - f) Appropriate 'greening' measures relating to landscaping and planting, open space provision and permeability of hard surfaces.

- 5) Incorporate measures to reduce carbon emissions and minimise the risks associated with climate change. Measures to secure management of waste in accordance with the waste hierarchy (reduce, reuse, recycle, recovery, disposal) should also feature in proposals during the construction and operational phases.
- 6) Green Infrastructure and open spaces should be designed and located in a way that will minimise any potential security concerns for users.
- 7) Mitigate potential adverse impacts, such as noise, smell, dust, arising from developments, both during and after construction.

Policy D2 (Landscape Requirement) of the adopted Local Plan (2016) states that landscape schemes should meet all of the following criteria:

- a) Existing landscape features should be recorded in a detailed site survey, in accordance with the principles of BS 5837:2012 'Trees in Relation to Construction' (or current version)
- b) Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. This should be in addition to the requirement for new landscaping proposals. Where appropriate, existing habitat should be improved and where possible new areas of nature conservation value should be created.
- c) Measures to ensure safe and convenient public access for all should be incorporated.
- d) Measures to ensure routine maintenance and long term management should be included.
- e) Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping.
- f) The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

The proposal seeks permission for a substation with access point, boundary treatments and landscaping. The proposed substation would be a single storey building and would measure approximately 10.4m in width and 13.9m in length. The proposal would have a pitched roof and would measure approximately 4.1m on the eaves and 5.3m on the ridge. The proposal would be finished in brick and the roof would be metal cladding. The proposed building would be rectangular in form and whilst the proposal would be a 'functional building' its design, scale and appearance must not harm the character and appearance of the wider area.

The site would wrap around the existing substation which is approximately 15m x 9m with a ridge height of around 4m. This existing substation is highly visible from the public realm as it is located at the junction of Langaton Lane and Tithebarn Way. The existing substation would in part screen the proposed substation when viewed from Tithebarn Way however the substation would be highly visible from the Exeter Science Park due to the change in ground level. Furthermore, the proposal would be sat on higher ground than the existing substation when viewed from Tithebarn Way but it would be set further back from Tithebarn Way compared to the existing station which would help to reduce its overall impact.

The proposal would be single storey and would be a similar scale and design as the existing substation. This existing substation is not considered to harm the character and appearance of the wider area although it is acknowledged that it is a functional building and is in a highly visible location.

As part of the application, the external material of the building has been changed to a red brick facing which would help to improve the appearance as the existing substation is red brick and would be similar to materials used in the wider area. The roof would be metal cladding which is considered acceptable.

The proposal would include 1.8m high boundary fences and a planting buffer which would help to soften the development in the future. The proposal would result in the loss of a section of hedgerow for access however the proposal results in a net increase in hedgerows. The principle of the landscaping shown is acceptable however the landscaping is a missed opportunity and does not include any trees. It is considered that a revised soft landscaping plan could be secured via a condition to ensure the proposals are suitable and effectively screen the development and to address comments from EDDC Trees.

In terms of site layout, the proposal is constrained by the existing substation, infrastructure, highway, land level changes and attenuation basin. Whilst it would have been preferable for the layout of the existing and proposed substations to align with each other, the overall layout is suitable, and the orientation of the proposed building allows for most efficient access off Langaton Lane. The proposal includes a large turning head for vehicles of which the finished material is unknown. It is considered that further details of external materials and hardstanding can be secured via a condition.

Overall, the design, scale and layout would be acceptable. The proposal is a functional building however the materials would match the local area and it would be single storey in height. The proposal would comply with Policy D1 and D2 of the Adopted Local Plan (2016).

C) AMENITY

Section 12 (Achieving Well-Designed Places) of the NPPF (2023) outlines that planning policies and decisions should ensure that development create places with a high standard of amenity for existing users.

Policy D1 (Design and Local Distinctiveness) of the adopted Local Plan (2016) states that proposals will only be permitted where they do not adversely affect the amenity of occupiers of adjoining residential properties.

Policy EN14 (Control of Pollution) of the adopted Local Plan (2016) 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 proposes a substation which has the potential for disturbance through noise and vibrations and light spillage. The proposed development would be located approximately 38m from residential dwellings in construction at Exeter Science Park (ref. 18/2799/MOUT and 21/1282/MRES) and approximately 53m from neighbouring properties on Tithebarn Way and Kiln Corner.

The building itself would be located at least 38m from neighbouring properties and would be partially screened by the existing substation and boundary trees and hedgerows. The proposed building is not considered to result in any harm to neighbouring properties in terms of overbearing or overshadowing. The proposal would not result in any loss of privacy to neighbouring properties.

The proposal has been reviewed by the Council's Environmental Health Officer in relation to noise, disturbance and light and no concerns have been raised. Therefore, given the separation distances and existing screening, it would be unreasonable to object to the application in relation to noise and disturbance. There are no known issues relating to the existing substation and therefore the cumulative impacts are not considered to be significantly harmful to neighbouring properties. Whilst the application does not include any details in relation to lighting, it is considered necessary through condition to seek details of any external lighting prior to their installation should there be a future need on site.

Accordingly, it is considered that the proposed development is acceptable in accordance with Policies EN14 and Policy D1 of the Adopted Local Plan (2016).

D) ECOLOGY AND BIODIVERSITY

Strategy 47 (Nature Conservation and Geology) of the adopted Local Plan (2016) states that all development proposals will need to:

1. Conserve the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats.
2. Maximise opportunities for restoration, enhancement and connection of natural habitats.
3. Incorporate beneficial biodiversity conservation features.

Development proposals that would cause a direct or indirect adverse effect upon internationally and nationally designated sites will not be permitted unless:

- a) They cannot be located on alternative sites that would cause less or no harm.
- b) The public benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats.
- c) Prevention, mitigation and compensation measures are provided.

d) In respect of Internationally designated sites, the integrity of the site will be maintained.

Strategy 47 (Nature Conservation and Geology) of the adopted Local Plan (2016) states that where development or the occupants of development could lead to adverse biodiversity impacts due to recreational or other disturbance, we will require mitigation measures and contributions to allow for measures to be taken to offset adverse impacts and to create new habitats. All residential development schemes within a straight line 10 kilometres distance of any part of the SAC and/or SAC designated areas of the Exe Estuary or Pebblebed Heaths will be required to provide mitigation.

Policy EN5 (Wildlife Habitats and Features) of the adopted Local Plan (2016) 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. Where development is permitted on such sites mitigation will be required to reduce the negative impacts and where this is not possible adequate compensatory habitat enhancement or creation schemes will be required and/or measures required to be taken to ensure that the impacts of the development on valued natural features and wildlife have been mitigated to their fullest practical extent.

Policy NE5 (Landscape and Biodiversity) of the Broadclyst Neighbourhood Plan (2023) states that as appropriate to their scale, nature and location development proposals should contribute to a high quality and biodiversity-rich natural environment and requires biodiversity gains of at least 10% on all developments.

The application was supported by an Ecology Impact Assessment and Biodiversity Calculation Tool by GE Consulting. The existing site is greenfield however it is predominantly bare ground due to the recent construction of the substation immediately northeast of the Site. The east of the Site is bound by bramble scrub on a bank. There are no European Designated Sites within 5km of the Site and no statutory or non-statutory designated sites lie within 2km of the Site. The Site falls within the Impact Risk Zones for Stoke Woods SSSI and Exe Estuary SSSI and the site is located within 10km of the Exe Estuary Special Protection Area (SPA) and East Devon Pebblebed Heaths Special Area of Conservation (SAC) and SPA.

The findings of the Ecology Impact Assessment are summarised by species below:

Bats - The small size of the site offers no significant habitat to foraging bats. No lighting is proposed but the design should limit light spill. Any noise or vibration from the substation will be minimal and is not deemed to be detrimental to bats welfare.

Birds - There is a risk of disturbing breeding birds and their nests with bramble removal during construction which should be removed outside of nesting bird season.

Dormice - It is considered highly unlikely that dormice are present within the 11m of bramble scrub that is due to be removed to allow for access. A licensed ecologist will be required to undertake a fingertip search and oversee the removal of the vegetation suitable for dormice.

Fauna - all excavations created during construction should be covered overnight or means of escape provided such as a ramp.

Invertebrates - it is recommended that the planting of native species is included within the site area to offer potential habitat for invertebrates.

Reptiles - Removal of the 11m of bank encroached with bramble scrub is unlikely to impact significant numbers of reptiles. Removal of the bank vegetation should be overseen by an Ecological Clerk of Works.

In terms of mitigation, supplementary planting in the wider site area is recommended as well as bee posts for provide refuge for insects. Due to noise and vibration generated by the substation, the inclusion of bird and bat boxes would be unsuitable for this development.

In terms of Biodiversity Net Gain, the sites baseline comprises 0.23 habitat units and 0.00 hedgerow/ linear units. The proposed development will comprise 0.40 habitat units and 0.54 hedgerow/ linear units, resulting in a net gain of 0.17 habitat units (71.38%) and an increase in hedgerow units of 0.54.

In summary, the proposal would be acceptable in terms of ecology and would result in a biodiversity net gain. The proposal would comply with Strategy 47 and Policy EN5 of the Adopted Local Plan (2016) and Policy NE5 of the Broadclyst Neighbourhood Plan (2023).

E) DRAINAGE AND FLOOD RISK

Policy EN22 (Surface Run-Off Implications of New Development) of the adopted Local Plan (2016) 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 site is currently vacant green field and does not include any water courses. The site, in Flood Zone 1, is not at risk of flooding from rivers and seas. In relation to surface water run-off, there is additional allowance made for climate change - originally at 20%, more recently at 40% and during 2022 increased to 45% within East Devon. For this application, the 45% allowance has been used which is supported.

In terms of surface water, the proposed access road will drain via a combination of carrier drains and wrapped filter trench and the substation building itself will drain via rainwater pipes, attenuating runoff prior to connection into the existing surface water highway sewer. The proposal also includes a surface water attenuation tank. The total impermeable area created is approximately 440m².

Concerns have been raised regarding surface water run off from the existing field and Langaton Lane. It is acknowledged that some surface water is a result of ongoing construction works. The proposal would include a bund and filter drain along the southern and western boundaries to capture water run off from the field to ensure the proposal does not result any additional harm.

Devon County Council as Lead Local Flood Authority initially objected to the application and stated that additional information was required in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered. In response, the applicant submitted revised plans and further information to Devon County Council highlighting that due to the constrained nature of the development site, it is not possible to introduce above ground SuDS features and provided additional information in relation to the overland flow and proposed flow control.

DCC Flood Risk responded and remove their objection to the proposal subject to a condition. They also recognised the opportunity for betterment and safeguarding of the site from surface water run off.

Therefore, the proposal is considered to be acceptable in terms of drainage and flood risk subject to conditions. The proposal would therefore comply with Policy EN22 of the adopted Local Plan (2016).

F) ACCESS AND HIGHWAYS

Strategy 5B (Sustainable Transport) of the EDLP (2016) states that development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport. Development will need to be of a form, incorporate proposals for and be at locations where it will encourage and allow for efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.

Policy TC2 (Accessibility of New Development) of the EDLP (2016) states that 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.

Policy TC7 (Adequacy of Road Network and Site Access) of the EDLP (2016) states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC9 (Parking Provision in New Development) of the EDLP (2016) states that spaces will need to be provided for parking of cars and bicycles in new developments. All small scale and large scale major developments should include charging points for electric cars.

The application proposes a new access via Langaton Lane with new entrance gates set approximately 5.1m back from Lane to allow for vehicles to park off the lane when opening and closing the gates. The existing lane has a low level of vehicle traffic and is mainly used for walking and cycling by residents.

Access to the site would be infrequent and would be for maintenance of the substation. The proposal includes vehicle parking and a turning head to allow for vehicles to exit the site in a forward gear. Given the low use of Langaton Lane, the access arrangements are considered to be suitable for the development and access onto Tithebarn Way would not be impacted by the development. The proposal is not considered to result in any additional harm to highway, pedestrian or cyclists safety and any perceived harm would be mitigated by the low number of trips generated by the development.

DCC Highway Authority was consulted on the application and raised on concerns with the proposal.

Therefore, the proposal would be acceptable in terms of access and transport and would comply with Policies TC2, TC7 and TC9 of the adopted Local Plan (2016).

G) ARCHAEOLOGY

Strategy 49 (The Historic Environment) of the adopted Local Plan (2016) states that the physical and cultural heritage of the district, including archaeological assets and historic landscape character, will be conserved and enhanced and the contribution that historic places make to the economic and social well-being of the population will be recognised, evaluated and promoted. We will work with our partners and local communities to produce or update conservation area appraisals and conservation area management plans.

Policy EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance) of the adopted Local Plan (2016) 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 proposal lies in an area of archaeological potential within a landscape containing evidence of prehistoric, Romano-British and early medieval activity and groundworks for the construction of the proposed new building have the potential to expose and destroy archaeological and artefactual deposits. The application was reviewed by DCC Historic Environment Team who recommends that the application should be supported by the submission of a Written Scheme of Investigation (WSI) to be secured via a condition. Therefore, the proposal is considered to be acceptable in terms of archaeology subject to a condition.

CONCLUSION

The proposed development would be acceptable and would support the delivery of the District Heat Network. The proposal is supported in principle by the NPPF and Strategies 9, 11 and 40 of the East Devon Local Plan. The overall design, scale and layout would be acceptable although it is noted that the building would serve a functional purpose and would be for infrastructure. The materials of the building would match the wider area and landscaping is proposed to soften the development.

The proposal has been considered in relation to amenity, transport, flood risk and ecology and would be acceptable subject to conditions.

The proposal would comply with the adopted Local Plan, Broadclyst Neighbourhood Plan and NPPF when read as a whole and therefore is recommended for approval subject to conditions.

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. Soft Landscaping

The proposed development hereby permitted shall not be brought into use until a revised soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

The landscaping proposals shall be carried out no later than during the first planting season following the date when the revised planting scheme is

approved or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for at least five years and any trees, hedgerows or plants removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with others of similar size and species to those originally required to be planted unless otherwise agreed by the Local Planning Authority.

(Reason - In the interests of the visual amenity of the development to accord with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013 to 2031).

4. External Materials

Prior to the commencement of development above foundation level, details of the following materials shall be submitted to and approved in writing by the Local Planning Authority:

- o Red Brick
- o Metal Cladding
- o Hardstanding

The development shall be built in accordance with the materials approved.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 to 2031).

5. Exterior Lighting

No external lighting shall be constructed or provided unless and until details of the lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter, any lighting shall be carried out and maintain in accordance with the approved details.

(Reason: To protect the character and appearance of the countryside surroundings in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and to protect nearby occupiers in accordance with the requirements of Policy EN14 (Control of Pollution) of the East Devon Local Plan)

6. Ecological Mitigation

The works shall be carried out in strict accordance with the Ecological Impact Assessment by GE Consulting (ref. 1955-EcIA-RB REV 1 January 2024), undertaking and providing all recommended ecological mitigation, compensation, and enhancement measures.

Reason: To ensure that the development has no adverse effect on protected and notable species in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of

Pollution) of the Adopted East Devon Local Plan 2013-2031 and Policy NE5 of the Broadclyst Neighbourhood Plan (2023).

7. Surface Water Drainage

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

- (a) A detailed drainage design based upon the approved Cranbrook Interconnector Commercialisation Surface Water Drainage Strategy (Report Ref. 70088092-CI-PA-DS-0001, Rev. 3, dated 20th October 2023) but with the updated Drainage & Levels Strategy Plan (Drawing No. 70088092-CI-PA-001, Rev. P06, dated 07th February 2024).
- (b) Detailed proposals for the management of surface water and silt runoff 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.

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

8. Written Scheme of Investigation (WSI)

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.

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 ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and Paragraph

211 of the National Planning Policy Framework (2023), that an appropriate record is made of archaeological evidence that may be affected by the development and to comply with Paragraph 199 and 211 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. 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.)

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:

220905 L 01 10 REV D	Location Plan	18.12.23
220905 L 02 10 REV J	Proposed Site Plan	07.02.24
220905 SE 03 10 REV E: proposed site sections	Sections	06.02.24
220905 SP 01 10 REV E	Proposed Floor Plans	18.12.23
220905 SP 02 10 REV F	Proposed Elevation	02.02.23
drainage/level strategy plan (70088092-CI- PA-001 REV P06)	Drainage report	07.02.24

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

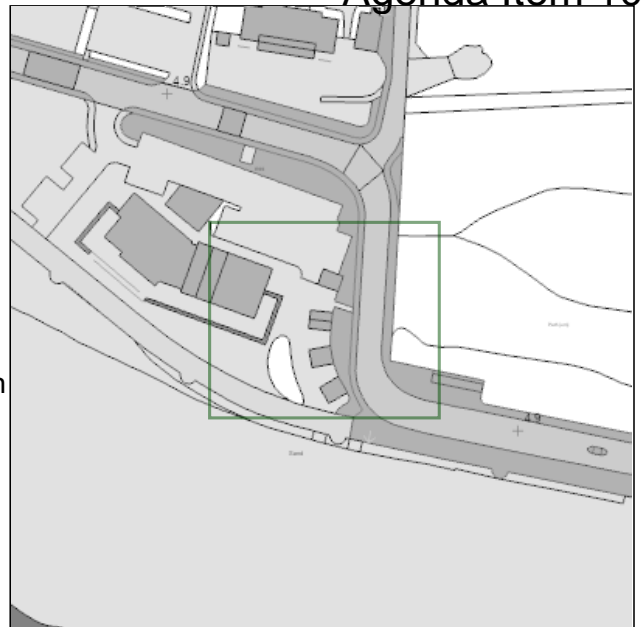
Ward Exmouth Littleham

Reference 23/1752/FUL

Applicant Mr & Miss Oliver & Meg Bridge & Barnett

Location Units 6 And 7 Sideshore Queens Drive Exmouth
Devon EX8 2GD

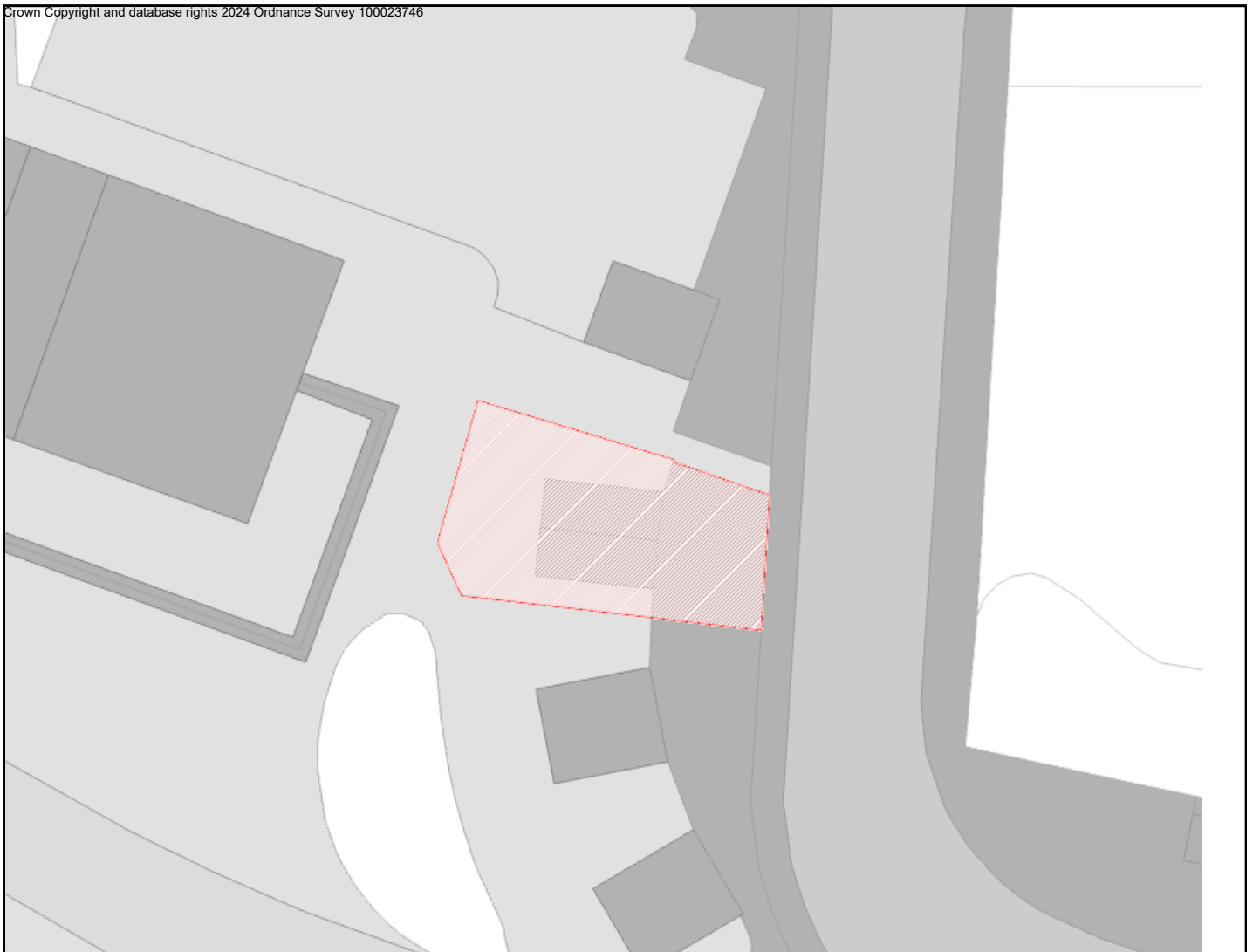
Proposal Retention of external decking area to provide
additional seating



RECOMMENDATION: Refusal

FURTHER RECOMMENDATION: To authorise action to remove the decking and all associated works which have been undertaken, and to reinstate the landscaping as previously approved.

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		Committee Date: 27.02.2024
Exmouth Littleham (Exmouth)	23/1752/FUL	Target Date: 09.10.2023
Applicant:	Mr & Miss Oliver & Meg Bridge & Barnett	
Location:	Units 6 And 7 Sideshore, Queens Drive, Exmouth	
Proposal:	Retention of external decking area to provide additional seating	

RECOMMENDATION: Refusal

FURTHER RECOMMENDATION: To authorise action to remove the decking and all associated works which have been undertaken, and to reinstate the landscaping as previously approved.

EXECUTIVE SUMMARY

This application is before Members because EDDC has a financial interest in the land and a contrary view has been expressed to the Officer recommendation.

The application seeks retrospective planning permission for the retention of an area of raised decking and further works, including the installation of a post and rail handrail with 'sail' material balustrade to create a further seating area for customers of the existing cafe/takeaway.

The site is prominently located adjacent to the rear of the wooden huts installed as part of the Sideshore development. It lies adjacent to the re-aligned Queens Drive and opposite The Maer County Wildlife site. The site was previously landscaped as part of the wider landscaping associated with the eastern boundary of the site.

It is considered that the removal of the landscaping and installation of the decking and associated development to create a new seating area is, and would be, visually intrusive and prominent within the street scene, introducing a discordant feature within what is currently a transition area between the natural and understated development to the east of the site, and the Sideshore development and more intensively built-up seafront area to the west.

The huts were designed to accommodate modest businesses and takeaway facilities that would offer a variety of individual uses, and whilst it is noted that units 6 and 7 are occupied by a single user, any further expansion of this business through the installation and use of the existing/proposed decking would represent

a disproportionate intensification of the use, and the introduction of built form in an otherwise undeveloped area of the seafront.

Given the level of harm incurred by the removal of the landscaping and installation of the decking it is considered that appropriate action be taken to ensure the removal of the decking and associated development that has taken place, and to reinstate the landscaping in accordance with that previously approved.

CONSULTATIONS

Local Consultations

Exmouth Littleham - Cllr Nick Hookway

I am objecting to this application for the following reasons.

The scale of the decking is out of character with the surrounding area. I do not agree with the location of the decking over what was an existing boundary formed by plants suitable for a marine environment.

The location of the decking is out of scale and at odds with the design philosophy of the SideShore development and appears to be incongruous with the other small hut like buildings that form the eastern boundary of this development. In short, the decking is too large for its present location. The loss of the plant boundary is also to be regretted as it did form a visual amenity that was much needed.

Several objectors have raised the issue of its location so close to the pavement, as well as being on a ninety degree bend on the road. I support these objections I think that it is unsafe location for an area that will be serving alcohol, it will be too easy for someone to stagger onto the road. Even if a fence is put there, pedestrians will be at risk of being pushed or forced out into the road.

I should also state that I believe that putting a fence on the current decking would be even more incongruous, in design terms.

There also appears to be a change of use requested by this application from a takeaway cafe to one offering a table service. This seems to be unnecessary as there is plenty of table service available outside Sideshore on the western edge of the site. As far as I am aware Sideshore is primarily a water sports centre as per the planning application and secondly it is an area for food and beverages so the idea of a takeaway cafe expanding into table service appears to be rather illogical in my view.

Parish/Town Council

Meeting 29.08.23

Objection; members were concerned about public safety. The proposed development was close to the highway on a bend and were concerned that this would be a potential distraction to drivers. Members questioned if there was adequate toilet facilities to accommodate an additional seating area and felt Environmental Health should be consulted. Members also questioned if the current use category allowed sit down waiter service.

Technical Consultations

None received

Other Representations

13 representations have been received, 12 raising objections, and 1 in support, summarised below:

Objections:

- Detrimental to highway safety
- Removal of planting and features
- Visually intrusive
- Out of keeping with original design
- Detrimental to streetscene
- Would encourage other similar proposals
- There is an existing external seating area within the main plaza
- No disabled/wheelchair access
- Too close to main seafront road
- No provision for storage of tables and seating
- Contrary to approved development
- Building is a takeaway not café
- Proposed decking out of character and overbearing
- Additional noise and disturbance
- Decking is too large

Support:

- Will support a local business
- Community should be supporting growth
- The site has already been developed
- Onus is on drivers to drive safely

RELEVANT PLANNING HISTORY

Reference	Description	Decision	Date
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.	Approved	24.07.2020

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).	Approved	10.12.2019
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	Approved	07.06.2018

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN4 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites)

EN5 (Wildlife Habitats and Features)

EN10 (Conservation Areas)

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)

E12 (Neighbourhood Centres and Shops)
E20 (Provision of Visitor Attractions)

Government Planning Documents

NPPF (National Planning Policy Framework 2023)
National Planning Practice Guidance

Exmouth Neighbourhood Plan

EE1 - Tourism

Site Location and Description

The application site is located on Exmouth Sea Front and comprises a piece of land on the eastern of the Sideshore development on Queens Drive. It is located to the rear of the small retail units, designed to have the appearance of independent beach huts, and adjacent to the re-aligned Queens Drive and formed part of the original landscaping on this side of the development.

To the north and west is the Sideshore development, with the promenade and beach to the south and The Maer, which is a County Wildlife Site (CWS) and Local Nature Reserve (LNR). The beach forms part of the Exe Estuary Site of Special Scientific Interest (SSSI). The Exe Estuary is also a Ramsar Site and a Special Protection Area.

The site is within the built-up area of Exmouth but has no residential properties adjoining it.

Proposed Development

Retrospective planning permission is sought for the removal of the landscaping to the rear of Sideshore Units 6 & 7, and its replacement with a raised decking area designed to provide an additional outside seating area for patrons of the takeaway business. The decking extends over the previously planted area and a wide strip of stone chippings, nearly up to the back edge of the boundary of the pavement which is marked by a line of wooden sleepers.

The raised wooden decking extends to an area of around 40 square and is proposed to be enclosed by post and rail fencing with a 'sail' material below, with several new planters proposed and additional planting to the northern and southern boundaries.

ANALYSIS

The main issues to be considered in the determination of this application relate to the principle of the development, visual impact on the character and appearance of the area, flooding and drainage, economic impact, and highway safety.

Principle of Development

Unit 6 & 7 form part of the wider Sideshore development, planned as part of the Exmouth Seafront Masterplan, which includes a range of leisure uses, with the takeaway and other retail uses operating from the huts. There is open communal/amenity area located between the huts and the main water sports building which houses a number of tables and chairs and a grassed crescent area, used for the laydown of water sports equipment.

Exmouth Seafront is recognised as a key asset for the town, serving as a regional centre for water sports and recreational activity. The Sideshore development is fundamental to the success of this area, being developed as part of the comprehensive Exmouth Seafront Masterplan. The landscape setting of the proposal is an essential part of the scheme and makes a positive and valuable contribution to this part of the seafront. It is a sensitive site that was developed after considerable deliberation, and as a comprehensive proposal, with the boundary landscaping and the development of the huts providing a transition between the new water sports and café buildings and the local nature reserve of the Maer.

The removal of part of the established landscaping is considered to be in conflict with the provisions of the Masterplan, and contrary with local and neighbourhood policies seeking to protect this area, in particular D2 (Landscape Requirements) and EN4 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites) of the Local Plan and EE6 - Queens Drive Development of the Exmouth Neighbourhood Plan.

Policy E2 (Employment Generating Development in Built-up Areas) supports employment generating development in built-up areas, subject to a number of criteria, are met in full. Included within these is that new development would not harm any site of nature conservation value or blend into the landscape and/or townscape in terms of design, siting and materials. Whilst it is recognised that additional seating has the potential to foster some additional employment, the location of the site and the proposed design, siting and materials would be discordant and fail to blend into the landscape/townscape.

Visual Amenity and Impact on the Character and Appearance of the Area

The original detailed landscaping of the development, particularly to the boundaries of the parking and re-aligned road, wrapping around the development, was designed specifically to reflect the coastal location and to provide a visual and species link with The Maer to the east. It is prominent in the approach to the town from the east and makes a significant contribution to the character and setting of the water sports development.

The siting, design and position of the huts on the re-aligned Queens Drive are intended to be of modest scale, set back from the road and staggered to facilitate views through the development and to allow the provision of appropriate levels of planting and hard landscaping to soften their appearance. The landscaping of this area is fundamental to the success of this part of the development.

The removal of a significant area of established landscaping, and replacement with a raised deck, seating and enclosure is entirely at odds with that approved. It introduces an inappropriate urbanising element to this part of the seafront, considered to be visually intrusive and out of character with the transition between the understated promenade and nature reserve to the east of the site and the more developed area to the west approaching the town centre.

It is considered that the prominence of the decking structure and enclosure, extending virtually to the rear of the pavement will be visually intrusive within the streetscene, worsened by the associated tables, seating, garden umbrellas and other paraphernalia associated with outdoor seating areas. It is not considered that the introduction of planters would mitigate the harm which the removal of the landscaping and introduction of built form has incurred.

The development fails to respect the key characteristics and special qualities of the area as required by Policy D1 (Design and Local Distinctiveness) and fails to make a positive contribution to the street scene and integration of the development with its surroundings and settings as required by Policy D2 (Landscape Requirements) of the Local Plan.

Flooding and Drainage

The application 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 has been submitted which states that the nature of the development as being at low risk and given the nature of the construction of the decking which would allow surface water to drain onto the ground below, it is not considered that any increased risk of flooding would occur as a result of the development.

No alterations are sought to the existing drainage on the site.

Economic Impact

The design and layout of the huts is such that they are intended to be modest units, which would attract small local businesses. One of the reasons which they were originally considered to be acceptable was that they would not compete or present any substantive threat to the viability of town centre operators, and it is considered that the further expansion of the commercial area by the introduction of external seating within the landscaped area would be contrary to the principle of the original permission.

Sideshore is a successful working water sports centre with the ancillary huts approved to provide support to this business. The huts were approved as small retail units and modest takeaway, with the main café facility being provided within the permanent building. The introduction of a further seating area to the rear of the unit and removed from the shared space to the front of the huts would extend the commercial activity associated with the Sideshore development into the landscaped transition area between Maer Nature reserve and the watersports complex.

Whilst the desire to expand a successful business is appreciated, it is considered that this needs to be balanced against any visual or other physical impact on the surrounding area and should not be to the detriment of the wider public benefit. There would be no benefit to the wider public arising from the development of the decking area, with any perceived benefits only for the patrons of the café.

The harm to the streetscene and visual impact arising from the removal of landscaping and installation of decking enclosure and associated paraphernalia is considered to outweigh any economic benefits such that the proposal is unacceptable.

Highway Safety

The alterations and re-alignment of Queens Drive was undertaken to reduce speed and improve highway safety along the seafront. Whilst the proposed development is not considered to be likely to give rise to any tangible highway safety fears, and will not result in any additional traffic, the physical presence of the structures and movements associated with the use of the proposed seating area will represent a distraction from the calm approach to the approved development.

CONCLUSION

The desire to expand a successful local business is fully appreciated, however this should not be at the expense of the wider public benefit or detriment to the character and appearance of the area.

The removal of the landscaping and installation and use of the proposed decking area introduces a discordant and visually intrusive feature in this location which is harmful to the character and appearance the area, and unsupported by any policy in the Local or Exmouth Neighbourhood Plan.

The huts were designed to accommodate modest businesses and takeaway facilities that would offer a variety of individual uses, and whilst it is noted that units 6 and 7 are occupied by a single user, any further expansion of this business through the installation and use of the existing/proposed decking would represent a disproportionate intensification of the use, detracting from the occupation of the units as modest ancillary uses, and the introduction of built form in an otherwise undeveloped area of the seafront.

Part of the proposed development has been undertaken, and the landscaping removed, and therefore, given the level of harm which has arisen from this, it is appropriate to seek to redress this harm by the removal of all unauthorised structures and reinstatement of the planting and landscaping which has been removed.

RECOMMENDATIONS

REFUSE for the following reason:

The proposed development, by virtue of its prominent siting, inappropriate design and incongruous materials would be visually intrusive and detract from the character and appearance of the area. It would introduce built development within an area of

landscaping and would be detrimental to the openness and landscape qualities of this part of Exmouth seafront. As such it would be contrary to Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and E2 (Employment Generating Development in Built-up Areas) of the East Devon Local Plan 2013-2031; Policy EE6 - Queens Drive Development of the Exmouth Neighbourhood Plan, and the guidance contained within the National Planning Policy Framework.

FURTHER RECOMMENDATION

Authorisation is sought to take action to secure the removal of the decking and all associated development on the site, the removal of all materials arising from this, and reinstatement of the landscaping as previously implemented in accordance with the Landscape and Ecological Management Plan, prepared by EAD Ecology, dated 9 November 2020, and discharged by Discharge of Conditions Notice dated 26 January 2021 (Application Reference: 18/0376/MFUL).

It is necessary to take further action and it is expedient to do so because there has been a serious breach of planning policy, those policies being D1 (Design and Local Distinctiveness), D2 (Landscape Requirements), and E2 (Employment Generating Development in Built-up Areas) of the East Devon Local Plan 2013-2031, EE6 - Queens Drive Development of the Exmouth Neighbourhood Plan and the guidance contained within the National Planning Policy Framework

It is recommended that a compliance period of three months from the effective date of the notice is given. This period of time should be sufficient for the applicant to comply with the requirements.

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability. This Informative confirms that this development is not liable to a CIL charge.

Informative:

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

Plans relating to this application:

	Location Plan		10.08.23
D070-23-102	Proposed Plans	Combined	10.08.23

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

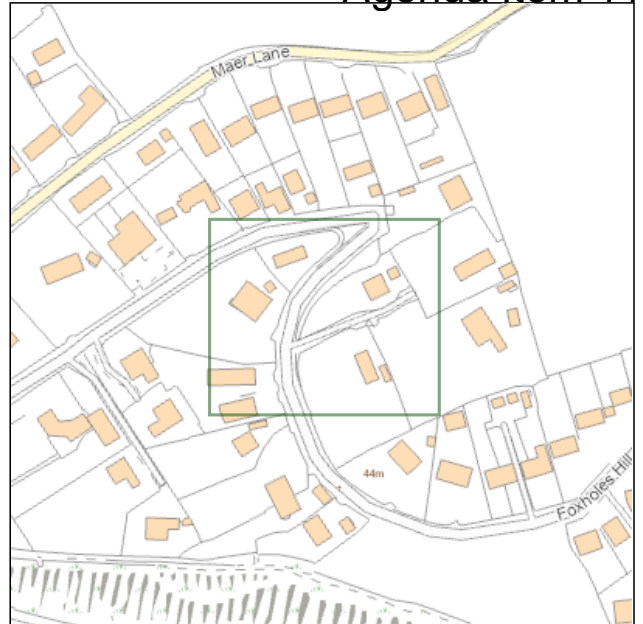
Ward Exmouth Littleham

Reference 22/2717/FUL

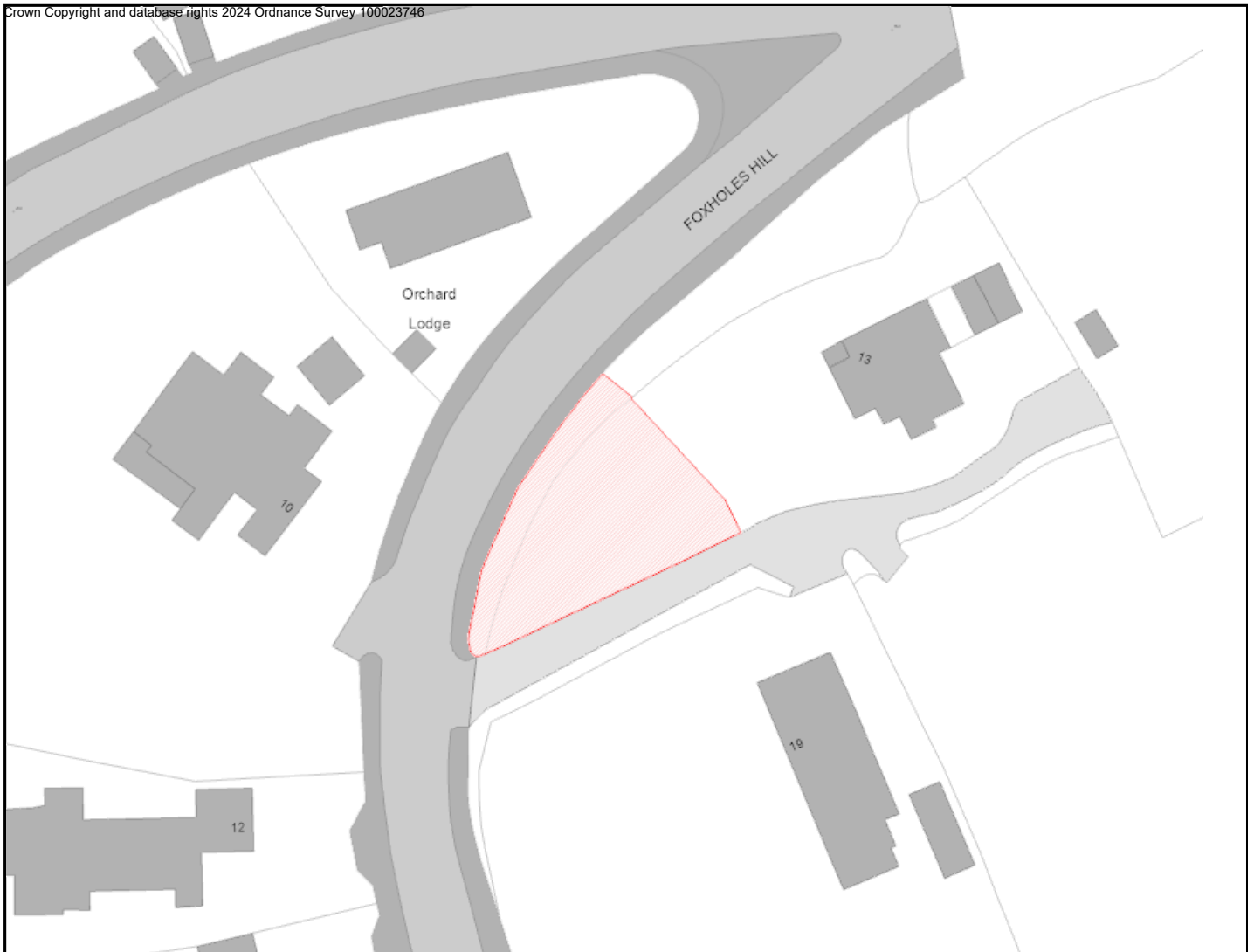
Applicant Mr A. Douglas

Location 13 Foxholes Hill Exmouth Devon EX8 2DF

Proposal Construction of a detached 2x bed dwelling with associated parking and amenity space (including sections/topography plan/access and egress)



RECOMMENDATION: Approval with conditions



		Committee Date: 27.02.2024
Exmouth Littleham (Exmouth)	22/2717/FUL	Target Date: 15.02.2023
Applicant:	Mr A. Douglas	
Location:	13 Foxholes Hill Exmouth	
Proposal:	Construction of a detached 2x bed dwelling with associated parking and amenity space (including sections/topography plan/access and egress)	

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 is within the Built Up Area Boundary of Exmouth and the National Landscape (AONB), in an established residential area where there is a wide variety of plot sizes and building styles. The site is a steep sloped, north facing garden, with access to the west from Foxholes Hill. The site is bordered to the south by hedgerow and a private access track that also serves four existing properties.

Amendments to the application have been made during the course of its determination following concerns raised by officers regarding the scale, mass and bulk of the proposal particularly in relation to its surroundings, these concerns were shared by the ward member.

The amendments propose to reduce the scale of the dwelling back to 2 no. bedrooms (rather than 3 as submitted), this would be achieved by reducing the two-storey element of the building by one third and reducing the height of the upper floor to within the a pitched roof to add interest and reduce the bulk of the building, the solar panels have also been removed which is regretful but they would have been visually intrusive. The amended design would not appear unique to this area, with comparable examples in evidence of more modern dwellings at 'Sand Banks' and 'Belle View', on Foxholes Hill to the west of the proposal site. With such designs of similar style and finish in the vicinity the new build proposed would not appear incongruous in character (in that it is mindful of surrounding building styles).

The impacts on residential amenity, particularly the living conditions of the two

neighbouring dwellings with the potential to be most impacted by the proposal, No. 19 Foxholes Hill and Orchard Lodge, have been assessed and been found to be acceptable in relation to Policy D1 of the East Devon Local Plan.

The impacts of the intensification of a private access onto Foxhles Hill has been found to be acceptable with no objections received from Devon County Council's Highways Engineer.

Accordingly, having regard to all the matters raised, it is therefore recommended that planning permission is approved.

CONSULTATIONS

Local Consultations

Parish/Town Council

Meeting 03.01.23

No objection

Exmouth Littleham - Cllr Nick Hookway – On originally submitted scheme

I am objecting to the planning application for the following reasons.

Design: This application sits within the AONB and lacks the necessary design flair for such a location. The location of the solar panels is also incongruous for this design. Such a design is not complimentary to the neighbourhood.

I am also concerned by the height and scale of the proposed building, which I feel may well lead to a loss of privacy by neighbouring properties being overlooked.

At present the site can only be accessed by a narrow private road which exits on a bend in the road. Such an arrangement will be problematic during construction and will lead to long term congestion.

These are the facts as I see them at present. If and when I am presented with further information, I reserved the right to amend my opinion.

Technical Consultations

County Highway Authority

No objection subject to conditions

Other Representations

3 x objections received; 2 x support received.

Objections cite:

Overdevelopment;
Impact on Character;
Highway Safety;
Overlooking / Privacy

Support cites:

In character;
Appropriate design

POLICIES

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

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

H2 (Range and Mix of New Housing Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN14 (Control of Pollution)

Government Planning Documents
NPPF (National Planning Policy Framework 2023)

National Planning Practice Guidance

Exmouth Neighbourhood Plan (Made)

Policy EB2 - Design

Relevant Planning History

The site has no relevant planning history.

Site Location and Description

The site is within the Built Up Area Boundary of Exmouth in an established residential area where there is a wide variety of plot sizes and building styles

The site is a steep sloped, north facing garden, with access to the west from Foxholes Hill. The site is bordered to the south by hedgerow and a private access track that also serves four existing properties.

The site is in the East Devon National Landscape (AONB) but has no other statutory designation constraints.

Proposed Development

The planning application seeks full planning permission for the construction of a detached 2no. bed dwelling with associated parking and amenity space.

The design of the building is one with a subterranean garage (built into the hillside).

The south facing elevation windows, at the first floor, would serve the landing area and family bathroom (family bathroom window is to be obscure glazed).

The building is to be finished to a white render / Siberian larch, with glazing on the NW corner. The proposal includes a terrace area to the northern side of the dwelling.

Bedroom windows would be full height, with Juliette Balconies.

Amendments to the application have been made during the course of its determination following concerns raised by officers regarding the scale, mass and bulk of the proposal particularly in relation to its surroundings, these concerns were shared by the ward member.

The amendments propose to reduce the scale of the dwelling back to 2 no. bedrooms (rather than 3 as submitted), this would be achieved by reducing the size of the first floor element of the proposal on its end facing Foxholes Hill and by rationalising the materials so that the upper floor would be read as a room in the roof bungalow with a modern approach using copper red dormer surround, Siberian larch cladding and red clay rooftiles.

ANALYSIS

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

- Principle of the proposed development;
- Impact of the development on its surroundings;
- Impact on the living conditions of neighbouring dwellings;
- Impact on highway safety;
- Habitats Regulations Assessment;

Principle of Development:

The site is located within the built-up area boundary of Exmouth in a sustainable location with good access to services and facilities and public transport, with good links to further afield settlements, where the principle of new residential development is supported under the provisions of Strategy 6- Development within Built-Up Area Boundaries of the East Devon Local Plan subject to the impacts of the proposal being acceptable in relation to other policies contained in the plan together with any relevant material considerations.

Impact of the development on its surroundings

The site is in the East Devon National Landscape (NL), and also the built up area boundary of Exmouth. The location is adjacent to 'LCT 1B: Open Coastal Plateau' as identified in the Landscape Character Assessment 2019. In that, it states that LCT 1B land as 'High land which is often highly visible in views along the coast and from elevated viewpoints.'

The location of this site, within the existing built-up area boundary of Exmouth would not detract from the above characteristic as the side of the hill is already extensively developed with housing, being an urban, low density residential area within the NL, and would not impact on the wider NL or its setting subject to its design and visual impact.

In terms of visual amenity, design and character it is noted that the properties in this part of Foxholes Hill are not defined by their uniform appearance, with there being many differing styles and finishes to properties. One defining characteristic is that most are detached two storey dwellings, which this proposal seeks to continue. It is apparent that many of the properties close to the site have undergone some form of modernisation/re-build in recent years, being in an elevated position when viewed from the south the modernisations/new builds can be appreciated albeit from longer distance views. The proposal site would not be visible in these wider views, however, as there are mature evergreen trees in the gardens of properties in the foreground.

Objections to the original proposal on site suggested that the building would appear stark and out of keeping with that of the surround area, as well as appearing as over development of the plot (suggesting the development covers more than 50% of the site) and therefore would be contrary to the following element of Exmouth Neighbourhood Plan Policy EB2:

"New development should be mindful of surrounding building styles and ensure a high level of design as exemplified in the Avenues Design Statement (2005)."

In terms of the design, officers raised concerns over the scale, mass and bulk of the original submission being a two-storey flat roofed building with solar panels on its roof. Its bulky form and visibility when travelling along Foxholes Hill would have created a large mass that would have detracted from the special qualities of the area and provide a dominant development in an elevated position. These concerns were shared by the Ward Member.

Amended plans have been received reducing the two-storey element of the building by one third and reducing the height of the upper floor to within the pitched roof to add interest and reduce the bulk of the building, the solar panels have also been removed which is regretful but they would have been visually intrusive. The amended design would not appear unique to this area, with comparable examples in evidence of more modern dwellings at 'Sand Banks' and 'Belle View', on Foxholes Hill to the west of the proposal site. With such designs of similar style and finish in the vicinity the new build proposed would not appear incongruous in character (in that it is mindful of surrounding building styles). It is considered necessary to impose a condition on any approval seeking confirmation of the finished floor level of the

dwelling, whilst the site sections indicate that the dwelling would be dug into the site, for the avoidance of doubt measurements in relation to an identifiable datum point are required.

In relation to scale (and concerns regarding overdevelopment), the buildings footprint would be approximately 111 sq.m. The plot size is approximately 470 sq.m. which would equate to less than 25% of the plot, which is not considered to represent an overdevelopment of the site.

Concerns have also been raised regarding a new building line being created forward of the existing properties, however this part of Foxholes Hill has no clear building line with new infill properties to the north and west of the site having been constructed in recent decades subdividing what were once large plots and therefore the siting of the proposed dwelling is considered to be acceptable.

Unfortunately, despite being re-consulted the Ward Member has not provided any further comments on the amended plans.

The amended scheme is considered to respect visual amenity, be of a design suitable for the location and would respect the character of this area of the AONB, as is required by Policies STGY3, STGY6, STGY46; STGY48 and D1 of the East Devon Local Plan 2013-2031.

Impact on the living conditions of neighbouring properties

The site is surrounded by neighbouring properties to the north, south, east (host dwelling) and west (on the opposite side of Foxhole Hill). Objections have been received citing loss of privacy (overlooking) of property to the north (Orchard Lodge) and south (19 Foxholes Hill).

The proposed south facing elevation would be approximately 16.3m north of the edge of the neighbouring property (19 Foxholes Road). The ground level of 19 Foxholes Hill is to be set approximately 2.5m higher than the ground floor of the proposed property (not the subterranean garage, which would be lower again). From the plans (Section drawings), only the first floor of the proposed dwelling would be potentially visible, with only windows serving bathrooms and the staircase facing towards the neighbouring property (i.e., no habitable rooms will have line of sight towards 19 Foxholes Hill).

With regards the properties to the north (notably Orchard Lodge), from the site plan and section drawing provided, there would be a distance of circa 31m from the edge of the proposed terrace to the edge of the neighbouring property. The host property would be set significantly higher, similarly to 13 Foxholes Hill which already has views down towards the north in a compatible way to the proposed dwelling, than Orchard Lodge whose ridgeline is set just above road level. Views from the terrace would be at a distance and look well above the ridge of Orchard Lodge such that there is considered to be no detrimental impact on residential amenity.

No fenestration is proposed to the eastern elevation, ensuring no loss of privacy to those properties to the east.

The fenestration on the western elevation, from plans provided, shows the site would not have direct lines of sight to properties to the west which are further screened by mature trees.

The site has good existing boundary treatments which would also benefit from being enhanced, maintained and retained such that it is considered that a landscape scheme should be secured by condition on any approval.

In this instance the position of the building, its windows and elevation are such that it is not considered the occupation and use of the dwelling would result in loss of privacy to neighbouring users in accordance with Policy D1 of the EDDC Local Plan.

Impact on highway safety

The proposal seeks to create a new vehicular access onto the site from an existing private road that access onto Foxholes Hill. Internally to the site there would be a subterranean garage and parking for 2 vehicles. Objections have been received which question the ability of occupiers to the new dwelling to egress from the site in a forward gear, and that the position of the access lane onto Foxholes Hill is potentially dangerous to highway safety.

Following receipt of amended plans and a vehicle tracking plan, the statutory consultee, Devon County Council Highways Engineer, has not objected and has stated in their professional opinion, that access to and from the site is acceptable, and that the addition of one more property onto the access lane would not be to the detriment of highway safety.

Accordingly, it is considered the proposal accords with Policies TC7 and TC9 of the East Devon Local Plan 2013-2031.

Habitats Regulations Assessment

The nature of this application and its location close to the Exe Estuary 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 a financial contribution has been secured through an appropriately worded Section 111 agreement. 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 development, through submission of amended plans, would not be detrimental to the character and appearance of the locality, would respect neighbouring privacy, and would not be detrimental to highway safety.

For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is approved.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

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. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates,

packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

(Reason - in the interest of highway safety and neighbouring amenity and in accordance with Policies D1 and TC7 of the East Devon Local Plan 2013-2031).

4. 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 within the Schedule 2 Part 1 Classes A to H for the enlargement, improvement or other alterations to the dwellings hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken.
(Reason - The space available would not permit such additions without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 of the Adopted East Devon Local Plan 2013-2031).
5. The dwelling hereby permitted shall not be occupied until the access, turning space, garaging and parking shown on the approved plan have been provided in accordance with the approved details. These shall thereafter be retained and kept available for those purposes at all times.
(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policy TC7 - Adequacy of Road Network and Site Access of the Adopted East Devon Local Plan 2013-2031).
6. Notwithstanding the details provided, no access from the dwelling at first floor level shall be formed to enable access onto the first floor roof above the ground floor on the western elevation. Access to this roof area shall be for maintenance purposes only and it shall not be used as an amenity area at any time.
(Reason: In the interests of the character and appearance of the area and to protect the living conditions of surrounding residential properties in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.
7. Before any development commences details of final finished floor levels and finished ground levels in relation to a fixed datum 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 - A pre-commencement condition is required to ensure that adequate details of levels are available and considered at an early stage in the interest of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

8. Notwithstanding the details provided No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences 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.)

NOTE FOR APPLICANT

Informative: Confirmation - CIL Liability

This Informative confirms that this development may be liable to a CIL charge.

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

Informative:

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

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation

Plans relating to this application:

21247 P01:90 D	Proposed Site Plan	28.04.23
21247 P01:91 B	Proposed Site Plan	28.04.23
21247 P01:71 A :	Additional Information	28.04.23
vehicle tracking plan 1		
21247 P01:172 A	Additional Information	28.04.23
: vehicle tracking 2		
21247 P01:173 A	Additional Information	28.04.23
: vehicle tracking 3		
21247 P01:174 A	Additional Information	28.04.23
: vehicle tracking 4		
21247 P01:175 A	Additional Information	28.04.23
: vehicle tracking 5		
	Location Plan	12.12.22
21247 P02:01 F	Proposed Floor Plans	04.12.23
21247 P04:01 F	Proposed Elevation	04.12.23

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the

applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

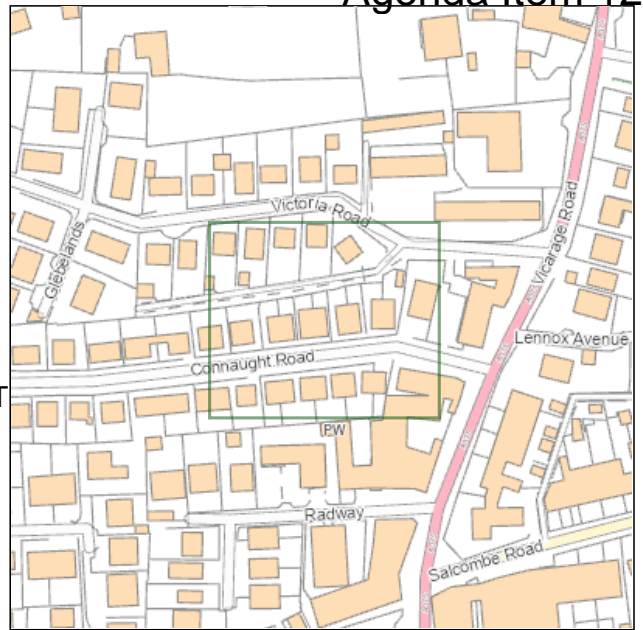
Ward Sidmouth Town

Reference 23/2639/FUL

Applicant Mr and Mrs G Symington

Location 28 Connaught Road Sidmouth Devon EX10 8TT

Proposal Single storey side / rear extension



RECOMMENDATION: Approval with conditions



		Committee Date: 27.02.2024
Sidmouth	23/2639/FUL	Target Date: 28.02.2024
Applicant:	Mr and Mrs G Symington	
Location:	28 Connaught Road, Sidmouth, Devon, EX10 8TT	
Proposal:	Single storey side / rear extension	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as one of the applicants is an employee of the District Council.

There is no relevant planning history for this property.

It is considered that the development would not have any detrimental impact upon the character of the surrounding area, nor would there be significant harm to the amenity of neighbours.

The application is considered to be acceptable and is therefore recommended for approval.

CONSULTATIONS

Parish Council

Support

Ward Member

No comments received

Other Representation

No comments received

PLANNING HISTORY

There is no planning history for this site relevant to the proposal being considered.

POLICIES

National Planning Policy Framework (Updated 19 December 2023)
National Planning Practice Guidance

Adopted East Devon Local Plan (2013 – 2031)

Strategy 3:	Sustainable Development
Strategy 5:	Environment
Strategy 6:	Development within Built-Up Area Boundaries
Strategy 38:	Sustainable Design and Construction
Strategy 48:	Local Distinctiveness In The Built Environment
Policy D1:	Design and Local Distinctiveness
Policy EN22:	Surface Run Off Implications Of New Development
Policy TC9:	Parking Provision In New Development

CONSIDERATION:

The Proposal

This application proposes the removal and replacement of the existing rear kitchen, toilet and conservatory with a slightly larger rear extension.

The extension would have north facing windows and glazed doors to the rear garden, rooflights and a new window opening on the eastern elevation.

Description

28 Connaught Road is a semi-detached two storey dwelling on the northern side of this unclassified residential road set within the built up area boundary of Sidmouth.

Behind the site is a private track, followed by an additional row of residential dwellings. The eastern neighbour to the site (no. 29) is also a two storey semi-detached dwelling, and to the west is the dwelling with which the subject property shares a party wall (no. 27). Many of the dwellings on this side of the street have large outbuildings or rear extensions.

The application site is generally flat and does not have a dropped kerb or on-site parking from Connaught Road. A front gate provides foot access to the site, with the main entrance on the side of the dwelling.

The rear of the building is not readily viewed from public areas.

Principal of development

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

1. It would be compatible with the character of the site and its surroundings”

Policy D1 of the Local Plan expects applications to demonstrate that “new development, including the refurbishment of existing buildings to include renewable energy, is of a high quality design and locally distinctive”.

The Policy states (among other text)

“Proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
3. Do not adversely affect:
 - a) the distinctive historic or architectural character of the area.
 - b) the urban form, in terms of significant street patterns, groups of buildings and open spaces.
 - e) the amenity of occupiers of adjoining residential properties.
4. Have due regard for important aspects of detail and quality and should incorporate:
 - c) use of appropriate building materials and techniques respecting local tradition and vernacular styles, as well as, where possible, contributing to low embodied energy and CO2 reduction.”

The site lies within the Built-up Area boundary of Sidmouth, and is surrounded by residential development. There is no objection in principle to development of this single dwelling, as no additional units are proposed that would result in a change to the grain or density of the residential land use in this part of Sidmouth.

Design and Landscape Impact

There would be little impact upon the streetscape as a result of this development. The replacement extension would not be readily visible from public areas, and is in keeping with the pattern of development in rear gardens for other dwellings in the street.

The external materials for the single storey extension would match those on the existing dwelling, being render, plain clay-look tiles, and uPVC glazing.

The proposal is considered to be in keeping with the form, scale and design of the local areas character.

As such, the design and impact on the character of the area is considered to accord with Policy D1 of the Local Plan.

Residential Amenity

As the proposed development includes a wall along/adjacent a party wall it is considered appropriate to remove the PD rights for a window along that section of the proposed development, noting that the current scheme does not seek a window on this portion of the development. With this in place it is considered that the proposal would not allow overlooking, and would ensure sufficient privacy for the adjacent neighbour at number 27 Connaught Road.

As the proposed development would abut a common boundary, there would be a modest increase to the visual bulk experienced by the adjoining neighbour. However, as the proposal would be single storey, and effectively infill an area behind the subject dwelling in line with an existing extension the impact would not be of scale that could be considered unreasonable nor overbearing.

Given the subject and neighbouring dwellings are both two storeys, it is unlikely that there would be any discernible increase to shadowing of the neighbouring rear garden. The garden faces north, resulting in the existing subject dwelling causing some shadowing to the rear garden during morning hours until approximately 12 noon, and no shadowing beyond that.

It is considered in this instance, that the proposed design would not result in development which would be harmful to the amenity of the occupiers of the adjoining/nearby properties.

As such, the proposed development accords with Policy D1 of the Local Plan.

Conclusion

It is considered in this instance, that the design is acceptable.

RECOMMENDATION

APPROVE with conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed in the west elevation of the extended building.
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

Location Plan - 404 LP

Proposed Floor Plans - 404-3 A

Proposed Elevation - 404-4 A

Proposed Site Plan - 404-SPP

Statement on Human Rights and Equalities Issues

Human Rights Act

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human

Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Equalities Act

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.