

Agenda for Planning Committee Tuesday, 28th January, 2025, 10.00 am

Members of Planning Committee

Councillors B Bailey, I Barlow, K Bloxham, C Brown,
J Brown, S Chamberlain, M Chapman,
O Davey (Chair), P Faithfull, S Gazzard,
D Haggerty, A Hall, M Hall (Vice-Chair),
M Howe, S Smith and E Wragg

Venue: Council Chamber, Blackdown House, Honiton

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

Issued: Friday, 17 January 2025



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

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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, 21 January 2025 up until 12 noon on Friday, 24 January 2025 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 for the planning applications

Speakers' list removed.

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

Minutes of the Planning Committee meeting held on 17 December 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 8 - 26)

Update from the Development Manager

Applications for Determination

8 24/1174/MFUL & 24/1175/LBC (Major) SIDMOUTH TOWN (Pages 27 - 62)

The Richmond Hotel, Elysian Fields, Sidmouth, EX10 8UJ.

9 23/1897/MOUT (Major) HONITON ST MICHAELS (Pages 63 - 103)

Land north west of Ottery Moor Lane, Honiton.

10 24/1787/FUL (Minor) HONITON ST MICHAELS (Pages 104 - 120)

Land to rear of Barn Mews, King Street, Honiton.

The planning applications below will not be considered before 2pm

- 11 **24/1203/COU (Other) WEST HILL & AYLESBEARE** (Pages 121 - 144)
Vacant Chicken Shed, Rosamondford Farm, Perkins Village, Exeter, EX5 2JG.
- 12 **24/2250/FUL (Minor) CRANBROOK** (Pages 145 - 160)
Land to the south of Tillhouse Road, Cranbrook.

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 17 December 2024

Attendance list at end of document

The meeting started at 10.04 am and ended at 3.30 pm

231 Minutes of the previous meeting

The minutes of the Planning Committee held on 19 November 2024 were confirmed as a true record.

232 Declarations of interest

There were no declarations of interests.

233 Matters of urgency

There were no matters of urgency.

234 Confidential/exempt item(s)

There were no confidential or exempt items.

235 Housing Monitoring Update to year ending 31 March 2024

The Housing Monitoring update report was brought to Planning Committee at the request of the Strategic Planning Committee meeting on 29 November, to bring to the attention of the Planning Committee the Council's housing land supply position. The Planning Committee were advised that at the time of publication of the agenda the Council's position was at a 4.15-year housing land supply which was an adequate supply target set by the previous government.

As a result of the recent publication of the government's proposed reforms to the National Planning Policy Framework published on 12 December 2024 the Assistant Director – Planning Strategy and Development Management was disappointed to report that the Council's position had now become significantly worse. He explained that the Council now had to assess its housing land supply position against the new standard method figure of 1,188 homes per year, an increase of just over 200 homes per year as well as include a requirement of a 5% buffer. As a result, the Council's housing land supply position is 2.97 years.

The Assistant Director – Planning Strategy and Development Management urged Committee Members when considering planning applications to give substantial weight to the Council's housing land supply position with the need to bring forward planning applications to help bolster the housing land supply within a limited time before the Local Plan was submitted for examination.

The Planning Committee noted the report and sought further clarification on the following:

- Clarification was sought on the current position of the draft Local Plan and whether it was valid. The Assistant Director – Planning Strategy and Development Management explained about the transitional arrangements for the new NPPF which allowed the council to progress the Local Plan on the lower figure if the Regulation 19 consultation stage started by 12 March 2025.
- Clarification was sought on the number of outstanding planning applications. Although there are not many applications outstanding Committee was reassured by the Assistant Director – Planning Strategy and Development Management that he anticipated more applications would come forward now that the new NPPF had been published.
- If the current Local Plan is out of date how much weight can be given to the emerging Local Plan once it reaches the Regulation 19 stage. It was advised that more weight can be given to the emerging Local Plan once the Regulation 19 consultation stage has been published.
- A concern was raised about the strain on the Planning Department and whether there was a requirement for additional resources or additional planning meetings to meet the need for more planning applications to come forward to achieve the adoption of the Local Plan.
- Clarification was sought on the impact of the Devolution White Paper. The Assistant Director – Planning Strategy and Development Management explained as the white paper had only been published it was too soon to understand its impact but reassured Committee it would not affect this Local Plan but could impact on any future Local Plans.
- Clarification was sought on what powers did the council have to force developers to complete developments within the required timeframe. Committee were advised the council did have powers to reduce the current three-year planning application lifespan but questioned whether this would achieve the required result as any development that was not delivered within a shorter lifespan would fall out of the five-year housing land supply. The Assistant Director – Planning Strategy and Development Management explained it would be better to seek reassurance from developers about their intentions of their delivery trajectories.

236 **Planning appeal statistics**

The Committee noted the appeals statistics report and noted that there had been an increase in the number of appeals allowed by the Inspector. The Development Manager drew Committee's attention to three appeals that had been allowed.

237 **24/2049/MFUL (Major) BROADCLYST**

Applicant:

Mr Paul Osborne (EDDC).

Location:

Land to the south of Shercroft Close, Station Road, Broadclyst.

Proposal:

Construction of a new 16 space car park with access from Station Road and a network of footpaths and the change of use of surrounding land to Country Park (Suitable Alternative Natural Greenspace – SANGS)

RESOLVED:

Approved with conditions as per officer recommendation but subject to an amendment to Condition 10 regarding fencing.

238 14/2945/MOUT (Major) CRANBROOK

Councillor Kim Bloxham advised as she had objected to planning application 14/2945/MOUT – Farlands, London Road, Whimple, before becoming a Committee Member she would only speak as the Ward Member for Cranbrook and would not take part in the discussions or vote for this application.

Applicant:

Cranbrook LVA LLP.

Location:

Farlands, London Road, Whimple, EX5 2PJ.

Proposal:

Development of up to 260 houses, commercial/retail uses, public open space including youth sports pitch, vehicular access and associated infrastructure (outline application with all matters reserved except access and accompanying Environmental Statement).

RESOLVED:

1. The Appropriate Assessment be adopted.
2. Approved with conditions as per officer recommendation subject to three additional conditions recommended by South West Water (potable water, water use efficiencies and foul drainage methodology) and subject to a Section 106 Agreement which captures the heads of terms set out in the report to Planning Committee.

239 24/1816/FUL (Minor) NEWTON POPPLEFORD & HARPFORD

Applicant:

Mr Christopher Drake.

Location:

Homefield Farm, Newton Poppleford, EX10 0BY.

Proposal:

Conversion of barn to dwelling and associated works.

RESOLVED:

Approved with conditions as per officer recommendation but subject to an additional condition to require the removal of the portacabin prior to occupation of the new dwelling.

240 24/0371/FUL (Minor) NEWTON POPPLEFORD & HARPFORD

Applicant:

Mr Kevin Howe.

Location:

Bridgend, Harpford, EX10 ONG.

Proposal:

Removal of residential caravan and conversion of building to dwelling.

RESOLVED:

Refused as per officer recommendation.

Attendance List

Councillors present:

B Bailey
I Barlow
K Bloxham
C Brown
J Brown
O Davey (Chair)
P Faithfull
S Gazzard
A Hall
S Smith

Councillors also present (for some or all the meeting)

C Burhop
R Collins
P Fernley

Officers in attendance:

Ed Freeman, Assistant Director Planning Strategy and Development Management
Wendy Ormsby, Development Manager
Damian Hunter, Planning Solicitor
Jamie Quinton, Senior Planning Officer
James Brown, New Community Officer, Development Management
Ben Chesters, Planning Officer
Callum Moir, Planning Officer
Wendy Harris, Democratic Services Officer

Councillor apologies:

S Chamberlain
M Chapman
D Haggerty
M Hall
M Howe
E Wragg

Chairman

Date:

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

Ref: 24/0542/FUL **Appeal Ref:** 24/00050/HH
Appellant: Mr Stephen Condell
Appeal Site: Littlebrook Venlake End Uplyme DT7 3SF
Proposal: Demolition of existing single storey garage and storeroom, erection of two storey side extension, and new external materials.
Decision: **Appeal Dismissed** **Date:** 03.01.2025
Procedure: Householder
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policy D1 & Strategy 48, NP Policies UEN2 & UEN3).
BVPI 204: **Yes**
Planning APP/U1105/D/24/3349512
Inspectorate Ref:

Ref: 24/0216/FUL **Appeal Ref:** 24/00025/REF
Appellant: Mr Darrol Moss
Appeal Site: Brackenrigg Cathole Lane Yawl Devon DT7 3XD
Proposal: Site Log Cabin
Decision: **Appeal Dismissed** **Date:** 13.01.2025
Procedure: Written representations
Remarks: Delegated refusal, sustainable design reasons upheld (EDLP Policy D1, NP Policy UEN2).
BVPI 204: **Yes**
Planning APP/U1105/W/24/3343467
Inspectorate Ref:

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

Ref: 23/1269/MFUL **Date Received** 03.12.2024
Appellant: 3West Strawberry Hill Ltd
Appeal Site: Land South Of Meeting Lane Lypstone
Proposal: Construction of 42 residential units, affordable housing, new vehicular accesses from Meeting Lane and Strawberry Lane, pedestrian access onto Meeting Lane, associated internal roadways, SUDS features and landscaping
Planning Inspectorate Ref: APP/U1105/W/24/3356636

Ref: 24/0167/FUL **Date Received** 04.12.2024
Appellant: David and Gillian Fitzgerald
Appeal Site: Beaumont Castle Hill Seaton Devon EX12 2QW
Proposal: Change of use of former guest house (Use Class C1 Hotels) to form single independent dwellinghouse (Use Class C3 Dwellinghouses).
Planning Inspectorate Ref: APP/U1105/W/24/3356723

Ref: 23/1785/FUL **Date Received** 10.12.2024
Appellant: Mr Lewis Pring
Appeal Site: The Old Reservoir Ridgeway Lane Colyton
Proposal: Demolition of existing reservoir tanks and construction of new dwelling house.
Planning Inspectorate Ref: APP/U1105/W/24/3357175

Ref: 23/2612/OUT **Date Received** 11.12.2024
Appellant: David Pring
Appeal Site: Land At Lower Broad Oak Road West Hill
Proposal: Outline planning application for the construction of 5 no. dwellings, with all matters reserved
Planning Inspectorate Ref: APP/U1105/W/24/3357250

Ref: 24/2152/FUL **Date Received** 16.12.2024
Appellant: Mrs Katie Spurway
Appeal Site: 24 Oakbeer Orchard Cranbrook Exeter EX5 7BL
Proposal: First floor extension to the rear of the property.
Planning Inspectorate Ref: APP/U1105/D/24/3357516

Ref: 24/0385/VAR **Date Received** 19.12.2024
Appellant: Mr R Giles
Appeal Site: The Cider Press Winslade Barton Clyst St Mary Exeter EX5 1AT
Proposal: Removal of condition B (agricultural workers occupancy restriction) attached to planning permission 77/C1363 conversion of barn to three bedroom dwelling
Planning Inspectorate Ref: APP/U1105/W/24/3357889

Ref: 24/0431/MOUT **Date Received** 19.12.2024
Appellant: Taylor Wimpey UK Ltd
Appeal Site: Land East Of Colestocks Road Feniton
Proposal: Outline planning application for up to 86 dwellings with access from Colestocks Road; the provision of public open space, landscaping, drainage, and associated highways improvements and infrastructure. All matters to be reserved except for access
Planning Inspectorate Ref: APP/U1105/W/24/3357849

Ref: 24/0592/FUL **Date Received** 20.12.2024
Appellant: Mr and Mrs Pym
Appeal Site: Pym's Poltimore EX4 0AA
Proposal: Demolition of conservatory, stores and garage, replaced with adjoining rear extension. Changes in fenestration and internal layout alterations. Alterations to a front boundary wall with gate and parking, erection of bike store, and relocation of oil tank
Planning Inspectorate Ref: APP/U1105/W/24/3357937

Ref: 24/0593/LBC **Date Received** 20.12.2024
Appellant: Mr and Mrs Pym
Appeal Site: Pym's Poltimore EX4 0AA
Proposal: Demolition of conservatory, stores and garage, replaced with adjoining rear extension. Changes in fenestration and internal layout alterations. Alterations to a front boundary wall with gate and parking, erection of bike store, and relocation of oil tank
Planning Inspectorate Ref: APP/U1105/Y/24/3357936

Ref: 24/1028/FUL **Date Received** 23.12.2024
Appellant: Mr Stephen Drinkall
Appeal Site: Warehouse (Store Rear Of Belvedere House) Danby Lane Exmouth
Proposal: Demolition of warehouse/general industrial building (use classes B2 and B8) and erection of 3no. work/live units and 1no. dwelling (use class C3)
Planning Inspectorate Ref: APP/U1105/W/24/3358068

Ref: 24/0225/FUL **Date Received** 02.01.2025
Appellant: F W S Carter & Sons
Appeal Site: Greendale Farm Shop Farrington Devon EX5 2JU
Proposal: Retrospective application for a mud ventures building
Planning APP/U1105/W/25/3358310
Inspectorate Ref:

East Devon District Council List of Appeals in Progress

App.No: 23/1270/CPE
Appeal Ref: APP/U1105/X/24/3339119
Appellant: Mr and Mrs C M Summers
Address: The Olde Dairy Hunthays Farm Awliscombe Honiton EX14 3QB
Proposal; Application for a Lawful Development Certificate (CLUED) submitted under section 171B(3) of the Town and Country Planning Act 1990 (as amended) for the use of the building known as The Olde Dairy as an independent dwelling.
Start Date: 14 March 2024
Procedure: Written reps.
Questionnaire Due Date: 28 March 2024
Statement Due Date: 25 April 2024

App.No: 23/2262/VAR
Appeal Ref: APP/U1105/W/24/3343375
Appellant: Mr & Mrs Clinch
Address: The Barn and Pinn Cottage Bowd Sidmouth EX10 0ND
Proposal; Removal of occupancy condition no.2 of permission ref: 7/39/02/P1130/00114 to allow use as an unrestricted dwelling
Start Date: 13 June 2024
Procedure: Written reps.
Questionnaire Due Date: 20 June 2024
Statement Due Date: 18 July 2024

App.No: 24/0439/TRE
Appeal Ref: APP/TPO/U1105/10189
Appellant: Mr Steven Richards
Address: Land South Of 15 Halsdon Avenue Exmouth Devon EX8 3DL
Proposal; G7.1 and G7.2 Lime:
i) Create high pollard on structural branches, with preferentially nodal pruning at a height of approx. 8m, with target pruning cuts of typically 100mm dia. Establish radial spread of approx. 2.5m.
ii) Repeat management on cycle of not less than 5 years, and not more than 7 years.

Start Date: 26 July 2024

Procedure:
Written reps.

Questionnaire Due Date: 9 August 2024

App.No: 23/0571/MFUL
Appeal Ref: APP/U1105/W/24/3341996
Appellant: Mr Paull (McCarthy and Stone Retirement Lifestyles Ltd)
Address: Former Council Offices Knowle Sidmouth EX10 8HL
Proposal; Redevelopment of site to provide: a) Care home building (Class C2) with associated parking, landscaping, staff and resident facilities and associated works, b) Extra care apartment building (53 units) with associated communal lounge, wellbeing suite, restaurant and care provision (class C2) c) Retirement living apartment building (33 units) with associated communal lounge d) Erection of 4 houses, and 3 townhouses (Class C3) 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 other than building B) | Former Council Offices Knowle Sidmouth EX10 8HL

Start Date: 9 July 2024

Procedure:
Hearing

Questionnaire Due Date: 16 July 2024

Statement Due Date: 13 August 2024

Hearing Date: 5 November 2024

App.No: 24/0926/FUL
Appeal Ref: APP/U1105/D/24/3347872
Appellant: Mr Justin Wright
Address: 2 The Barnfield Jerrard Close Honiton EX14 1DX
Proposal; Raising of roof and conversion to habitable accommodation.
Start Date: 6 August 2024
Procedure:
Householder
Questionnaire Due Date: 13 August 2024

App.No: 24/0110/FUL
Appeal Ref: APP/U1105/W/24/3347347
Appellant: Mulberry Architectural Services
Address: Branscombe Farm Ebford Lane Ebford EX3 0QX
Proposal; Proposed demolition of existing structures and erection of two dwellings, garages, improvements to existing vehicular access, hardstanding, landscaping and all associated development
Start Date: 13 August 2024
Procedure:
Written reps.
Questionnaire Due Date: 20 August 2024
Statement Due Date: 17 September 2024

App.No: 23/2523/FUL
Appeal Ref: APP/U1105/W/24/3347765
Appellant: Mr & Mrs Eccles
Address: Northcombe Farm Salcombe Regis EX10 0JQ
Proposal; Proposed annexe (conversion of redundant rural building)
Start Date: 19 August 2024
Procedure:
Written reps.
Questionnaire Due Date: 26 August 2024
Statement Due Date: 23 September 2024

App.No: 23/1064/FUL
Appeal Ref: APP/U1105/W/24/3347829
Appellant: Mr and Mrs A Brewer
Address: Bung Ho Southdown Road Beer Devon EX12 3AE
Proposal; Two storey, 5-bed, detached dwelling, with associated parking and amenity space and demolition of existing dwelling and garage.
Start Date: 23 August 2024
Procedure:
Written reps.
Questionnaire Due Date: 30 August 2024
Statement Due Date: 27 September 2024

App.No: 23/2774/FUL
Appeal Ref: APP/U1105/D/24/3348516
Appellant: Mr Alex Watson
Address: Bramblecot Gate Hawkchurch Devon EX13 5TZ
Proposal; Addition of detached double garage to property.
Start Date: 29 August 2024
Procedure:
Householder
Questionnaire Due Date: 5 September 2024

App.No: 24/0175/FUL
Appeal Ref: APP/U1105/D/24/3348571
Appellant: Miss Clare Humphreys
Address: 58 St Andrews Drive Axminster Devon EX13 5EZ
Proposal; Fencing erected to replace hedging (retrospective)
Start Date: 29 August 2024
Procedure:
Householder
Questionnaire Due Date: 5 September 2024

App.No: 24/0136/FUL
Appeal Ref: APP/U1105/D/24/3349925
Appellant: Mr David Gillingham
Address: Tinkers Barn Payhembury EX14 3JQ
Proposal; Part garage conversion, first floor extension over existing garage and single storey rear extension and the introduction of solar panels
Start Date: 6 September 2024
Procedure:
Householder
Questionnaire Due Date: 13 September 2024

App.No: 23/2725/FUL
Appeal Ref: APP/U1105/W/24/3348938
Appellant: Mr Mark & Lisa Clouter
Address: Kings Arms Farm Nags Head Road Gittisham Honiton EX14 3AP
Proposal; House of multiple occupation (HMO), that provides individual living-rooms for vulnerable people; the facility includes communal areas for socialising, cooking and dining set with private and secure gardens.
Start Date: 10 September 2024
Procedure:
Written reps.
Questionnaire Due Date: 17 September 2024
Statement Due Date: 15 October 2024

App.No: 23/1890/FUL
Appeal Ref: APP/U1105/D/24/3349359
Appellant: Mrs Alison Beresford
Address: Ratclyffe House Clyst Hydon Cullompton EX15 2NQ
Proposal; Reinstatement of main drive lights and gate pillar lights.
Start Date: 17 September 2024
Procedure:
Householder
Questionnaire Due Date: 24 September 2024

App.No: 24/0913/PIP
Appeal Ref: APP/U1105/W/24/3349912
Appellant: Mr Jake Huntley
Address: 2 Lime Grove Exmouth EX8 5NN
Proposal; Permission in principle for 1 no. dwelling.
Start Date: 24 September 2024
Procedure:
Written reps.
Questionnaire Due Date: 1 October 2024
Statement Due Date: 29 October 2024

App.No: 23/2604/FUL
Appeal Ref: APP/U1105/W/24/3350271
Appellant: Mr S Hallett & M Conibear
Address: Lower Sweetcombe Farm Sidbury EX10 0QR
Proposal; Change of use of land from agricultural to holiday/tourism accommodation including the retention of a shepherd's hut, shed (housing a kitchen/store and shower) and toilet (retrospective)
Start Date: 2 October 2024
Procedure:
Written reps.
Questionnaire Due Date: 9 October 2024
Statement Due Date: 6 November 2024

App.No: 24/0320/LBC
Appeal Ref: APP/U1105/Y/24/3350909
Appellant: Mr C Smith
Address: 2 School Cottages Woodbury Salterton EX5 1PG
Proposal; Replace 1no. rooflight with Fakro rooflight on rear north west elevation
Start Date: 2 October 2024
Procedure:
Written reps.
Questionnaire Due Date: 9 October 2024
Statement Due Date: 6 November 2024

App.No: 23/2506/MFUL
Appeal Ref: APP/U1105/W/24/3350852
Appellant: P Quincey
Address: Winslade Park Clyst St Mary
Proposal; Installation of solar array with associated infrastructure, access and landscaping
Start Date: 3 October 2024
Procedure:
Written reps.
Questionnaire Due Date: 10 October 2024
Statement Due Date: 7 November 2024

App.No: 22/1813/LBC
Appeal Ref: APP/U1105/Y/24/3351417
Appellant: Mr Mel Ziziros
Address: Podburys Cottage Higher Way Harpford Devon EX10 0NJ
Proposal; Construction of a Two storey side extension, construction of a detached garage with office space above, retrospective approvals for both the widening of the existing vehicular access to the boundary wall and a greenhouse and reparations to a retaining wall
Start Date: 15 October 2024
Procedure:
Written reps.
Questionnaire Due Date: 22 October 2024
Statement Due Date: 19 November 2024

App.No: 24/0164/FUL
Appeal Ref: APP/U1105/W/24/3351943
Appellant: Simon Barry
Address: 15 Harepath Road Seaton EX12 2RP
Proposal; Planning permission and listed building consent for the demolition of a section of boundary wall, creation of access and parking space, construction of retaining walls and installation of an electric car charging unit to the front, east, elevation.
Start Date: 18 October 2024
Procedure:
Written reps.
Questionnaire Due Date: 25 October 2024
Statement Due Date: 22 November 2024

App.No: 24/0165/LBC
Appeal Ref: APP/U1105/Y/24/3351944
Appellant: Simon Barry
Address: 15 Harepath Road Seaton EX12 2RP
Proposal; Listed building consent for the demolition of a section of boundary wall, creation of access and parking space, construction of retaining walls and installation of an electric car charging unit to the front, east, elevation.
Start Date: 18 October 2024
Procedure:
Written reps.
Questionnaire Due Date: 25 October 2024
Statement Due Date: 22 November 2024

App.No: 24/0673/OUT
Appeal Ref: APP/U1105/W/24/3352696
Appellant: Mr and Mrs Padget
Address: Cory Hill Combe Raleigh EX14 4TQ
Proposal; Outline permission sought (with all matters reserved other than access) for construction of a single storey dwelling
Start Date: 23 October 2024
Procedure:
Written reps.
Questionnaire Due Date: 30 October 2024
Statement Due Date: 27 November 2024

App.No: 22/0508/MFUL
Appeal Ref: APP/U1105/W/24/3351691
Appellant: HB825AXM Limited
Address: Land At Pound Farm Hawkchurch
Proposal; Battery energy storage scheme and associated development.
Start Date: 24 October 2024
Procedure:
Written reps.
Questionnaire Due Date: 31 October 2024
Statement Due Date: 28 November 2024

App.No: 24/0512/FUL
Appeal Ref: APP/U1105/W/24/3352912
Appellant: Teresa Loynd
Address: Woodentop Littledown Lane Newton Poppleford
Proposal; Alteration to design of agricultural building approved under ref. 17/1130/COU (retrospective), change of use of part of the land holding for amenity use including retention of a timber amenity hut.
Start Date: 28 October 2024
Procedure:
Written reps.
Questionnaire Due Date: 4 November 2024
Statement Due Date: 2 December 2024

App.No: 24/1186/FUL
Appeal Ref: APP/U1105/W/24/3352802
Appellant: Mr David Underhay
Address: Bramleys The Orchard Brampford Speke Exeter EX5 5HW
Proposal; Proposed single storey wooden outbuilding in garden
Start Date: 4 November 2024
Procedure:
Written reps.
Questionnaire Due Date: 11 November 2024
Statement Due Date: 9 December 2024

App.No: 24/0892/FUL
Appeal Ref: APP/U1105/W/24/3353308
Appellant: Mr Mathew Swabey
Address: Beachcroft Burrow Road Seaton Devon EX12 2NF
Proposal; Change of use from ancillary accommodation to holiday let (retrospective)
Start Date: 4 November 2024
Procedure:
Written reps.
Questionnaire Due Date: 11 November 2024
Statement Due Date: 9 December 2024

App.No: 24/0066/COU
Appeal Ref: APP/U1105/W/24/3353191
Appellant: Angela Williams
Address: Oak View East Hill Ottery St Mary EX11 1QH
Proposal; Proposed change of use of agricultural land to garden (extension of residential curtilage)
Start Date: 5 November 2024
Procedure:
Written reps.
Questionnaire Due Date: 12 November 2024
Statement Due Date: 10 December 2024

App.No: 24/0556/FUL
Appeal Ref: APP/U1105/W/24/3353376
Appellant: Mr P Groves
Address: Land to west of Marles Close Awliscombe
Proposal; Erection of a dwelling, to include a detached single garage, creation of a driveway and associated soft and hard landscaping.
Start Date: 7 November 2024
Procedure:
Written reps.
Questionnaire Due Date: 14 November 2024
Statement Due Date: 12 December 2024

App.No: 23/2422/FUL
Appeal Ref: APP/U1105/W/24/3353886
Appellant: Mr & Mrs Brinton
Address: Land to rear of Great Halls Aylesbeare EX5 2FD
Proposal; Erection of highly sustainable self-build dwelling with associated landscaping and biodiversity enhancements.
Start Date: 12 November 2024
Procedure:
Written reps.
Questionnaire Due Date: 19 November 2024
Statement Due Date: 17 December 2024

App.No: 24/0640/FUL
Appeal Ref: APP/U1105/W/24/3354532
Appellant: Mr William Pratt
Address: Lily Farm Vineyard Dalditch Lane Budleigh Salterton EX9 7AH
Proposal; Construction of managers' accommodation and extension to Lily Farm Vineyard business premises
Start Date: 12 November 2024
Procedure:
Hearing
Questionnaire Due Date: 19 November 2024
Statement Due Date: 17 December 2024
Hearing Date: 5 February 2025

App.No: 24/0782/VAR
Appeal Ref: APP/U1105/W/24/3355019
Appellant: John Slater
Address: Tritchayne Farm Cottages Colyton EX24 6SP
Proposal; Removal of condition 4 (holiday accommodation restriction) of planning permission 00/P0545 (Conversion of redundant farm buildings to holiday let units)
Start Date: 26 November 2024
Procedure:
Written reps.
Questionnaire Due Date: 3 December 2024
Statement Due Date: 31 December 2024

Enf.No: 24/F0242
Appeal Ref: APP/U1105/C/24/3356288
Appellant: Taylor Wimpey Exeter
Address: Land at Tillhouse Road, Cranbrook EX5 7ET.
Proposal; Appeal against an enforcement notice served in respect of the siting of a sales centre and associated works.
Start Date: 28 November 2024
Procedure:
Hearing
Questionnaire Due Date: 12 December 2024
Statement Due Date: 9 January 2025
Hearing Date: 25 February 2025

App.No: 24/0043/PIP
Appeal Ref: APP/U1105/W/24/3355106
Appellant: Mr C Horner
Address: Land At Ford Farm Woodbury
Proposal; Permission in principle for the erection of 9 no. dwellings
Start Date: 29 November 2024
Procedure:
Written reps.
Questionnaire Due Date: 6 December 2024
Statement Due Date: 3 January 2025

App.No: 24/1359/FUL
Appeal Ref: APP/U1105/D/24/3355857
Appellant: Mr Manu Parpia
Address: 1 Charles Court Lympstone Exmouth EX8 5EL
Proposal; Installation of solar panels to the front (West) elevation.
Start Date: 3 December 2024
Procedure:
Householder
Questionnaire Due Date: 10 December 2024

App.No: 24/0641/FUL
Appeal Ref: APP/U1105/W/24/3355874
Appellant: Mr M Ward
Address: Land At Back Lane Newton Poppleford EX10 0DH
Proposal; Construction of 1no new detached dwelling and garage with associated works, and ground mounted solar panels
Start Date: 3 December 2024
Procedure:
Written reps.
Questionnaire Due Date: 10 December 2024
Statement Due Date: 7 January 2025

App.No: 23/1785/FUL
Appeal Ref: APP/U1105/W/24/3357175
Appellant: Mr Lewis Pring
Address: The Old Reservoir Ridgeway Lane Colyton
Proposal; Demolition of existing reservoir tanks and construction of new dwelling house.
Start Date: 30 December 2024
Procedure:
Written reps.
Questionnaire Due Date: 6 January 2025
Statement Due Date: 3 February 2025

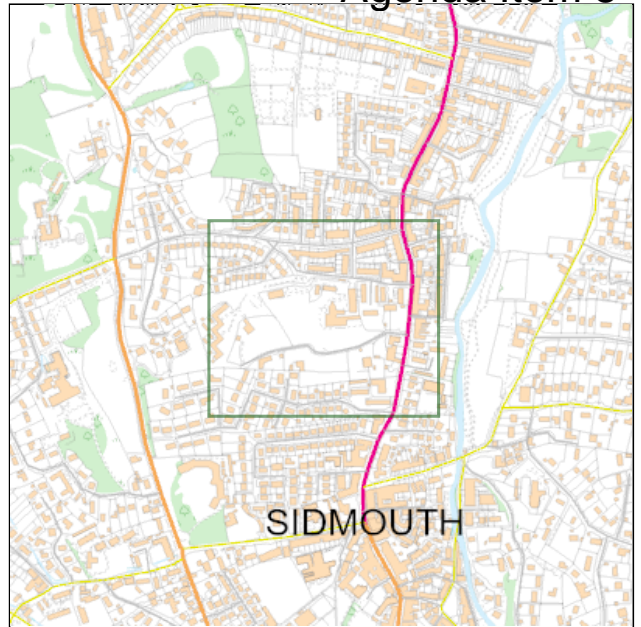
App.No: 24/2152/FUL
Appeal Ref: APP/U1105/D/24/3357516
Appellant: Mrs Katie Spurway
Address: 24 Oakbeer Orchard Cranbrook Exeter EX5 7BL
Proposal; First floor extension to the rear of the property.
Start Date: 31 December 2024
Procedure:
Householder
Questionnaire Due Date: 7 January 2025

App.No: 24/0167/FUL
Appeal Ref: APP/U1105/W/24/3356723
Appellant: David and Gillian Fitzgerald
Address: Beaumont Castle Hill Seaton Devon EX12 2QW
Proposal; Change of use of former guest house (Use Class C1 Hotels) to form single independent dwellinghouse (Use Class C3 Dwellinghouses).
Start Date: 2 January 2025
Procedure: Written reps.
Questionnaire Due Date: 9 January 2025
Statement Due Date: 6 February 2025

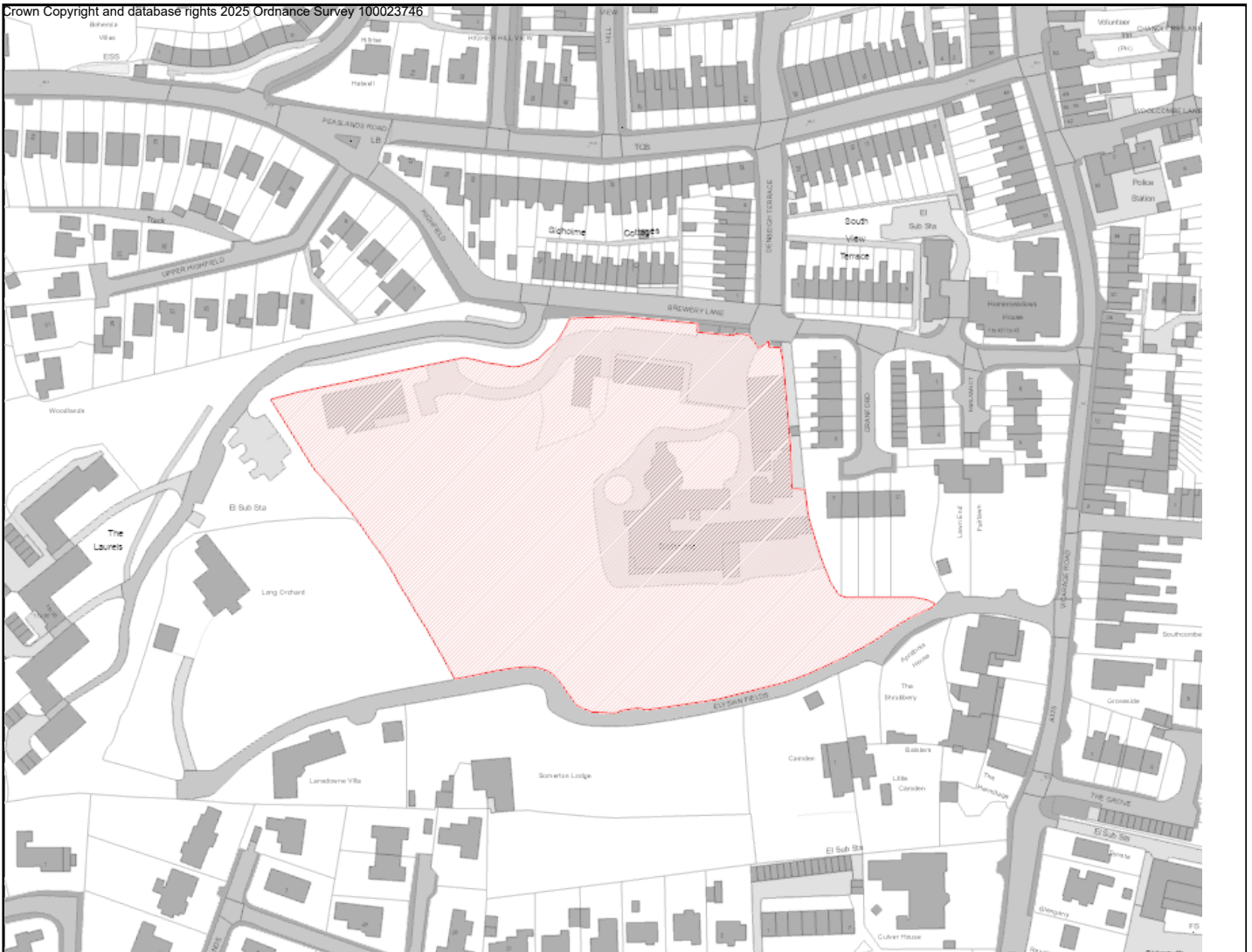
App.No: 24/0592/FUL
Appeal Ref: APP/U1105/W/24/3357937
Appellant: Mr and Mrs Pym
Address: Pym's Poltimore EX4 0AA
Proposal; Demolition of conservatory, stores and garage, replaced with adjoining rear extension. Changes in fenestration and internal layout alterations. Alterations to a front boundary wall with gate and parking, erection of bike store, and relocation of oil tank
Start Date: 10 January 2025
Procedure: Written reps.
Questionnaire Due Date: 17 January 2025
Statement Due Date: 14 February 2025

App.No: 24/0593/LBC
Appeal Ref: APP/U1105/Y/24/3357936
Appellant: Mr and Mrs Pym
Address: Pym's Poltimore EX4 0AA
Proposal; Demolition of conservatory, stores and garage, replaced with adjoining rear extension. Changes in fenestration and internal layout alterations. Alterations to a front boundary wall with gate and parking, erection of bike store, and relocation of oil tank
Start Date: 10 January 2025
Procedure: Written reps.
Questionnaire Due Date: 17 January 2025
Statement Due Date: 14 February 2025

App.No: 23/2612/OUT
Appeal Ref: APP/U1105/W/24/3357250
Appellant: David Pring
Address: Land at Lower Broad Oak Road West Hill
Proposal; Outline planning application for the construction of 5 no.
dwellings, with all matters reserved
Start Date: 13 January 2025
Procedure:
Written reps.
Questionnaire Due Date: 20 January 2025
Statement Due Date: 17 February 2025



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		Committee Date: 28.01.2025
Sidmouth Town (Sidmouth)	24/1174/MFUL	Target Date: 29.10.2024
Applicant:	Melanye Luscombe (Richmond Estates Sidmouth Ltd)	
Location:	The Richmond Hotel Elysian Fields	
Proposal:	Change of use of Cumberland Cottage and its adjoining extensions Including 1987 front extension and guest house extension, from C1 Hotel to C3 Residential use; change of use of annexe apartments, currently classed as C1 Hotel rooms to C3 Holiday use; remove managers use restriction on residential bungalow; Permission to split and sell all the above properties, plus residential staff cottage leasehold/commonhold	

RECOMMENDATION: Refusal

		Committee Date: 28.01.2025
Sidmouth Town (Sidmouth)	24/1175/LBC	Target Date: 24.09.2024
Applicant:	Melanye Luscombe (Richmond Estates Sidmouth) Ltd	
Location:	The Richmond Hotel Elysian Fields	
Proposal:	Change of use of Cumberland Cottage and its adjoining extensions. Including 1987 front extension and guest house extension, from C1 Hotel to C3 Residential use; change of use of annexe apartments, currently classed as C1 Hotel rooms to C3 Holiday use; remove managers use restriction on residential bungalow. Permission to split and sell all the above properties, plus residential staff cottage leasehold/commonhold	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

These applications are before Committee as the officer recommendation is contrary to the views of the Town Council.

The applications seek planning permission and listed building consent for the change of use of a portion of the existing Grade II* listed Richmond Hotel (included on the statutory list as the 'Sidholme' Hotel) into residential dwellings. The submission states that the use of the site as a hotel is no longer financially viable and the proposed subdivision of the site and the change of use of part of the site into residential accommodation would assist with the overall site running costs. The rest of the hotel site would be run as a wedding venue and venue for music concerts but the details of this are not included within this submission.

Historic England have commented that the extent of the proposed subdivision would by its nature introduce a high degree of fragmentation into the site. In terms of the physical impact, the application lacks details on how the subdivision of the properties and the landscape would be implemented.

The application seeks approval for the conversion of the most readily adaptable part of the site, and to subsequently sell the dwellings created. This would leave those more sensitive areas for change, the Music Room and Richmond House, albeit with greater floor area, with no clear long-term strategy for its ongoing conservation. Insufficient evidence has been provided that the proposed works are the minimum necessary to secure the future of the site, and the application provides no guarantee that the revenue generated through the sale of the dwellings would be used to refurbish the remainder of the hotel building.

In terms of the local plan, there is an in principal objection to the loss of the site for holiday accommodation in the absence of evidence to demonstrate that the holiday use is no longer viable.

Notwithstanding the concerns in respect of whether the proposal would secure the future of the most significant parts of the site, there are still significant concerns regarding the compatibility of residential dwellings and a wedding / music venue within the same building and the resultant adverse impacts to residential amenity of future occupants.

The Town Council are partially supportive of the scheme. Historic England have commented that if the local planning authority is minded to grant consent for the LBC application in its current form, in light of their objection, the Secretary of State should be notified of the LBC application.

Given Historic England's objection to the scheme as well as concerns regarding other areas of the proposal which are in conflict with the local plan, the proposal is contrary to the relevant Local Plan, the Sid Vale Neighbourhood Plan and Government Advice contained within the NPPF and is therefore recommended for refusal.

CONSULTATIONS

Local Consultations

Sidmouth Town – Councillor Ian Barlow

While I accept that something needs to be done at this site to protect and preserve this important historic building and grounds, I am concerned that by allowing the subdivision of the site as proposed will put the historic part of the building in a precarious position of not being able to sustain itself with no clear plan (that I can see) of maintaining the building and grounds going forward . It's all very well saying that the new owners/leasholders will be responsible via management fees but is this realistic/possible ? At what cost to them and is it likely to be affordable? Will the new plan cause confrontation between a commercial use for the main building and the new residents that will have to be dealt with by EDDC in the future when the present owners have recouped their money and moved on ? Who will run and manage the new company and what happens if it doesn't succeed commercially when it has no assets to fall back on?

There are many questions that need answering before I can support this application as it stands , however I reserve my final opinion for when I have seen all the information especially from Historic England who I imagine have had many similar situations to deal with and hopefully can assist in finding a plan that gives more security for the historic element of the building and grounds .

Parish/Town Council

PARTLY SUPPORT

Members found it difficult to continue to support the proposal to change the use and dispose of parts of the main house and would like to see a concise business plan to indicate how the main house might be retained in its integrity.

Technical Consultations

Historic England

OBJECTION. If your authority is minded to grant consent for the LBC application in its current form, in light of our objection you should treat this letter as a request to notify the Secretary of State of the LBC application.

Additional Comments 20/12/2024 – OBJECTION

This is due to the lack of clarity regarding the impact of the scheme and the lack of confidence that the scheme will deliver the optimum viable use for the site. At present, the works have not been clear and convincingly justified.

County Highway Authority
No objection

Other Representations

7 third party representations have been received, with 6 in support of the application and 1 neutral representation. A summary of grounds for support are as follows:

A summary of grounds for support are as follows:

- The application should be approved to prevent deterioration to the hotel building
- The sale of ancillary buildings is a practical approach that would help bring the listed building back into use

The 'neutral' representations queried the height of any proposed changes.

PLANNING HISTORY

The site has an extensive planning history with EDDC's earliest planning history dating from 1976. The applications are predominately in respect of upgrades and repairs to the hotel, including the installation of en-suite bathrooms, replacement doors and windows and internal reconfiguration of the spaces as well tree works across the site.

The more recent planning history is as below:

Reference	Description	Decision	Date
21/1299/LBC	External works: to repair or replace sections of the roof to include slate roofs; Repair or replace any windows; Repair or replace all other timber joinery; repair or replace any rainwater goods; repair external finishes and render. Internal works: to repair or replace water damaged areas of ceilings, walls and floors.	Approval with conditions	13.01.2022

21/2241/FUL	Blocking up of door and window openings on North and West Elevation	Withdrawn	10.01.2022
21/2465/LBC	Internal alterations to improve the hotel's existing facilities and guest rooms	Approval with conditions	31.03.2022
21/2805/LBC	Reconfiguration of internal layout of annexe building to provide 6 holiday rooms.	Approval with conditions	01.12.2021
22/1449/FUL	Proposed conversion of existing garage to form 4 new Townhouses and associated parking, including change of use from Hotel C1 to Residential C3	Withdrawn	12.01.2023
22/1450/LBC	Proposed conversion of existing garage to form 4 new townhouses and associated parking, including change of use from Hotel C1 to Residential C3	Withdrawn	12.01.2023
23/0991/FUL	Proposed 4 number new townhouses on site of former garage at Sidholme Hotel.	Approval with conditions	02.02.2024
23/0992/LBC	Proposed 4 number new townhouses on site of former garage at Sidholme Hotel.	Approval with conditions	02.02.2024
24/0035/LBC	To remove flat roofed extension to the curtilage cottage, to remove laundry building and refurbish the roof of the curtilage cottage all within the grounds of Grade II* listed building.	Approval with conditions	13.05.2024

The applicant has also sought pre-application advice directly from Historic England in February 2024.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 26 (Development at Sidmouth)

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

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 34 (District Wide Affordable Housing Provision Targets)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN8 (Significance of Heritage Assets and their setting)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

E18 (Loss of Holiday Accommodation)

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

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

Sid Valley Neighbourhood Plan (Made)

Policy 7 (Local Distinctiveness)

Policy 9 (Residential development)

Policy 11 Affordable Housing within the BUAB

Government Planning Documents

NPPF (National Planning Policy Framework 2024)

Site Location and Description

The Richmond Hotel (entered upon the Statutory List as 'Sidholme') is a substantial gothic villa and is one of several large villas that were built during the Regency period within the Elysian Fields area, reflecting the town's popularity as a holiday destination during the late 18th/ early 19th century for the wealthy gentry including royalty. Sidholme is Grade II* listed.

Sidholme was originally constructed as Richmond House c. 1823 by William Barrett as part of a planned residential development known as 'Elysian Fields'. Richmond House was one of six houses completed by Barrett, on raised ground overlooking Sidmouth. The intention was to provide grand residences in a desirable setting just outside Sidmouth, which by the 1820s had become a local resort of distinction.

Richmond House and Cumberland Cottage, sited to the east of Richmond House, were both built in the cottage orné tradition and were of three bays, with the principal

elevation overlooking the Sidmouth vista to the south. Both cottages had verandas to the south elevations.

The Ballroom (now Music Room) and Billiard Room were constructed by the 6th Earl of Buckinghamshire. Cumberland Cottage was later incorporated into Richmond House during the early 1880s. A further annexe was built to the north of the house in the early C20th, which was built as a laboratory by the engineer Lindemann. In 1930 the house was bought by the Methodist Guild Holidays group and was subsequently turned into a guest house. The site was requisitioned for military use during World War II but has remained as a hotel prior to its closure in 2020.

The site is within the Elysian Fields Conservation Area.

Statutory Listed Building Description

Heritage Category: Listed Building

Grade: II*

List Entry Number: 1097928

Date first listed: 12-Nov-1973

List Entry Name: SIDHOLME

Statutory Address 1: SIDHOLME, ELYSIAN FIELDS

ELYSIAN FIELDS 1. 1633 (North Side) Sidholme SY 1288 7/68 II 2. Gothicised villa built for the Earl of Buckingham in 1826 with later extensions and alterations. Stuccoed. South garden front has main block of 3 storeys, 1 in attic. 3 gables, centre one smaller, with ornamental bargeboards and finials. The front is extended for one bay on ground and 1st floors to west with similar gable to those on 3 storeys part. Across the 1st floor runs a balcony with elaborate Victorian cast iron balustrade, supported on iron columns with tracery brackets. 3 windows 2nd floor, the outer ones 2-light marginal glazed casements with pointed top panes, drip moulds over, the centre window marginal glazed casement in cambered arched recess. 4 windows to 1st floor, 2 canted bays with camber headed marginal glazed lights and stepped leaded tent roofs rather in "Chinoiserie" taste. 2 French windows with drip moulds over. The wall on ground floor has thin stucco blind arcading with colonettes and pointed cusped arches. Windows transomed casements later C19 and door. East wing set back and decreasing in height from 3 storeys to 1 storey. Gable end slate roofs with ornamental fascia boards. Some of original marginal glazed Gothic casements survive. The rest altered and ground floor built out. 2 service blocks terminate east wing both of 2 storeys, one with parapet raised as pediment over centre, the other with low pitch slate roof. Fenestration altered but on pedimented block 3 casement windows grouped in centre of 1st floor with pediment over middle one. The entrance front faces west and has an asymmetrical cement rendered elevation of 2 and 3 storeys. 3 gabled bays with ornamental bargeboards and finials. 2 storeyed projecting gabled porch with 6-light bay window with panelled apron above door set in moulded pointed arch. Rest of fenestration irregular with some later alterations, bay windows and some casements still with marginal glazing, with drip moulds over. The balcony and veranda returned from south front for one bay. Projecting from north side of the house is the Music Room, added by the Earl of Buckingham circa 1826. Tall stucco faced block on elongated Greek cross plan with

canted ends to arms. Lit by very tall round headed sashes with glazing bars intact. It has a very fine interior, Neo-classical with some Rococo elements. Painted decoration, partly in grisaille, and gilded stucco work. The walls articulated by panelled pilasters and a high ribbed domical vault rising from cornice. 2 columned marble mantle pieces, mirrors above with elaborate Rococo frames. 'Gothic' organ case. Fine chandelier. Broad staircase with turned arcaded balusters rises up into 1st floor of house at south end of room. The house was the boyhood home of Professor F. A. Lindemann, Viscount Cherwell. Sidholme is part of a group of early to mid C19 villas in particularly fine settings on a residential cul-de-sac in the upper part of the town.

Proposed Development

Methodist Guild Holidays, the previous owner of The Sidholme Hotel, went into receivership in 2021 and the hotel was subsequently purchased by the applicant.

The applicants consider that the optimum viable use for the site is no longer as a hotel and as such permission is sought to redevelop the site to provide an element of leasehold residential accommodation, alongside a commercial use in the retained portion of the hotel. It is the applicant's intention that this will likely be as a wedding and live music venue but the full details of this have not been included as part of this submission.

The application seeks approval for the change of use of the east wing of Sidholme, which includes Cumberland Cottage, from C1 hotel use to C3 residential use. The proposal indicates the east wing being reconfigured into four dwellings. These are referred to in the application drawings as Cumberland Cottage, Cottage 1, Richmond Cottage and Cottage 3.

Within Cumberland cottage, the existing cold store walls and modern partitions around the office are being removed to allow for the creation of a kitchen and living room. The stair between ground and first floor is retained in its current position. At first floor the internal layout is shown as being reconfigured to provide three en-suite bedrooms. An existing window to the south elevation is proposed as having its cill lowered to form a new entrance door. No other changes are proposed to the elevations. The proposed dwelling area is 164 square metres.

Within the proposed Cottage 1, at ground floor the existing partitions are indicated as being removed to create an open plan living space. The existing staircase is being retained. At first floor the internal layout is shown as being reconfigured to provide two en-suite bedrooms. No changes are proposed to the elevations. The proposed dwelling area is 92 square metres.

Within Richmond Cottage, it is proposed to insert a new stair, and minor internal works are proposed to form a utility and WC at ground floor. The first floor layout is shown reconfigured to provide two en-suite bedrooms. No changes are proposed to the elevations. The proposed dwelling area is 177 square metres.

Within Cottage 3, the ground floor layout would remain unchanged with the exception of the insertion of a new stair. Both first and second floor layouts are

shown as being significantly reconfigured to provide three en-suite bedrooms across the first and second floors, as well as a second stair being inserted between first and second floors. No changes are proposed to the elevations. The proposed dwelling area is 219 square metres.

As well as the conversion and change of use of the east wing, permission is also sought for the conversion of the Guest House cottage into C3 use. The proposal allows for minor internal alterations to provide a three bedroom house in lieu of the seven hotel bedrooms as per the current layout. No changes are proposed to the north and west elevation of this building, but the south elevation has not been supplied. The west elevation is conjoined with the Billiard Room. The proposed dwelling area is 146 square metres.

The application also seeks approval for the change of use of the 6 no. 2 bedroom Annexe apartments (the Lindemann wing) from C1 hotel rooms to C3 holiday use. The building has already been converted to apartments under application reference no. 21/2805/LBC. The proposed apartments vary in area from 52 square metres to 61 square metres.

Approval is also sought for the removal of the manager's use restriction on the existing 3 bedroom bungalow. No plans of the bungalow have been provided. In addition, approval is sought for the change of use of the staff cottage. Permission was granted for the removal of a modern flat roofed extension to the staff cottage under application 24/0035/LBC. No floor plans or elevations of this building have been supplied.

The application was originally registered as a minor application but as the proposal involves the change of use and or reconfiguration of the existing building to provide of 13 dwellings in total, the application has subsequently been re-advertised as a major application.

ANALYSIS

The principal issues for consideration are:

- The principle of development / change of use
- The impact upon the heritage asset
- The impact upon residential amenity
- Highways impacts
- Ecology

Principle of Development

The application site is located within the Built up Area Boundary (BuAB) of Sidmouth as defined by the Adopted Local Plan, with good access to services and facilities as well as public transport. Strategy 6 'Development within Built-Up Area Boundaries' of the local plan sets out criteria against which development within built up area boundaries can be assessed.

Sidholme lies outside of the Principal Holiday Accommodation Area as defined by the East Devon Local Plan, therefore Policy E17 - Principal Holiday Accommodation Areas, is not applicable. The proposal would be subject to the provisions of Policy E18 - Loss of Holiday Accommodation, which state:

The proposals for change of use or redevelopment of hotels and other holiday accommodation in the seaside resorts of Exmouth, Budleigh Salterton, Seaton and Sidmouth will not be permitted unless the holiday use is no longer viable and/or the new use will overcome clear social, economic or environmental problems associated with the current use. Permission for change of use will not be permitted unless it can be clearly demonstrated that there is no longer a need for such uses and that the building or site has been marketed for at least 12 months (and up to two years depending on market conditions) at a realistic price without interest.

It is recognised that the Grade II* listed Sidholme requires significant conservation to secure the future of the house and the wider site. A major driver behind the previous applications 23/0991/FUL and 23/0992/LBC for the four townhouses on the site of a former garage at Sidholme Hotel was to generate revenue to be used in the refurbishment of the hotel. The application documents state that the development to provide four two bedroom coach houses cannot currently be started, as all available development funds are being channelled to the repair of listed building first.

The applicant has stated that the use of the site as a hotel would not support the level of funding required to refurbish the site to make it operational or provide a level of turnover required to repay the funding.

Returning to policy E18 however, there is an in-principle objection to the loss of the site for holiday accommodation. The policy requires the applicant to demonstrate that the holiday use is no longer viable and that there is no longer a need for the hotel use.

East Devon District Council's website gives detailed requirements for the Marketing Strategy Statement required for all applications proposing the loss of commercial or community facilities. In summary the following information is required:

- A copy of the letter of instruction to the agent
- The methodology used by the surveyor in arriving at a valuation
- Estate agents verifiable record of all enquiries
- A copy of the sales particulars and adverts

The marketing strategy statement should also include evidence of steps undertaken to diversify income and prevent the decline of the business.

A valuation report has been supplied in support of the application by a RICS Registered Valuer in respect of the Hotel. This document provides a valuation of the hotel and residential accommodation as proposed, with different valuations subject to whether the proposed houses have holiday use or unrestricted residential use. For the purposes of the valuation it has been assumed the properties will be built to a modern standard and fitted to a good market specification to include central heating

and full range of good quality kitchens, bathrooms, and electrical fittings, and that all the residential parts will be sold on a long leasehold basis for a minimum term of 150 years. The overall valuation for the hotel and associated holiday lets is £2,950,000, and for unrestricted residential use, as opposed to holiday use, the valuation for the whole site would be £4,285,000. The valuation includes the 6 no. Lindemann apartments and owner's bungalow which have already been completed / refurbished, the proposed 4 no. townhouses on site of former garage (23/0991/FUL), the four cottages within the Cumberland wing, the guest cottage, the staff cottage, the swimming pool, and the wedding / music venue with 14 ensuite letting rooms.

No figure has been supplied for the valuation of the site as a whole in its current permitted use as a hotel. The applicant purchased the property in February 2021 for £1.6m. The property was openly marketed at that time as a trading hotel but fell into receivership prior to the completion of the sale.

No evidence has been provided to support the claim that there is no longer a need for a hotel use on the site, and the hotel has not been marketed since it was purchased by the current owner in 2021. The valuation report states that leisure property has become more mainstream and is attractive to those looking for a different type of investment by comparison to the traditional commercial and residential markets. The report also states that the lack of supply across the South West has meant the market has been moving very quickly which has positively impacted property values.

In terms of its position, the property is well located in relation to the sea front and town centre amenities. Protecting the tourist related use continues to be considered more important in planning terms than accommodating a residential use within the building. The applicant has provided the accounts of the Sidholme Hotel for the trading years 2017 – 2019, which indicate that the hotel made a small profit prior to its closure. The applicant has also submitted a letter from their accountant, stating that the neglect of the building since its closure means it is no longer viable for use as a hotel, and that there is no mechanism in place to fund the renovation of the site.

Given that the property has not been marketed, the criteria of Policy E18 have not been met, and insufficient evidence has been supplied with this application to demonstrate that Sidholme Hotel cannot continue to operate as a viable hotel.

The proposal is therefore contrary to Policy E18 Loss of Holiday Accommodation of the local plan.

Heritage impacts and impact upon the character of the site

The starting point for the exercise of listed building control and the determination of applications is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 16 and 66). Applicants for consent that affects a heritage asset must be able to justify their proposals.

The NPPF says that the LPA should require an applicant to describe the significance of any heritage asset affected including any contribution made to their setting. This should be sufficient to understand the potential impact of the proposal on its significance. As a minimum the Heritage Environment Record should have been consulted and the building assessed using appropriate expertise where necessary. When considering the impact of development, great weight should be given to the asset's conservation. Any harm or loss should require clear and convincing justification from the applicant. Any harm should be judged against the public benefit, including securing the optimum viable use.

The house has a very high level of architectural interest, stemming from Richmond House and in particular the Music Room and Billiard Room to the north, which feature exceptionally well preserved and detailed internal spaces. The original cottage orné properties, Richmond House and Cumberland Cottage, reflect Sidmouth's history as a popular and fashionable holiday destination. Despite the amalgamation of the houses into one large property in the 1880s, evidence of the original houses can be seen in the elevations, floor plan and the internal features.

The house has historic interest as the residence of the 6th Earl of Buckinghamshire and the childhood home of Frederick Lindemann who was later a scientific advisor to Winston Churchill during the Second World War. The historic evidence of the house and garden also provide insights into the conspicuous consumption practices of mid-19th century elites, where significant wealth was used in order to display status and learning.

The house sits within mature grounds which contribute to the character of the area and the significance the house derives from its setting. The original 19th century design of the gardens and south lawn is essentially intact and relates directly to the important phases of the development of the principal building.

The Grade II* listing places the building within the top 2.5% of all listed buildings in England, and as such the building has a very high level of significance. The site also forms an important part of Area 3 of the Sidmouth Conservation Area, contributing to its character and appearance.

The submitted Heritage Statement contends that the eastern wing, containing Cumberland Cottage and various extensions is of lesser interest, with most of the historic features and details having been lost or obscured. During the site visit it was observed that many of the internal finishes within this wing have been removed, including wall linings and floor boards.

Historic England have commented that the extent of the proposed subdivision would by its nature introduce a high degree of fragmentation into the site. In terms of the physical impact, the application lacks details on how the subdivision of the properties and the landscape would be implemented. The application seeks to convert the most readily adaptable part of the site, and sell the houses. This would leave those more sensitive areas for change, the Music Room and Richmond House, albeit with greater floor area, with no clear long-term strategy for its ongoing conservation.

The remaining parts of the hotel are to be used as a music and wedding venue but there are concerns regarding the commercial and practical viability of this, particularly located within what is proposed to be a primarily residential scheme.

In the course of the Conservation Management Plan (CMP) previously undertaken for the site, the applicants committed to retaining the site as a single asset, predicated on the holistic management of all of the site and its setting to ensure the integrity and authenticity of the heritage asset could be conserved and enhanced. An addendum to the CMP has been provided with the current application. This confirms that the timetable given within the previous CMP has not been met as funding was not available for the renovation of the hotel, the construction of the townhouses, the renovation of the staff cottage or the refurbishment of the swimming pool. The addendum confirms that the proposed reconfiguration of the early C20th Lindemann wing and the refurbishment of the 1990s managers bungalow has been completed, at a total cost of £830,000.

The applicant's justification for the proposal centres around the lack of financial viability of the existing hotel. The applicant states that the proposed change of use of some of the accommodation is justified because the optimum viable use for the site is no longer as a hotel. Planning Policy Guidance states that if there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset. The optimum viable use may not necessarily be the most economically viable one.

The applicant has provided a detailed breakdown of how the proposed subdivision of the site and the change of use into residential accommodation would assist with the overall running costs of the site. The submission states that separate leasehold dwellings would support the retained portion of the listed building through the dwellings' contribution to the overall site maintenance charges, and payment of their own council tax and utility costs.

During pre-application consultation with Historic England, concern was expressed about the separation of the Music Room from Richmond House and the impact to the experience and understanding of Sidholme through the separation of the Music Room from the house, given that their relationship to one another is integral to the understanding and phasing of this part of the site as well as reflecting its former sense of grandeur. In their comments, Historic England requested that further works should be undertaken in support of the application. An options appraisal was requested which would explore different uses and combinations of uses for the site. Evidence was also requested to show that the works proposed were the minimum necessary to secure the future of the site.

A feasibility study has subsequently been provided by the applicant, which has been carried out by a financial consultant as opposed to a heritage consultant. This concludes that the option presented, to sell half of the accommodation for housing, is the only viable option for the site. No other options have been put forward for the site. The study also cites the Harbour Hotel and the Victoria Hotel in Sidmouth where approval has been granted for residential apartments alongside the existing hotel use to assist with financing hotel renovations. Unlike the proposal however, these buildings are not listed (contrary to the claims in the report that these hotels are

Grade II and grade I listed respectively), and the accommodation sits alongside the existing hotels and did not result in the loss of any hotel accommodation. As already stated, permission has already been granted for similar a development of four two bedroom townhouses at the Sidholme Hotel under applications 23/0991/FUL and 23/0992/LBC.

A financial projection for the use of the retained part of the hotel as a music and wedding venue has been provided by the applicant. This assumes that the venue is used for one wedding a week for 35 weeks of the year, and one music event a week for 35 weeks of the year. Wedding events assume the rooms would be rented out for a minimum of two nights. The venue would employ an events manager and outside caterers would be brought in to cater for weddings.

The financial projection includes an element of 'hope' value rather than a robust evidence base. The music events to be held rely on volunteers to run the bar, clean the venue and set up for events. The bar takings are noted as £7,000 per wedding, which equates to a spend of between £70 - £46 a head assuming attendance of between 100 and 150 guests.

The applicant has provided an options appraisal to explore different uses for the site. However, these all assume that the works under the current application have already been carried out and that half of the site is in residential use. No option has been provided to illustrate any kind of commercial use for the overall site.

A summary of the submitted options is as follows:

Option 1 - Small Hotel

With 14 letting en-suite bedrooms (as per previously approved scheme 21/2465/LBC), 6 holiday cottages and 6 holiday apartments, assuming 30 weeks occupancy, the site would make a loss of £170,000. This loss includes annual funding costs of £473,074.

Option 2 - Wedding / music venue and rented cottages / holiday apartments

Wedding and music venue 30 weeks occupancy, 6 cottages on a shorthold residential tenancy 52 weeks occupancy and 6 holiday apartments 30 weeks occupancy, the site would make a profit of £4,134. This also includes annual funding costs of £473,074.

Option 3 - Wedding / Music Venue and Leasehold monthly income

Wedding and music venue 30 weeks occupancy, monthly income from leaseholder management fees (£5,950/month), and reduced annual maintenance costs, the site would make a profit of £843,775. This option does not include any funding costs as it is assumed funding would be provided by leasehold sales.

The application states that the applicants would be happy to agree a programme that secures the full refurbishment and opening of the venue, however no Heads of Terms have been provided by the applicant. There is therefore no guarantee that

revenue generated from the development of the hotel to residential dwellings would be used to refurbish the main hotel building. The options are centred around considerations of reducing the funding commitments rather than any consideration in respect of the heritage implication of the scheme.

The proposal would lead to some loss of historic fabric, principally through the removal of existing ceilings and floors to insert two new staircases in the eastern wing, and the reinstatement of a doorway into the south elevation of Cumberland Cottage. The submission lacks detail in respect of the proposed repair methodology and reinstatement. In particular, there are no details regarding proposed replacement floorboards, wall linings, ceiling repairs / replacement and any thermal upgrades proposed to the external fabric. No floor plans or elevations have been provided in respect of the proposed conversion of the Staff Cottage to residential accommodation. In addition there are no elevations for the western end of the north elevation Cottage 3 and the southern elevation of the Guest House cottage.

The existing and proposed elevations do not show the existing windows and doors or indicate whether these would be retained or repaired in any conversion scheme. No information has been provided in respect of any internal finishes or whether there are any existing joinery elements such as internal doors, architraves, skirting, cornicing or pictures rails that could be retained within the scheme. The first floor layout for the earlier Cumberland Cottage indicates a WC positioned against the 1.5 metre wide by 1.9 metre tall window which historically was the central window to the first floor which would significantly detract from the architectural significance of this building.

The submission also lacks information regarding the proposed services installation to the dwellings. The submission states that the houses would have individual electric boilers and underfloor heating but no information has been provided about the details of the installation or any electric metering arrangements. No information has been provided regarding extract ventilation, and what impact these elements would have upon the architectural significance of the building.

The heritage statement asserts that the proposed conversion of the Cumberland wing would have a low adverse impact to the asset, and would retain the link between the Music and Billiard Rooms. Historic England fundamentally disagree with the submitted assessment.

EDDC officers and Historic England met with the applicant during the determination period. Further information was requested to demonstrate that the works are the minimum required to secure the future of the asset. Additionally, further information was requested regarding the proposed phasing of the works, to set out a timetable for delivery of how each building would be delivered. Setting this out clearly would help to articulate the narrative on how it is intended to progress the works and how they are intended to be funded. This would also contribute to establishing a robust justification for the works.

Historic England's objection to the scheme confirms that the proposal is not considered to be enabling development, which is defined by the NPPF at Para 221. as development which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, provided the benefits of

any scheme outweigh the disbenefits of departing from those policies, but has nevertheless advised the type of information that would be beneficial in assessing the scheme, and in assuring that and proposals are fully justified. This includes a condition survey, an assessment of the cost of repairs, detailed drawings and a delivery plan to ensure the heritage benefits will be secured in a timely manner. This also includes market testing to explore the possibility of different owners providing an alternative means of securing the heritage asset's future conservation.

No condition survey has been provided with the application. The applicant has provided a costed schedule of works for the building, based on square metre rates where possible and budget figures for other items. In the absence of detailed drawings or quantities the accuracy of this is uncertain. Any enabling development needs to be the minimum required to meet any conservation deficit. The overall costs have been estimated at just over £3.5 million for the scheme as proposed, but this includes several hundred thousand pounds worth of fit out costs which could not be considered as conservation repairs. A phasing timetable has also been submitted by the applicant. This states that the completion of the works to the listed building could not be completed until all of the houses have been sold. In terms of the commencement of the proposed works, the swimming pool building is proposed for completion within Phase 2 of the development, ahead of the completion of the renovation of the listed building which carries across phases 2 - 5. The costs for the swimming pool renovation have not been included within the costed schedule other than £20,000 identified for the installation of rainwater harvesting tanks. The previously approved townhouses are not included within the cost plan or the phasing plan.

Any funds generated through enabling development are provided to directly solve the conservation needs of the place, not to solve the financial needs of the present owner. The harm which would arise as a result of the fragmentation of the site would be permanent and irreversible, and the submission gives no certainty or guarantee that the proposal would lead to the conservation of the heritage asset.

The proposal would give rise to limited public benefits, in the form of economic benefits during the construction period, and a limited increase to housing supply.

However, the risk of future fragmentation of the hotel site is a fundamental concern. The proposal would impact upon the completeness and quality of the site and the application provides no guarantee of a future use for the rest of the site.

There are concerns about the practicalities of the proposed residential conversion, discussed later in the report, and it has not been sufficiently demonstrated that the conservation to residential accommodation is the optimum viable use for the building. As such, insufficient justification has been provided in support of the proposal.

NPPF Para. 212 states that 'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).' Insufficient information has been provided to enable an assessment of the impact of the scheme upon the site. The very limited benefits the proposal would give are not considered to be outweighed by the level of harm caused by the fragmentation of the site and

the concerns regarding the resulting isolation of the most sensitive part of the site, which would increase the challenges it might face in identifying a sustainable medium to long term future.

Given the above, the proposal would be contrary to NPPF Paragraphs 207, 208, 212, 213, 215, and Local Plan Policies EN8 and EN9.

Residential / Neighbour Amenity

There are a number of concerns about impact upon residential amenity that would arise in the course of the conversion of part of the hotel into residential accommodation.

The site plan indicates there is only 4.8 metres on plan between the north elevation of Cottage 3 and the south elevation of the Guest House cottage opposite. There are no windows to the south elevation of Cottage 3, so the only outlook is from the north. Given the proximity of the existing wall this would lead to poor levels of daylighting to the main living space within this dwelling. There are also concerns that this route between Cottage 3 and the Guest House Cottage would form the future servicing route to the back of house areas of the commercial space, as this leads to the areas proposed for the plating up kitchen. As such there are concerns that this would adversely impact Cottage 3 in terms of overlooking and noise.

Cottage 3, Cumberland Cottage and Cottage 1 as shown on the proposed plans are 'set back' from the lawn and the main south elevation of the hotel and commercial element. Richmond Cottage, proposed as a 2 bedroom dwelling, sits directly in line with the south elevation, with the south facing windows looking out over the main lawn area. The application states that no changes are proposed to the landscaping. As such there are concerns of impacts of overlooking between Richmond Cottage and the lawn in front. No delineation is proposed between areas of the site in private residential use and commercial garden areas and there would be no way of allowing privacy between residents and users of the hotel / commercial facilities. The individual houses do not have any private garden areas and would have the use of the grounds, given that one of the primary drivers behind the application is the overall reduction in maintenance costs to the hotel. It appears that conflict would arise during wedding events as to which users would have priority over the hotel gardens. Given the architectural and historic significance that is derived from the completeness and unchanged state of the mid 19th century garden design it would also not be desirable on heritage grounds to make significant changes to the gardens.

The proposed drawings for Richmond Cottage show access to the roof terrace at first floor. This is overlooked by the first and second floor windows of Cottage 3, which would give rise to adverse impacts to both the residents of Richmond Cottage and Cottage 3. Additionally, the roof terrace sits just above the level of the roof terrace to the first floor of the hotel / commercial space and no indication is given as to how privacy would be provided between the two distinct uses.

The schedule of works states that a covering of soundboard would be applied to infilled openings in party walls between dwellings. The guest house cottage is

directly attached to the Billiard Room, which is again adjacent to the Music Room. Given that approximately 30 music events and 30 weddings are planned a year, no drawings have been provided in respect of any sound attenuation between these two uses to ensure that the future residents of the Guest House Cottage are not subject to unnecessary noise nuisance.

Bin storage for the proposed residential dwellings is indicated within the historic structures shown abutting the northern boundary wall. No detailed drawings have been provided but it is assumed these would be shared with the rest of the hotel building. Details could be dealt with via condition.

The proposed annexe apartments within the Lindemann wing are all two bedroomed apartments. With the exception of Suite 5 with an area of 61 square metres, the apartments are all below the nationally described minimum space standards of 61 square metres for a 2 bedroom 3 person apartment. The areas range from 52 square metres up to 58 square metres. The submission seeks consent for these to become dwellings with a limited use restriction, recognising that they are too small to provide permanent dwellings.

Given the above, the proposal would be contrary to Local Plan policies D1 and EN14.

Highways, access and parking

The submitted site plan is not sufficiently detailed to show the overall parking spaces for the site, although the conservation management plan states there are 39 spaces across the site. An 'indicative parking' plan shows 8 spaces allocated to the 6 cottages to the east of the site, but the plan is not to scale and the spaces would not fit between the existing buildings as shown. No details have been provided in respect of parking for the Lindemann apartments or for the manager's bungalow. It is not clear how many spaces would remain in use for the hotel although the applicant has said their intention is to construct a new parking area to the south west of the site.

The dwellings would be accessed via the Brewery Lane entrance, with some servicing of the commercial element via the same entrance, and some servicing via the Elysian Fields entrance. No information has been provided detailing how many spaces would be retained for the future commercial use and no information has been provided in respect of bicycle storage, although this could be dealt with via condition. Local Plan policy TC9 also asks that electric car charging should be provided for developments in excess of ten dwellings which would apply in this instance, which could also be required by condition.

In the absence of a detailed site plan to a recognised scale it is not possible to assess whether sufficient parking has been provided for the proposed dwelling and whether there is sufficient road / turning area within the site to provide for commercial servicing of the site as well as residential parking and access / egress.

In respect of the wider highway network, County Highways have indicated that the trip generation would be similar to the current hotel use and as such there are no objections to the development from a highways perspective.

As such, insufficient information has been provided to demonstrate that the proposal would comply with local plan policy TC9 and that the commercial and residential uses would be compatible in terms of vehicular movements at the site.

Affordable Housing

Policy 11 of the Sid Valley Neighbourhood Plan states that on schemes of 10 or more units a minimum of 50% of homes must be affordable. This is in line with the requirements of Local Plan Strategy 34 which asks for 50% affordable housing within Sidmouth.

Given the nature of the existing building it would be inappropriate for such provision to be made on the application site, and as such a contribution towards affordable provision elsewhere in the district should be made. Strategy 34 recognises the issues of development viability and the additional costs associated with the development of more complex sites.

No viability assessment has been submitted in respect of the provision of affordable housing to demonstrate that it would be unviable for the scheme to support a contribution towards the provision of affordable housing.

National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.

The vacant building credit applies where the building has not been abandoned. A 'Vacant Building' is a building that has not been in use for three years. The building was last occupied in January 2021 according to the submitted CIL form. It is likely therefore that vacant building credit would apply but no statement or evidence has been provided in this respect.

As such, the proposal is contrary to local plan Strategy 34 and Policy 11 of the Sid Valley Neighbourhood Plan.

Ecology / biodiversity

A preliminary ecological assessment has not been provided with the application. The proposed residential conversion would require work within the loft space of the Cumberland Wing and between the Billiard Room and the proposed Guest House cottage to provide fire separation between the individual units.

The features of the existing slate roof, the proximity of the building to significant numbers of trees and the number of recorded bat species within a 500 metre radius of the building means the building has potential for roosting bats.

As such insufficient information has been provided to ascertain that the proposed works would not lead to harm to protected species such as bats, contrary to policy EN5 of the local plan.

Biodiversity Net Gain

The applicant has stated that the development would be subject to the de minimis exemption in respect of Biodiversity Net Gain. The existing building footprints and existing concrete and paved surfaces would be assigned a zero score in the statutory biodiversity metric. However, there are significant areas of lawn and trees included within the submitted red line site boundary, which extends to 1.9 hectares (contrary to the figure of 0.45 hectares taken from the submitted application form).

The submitted site plan does not distinguish between hard and soft landscaping and does not show existing or proposed access routes around the site, and the onus is on the applicant to provide sufficient information to show that the development would be exempt from the provisions of Biodiversity Net Gain. Insufficient information has therefore been provided to ascertain whether the de minimus exemption would apply.

Appropriate Assessment

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

This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured.

This proposal is within 10 km of the Pebble-bed Heaths and therefore attracts a habitat mitigation contribution towards non-infrastructure at a rate of £196 per 'dwelling' (S111 identifies dwellings as 'building or part of a building designed for residential occupation'). The contribution has been received for 11 dwellings, however the application allows for the change of use of 13 dwellings in total therefore the full mitigation contribution required has not been received. The absence of appropriate mitigation gives rise to further grounds for refusal.

Other matters

There are a number of significant trees within the grounds. As the proposal is for a change of use it is not considered that the proposal would have the potential to result in any adverse impacts to the existing trees on site. The existing surface water run off would be unchanged and would be dealt with via the existing combined sewer. New foul connections would be made to the mains sewer. The site is not within flood zones 2 or 3 therefore there are no concerns in respect of flooding.

Summary / Conclusion

The existing house has a very high level of architectural and historic significance, with the intact landscaped gardens adding to the significance of its setting, reflecting its status as a Grade II* listed building.

Insufficient evidence has been provided that the proposed works are the minimum necessary to secure the future of the site and the proposal provides no guarantee that the revenue generated from the development would be used to refurbish the remaining portion of the hotel.

The submission lacks detail in respect of the proposed repair methodology and reinstatement. The NPPF requires that great weight should be given to the conservation of an asset, and the more important the asset, the greater the weight should be. Insufficient information has therefore been provided to enable an assessment of the impact of the scheme upon the site.

The application seeks to convert the most readily adaptable part of the site into residential dwellings, and selling them off. This would leave those more sensitive areas for change, the Music Room and Richmond House, albeit with greater floor area, with no clear long-term strategy for its ongoing conservation, putting these areas at risk.

Securing the future of the building is vital, however the proposal would impact upon the integrity and authenticity of the heritage asset and the division of the site would be contrary to the previously undertaken Conservation Management Plan.

Insufficient evidence has been produced to demonstrate that the holiday use is no longer viable and that there is no longer a need for the hotel use, contrary to Local Plan Policy E18.

There are also significant concerns about the practicalities of the residential conversion, in terms of the residential amenity of future occupiers and also in terms of the future limitations this would place upon the retained portion of the hotel.

In the absence of significant public benefits to outweigh the identified harm, the proposal is therefore contrary to the East Devon Local Plan, the Sid Valley Neighbourhood Plan and the NPPF and is therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. Insufficient information has been provided to justify the proposed level of subdivision and fragmentation of the site, or that the proposal forms the optimum viable use for the site. The proposed subdivision of the site would impact upon the rarity and completeness of the heritage asset in such a way that would harm the historic and architectural significance of the site. The proposal would allow for the conversion of the most readily adaptable part of the site, leaving the more sensitive areas of the site with no clear long-term strategy for its ongoing conservation and the proposal does not provide any guarantee that the revenue generated would be used to refurbish the remaining portion of the building. In the absence of public benefits sufficient to outweigh the harm identified, the proposal would be contrary to the provisions of Policy EN8 (Significance of Heritage Assets and their Setting), Policy EN9 (Development Affecting a Designated Heritage Asset) of the adopted East Devon Local Plan 2013 to 2031, and Paragraphs 207, 208, 212, 213, 215 and 220 of the National Planning Policy Framework 2024.
2. The proximity of Cottage 3 to the Guesthouse cottage would lead to poor levels of daylight within Cottage 3 which would lead to poor living conditions for occupiers. The roof terrace of Richmond Cottage looks directly into the first floor bedroom window of Cottage 3, leading to overlooking and lack of privacy between dwellings. The proximity and adjacency of the proposed Richmond Cottage roof terrace to the existing first floor balcony of the hotel would also lead to overlooking and a lack of privacy between hotel guests and the future occupiers of Richmond Cottage, leading to a poor standard of residential amenity for occupants of the proposed future residential dwellings. Furthermore, insufficient information has been provided in respect of the proposed noise levels to determine if mitigation would be required in order to achieve acceptable internal noise levels between the existing music room / music venue and the adjacent dwellings and as such it has not been demonstrated that the proposal would provide acceptable internal noise levels. As such it is considered the dwellings would provide a poor standard of residential amenity for occupants of the proposed future residential dwellings, contrary to the provisions of Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013 to 2031.
3. The change of use of the existing Hotel to residential would result in the loss of tourist accommodation in the seaside resort of Sidmouth. Insufficient evidence has been put forward to substantiate that the current use is not viable or that there is no market for the continued use as the hotel as an ongoing concern. The loss of holiday accommodation would be to the detriment of the tourism appeal of East Devon and would have a negative effect on economy and the viable tourism base of East Devon. The proposal for change of use is therefore contrary to the Adopted East Devon Local Plan Policy E18 - Loss of Holiday Accommodation.

4. No ecology surveys have been provided with the application for the change of use. The building's features are such that it would offer a suitable habitat for bats and no evidence has been provided to demonstrate that the proposal would not have a material adverse affect upon protected species and that The Conservation of Habitats and Species Regulations 2017 would not be breached. The proposal is therefore contrary to the provisions of Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013 to 2031.
5. Insufficient mitigation has been provided to offset the impacts of the proposed dwellings within 10km of the Pebblebed Heaths and their European Habitat designation. As such it has not been demonstrated that the development would not lead to harmful impacts to important habitats and the species they support. The proposal is therefore contrary to the requirements of Strategy 47 (Nature Conservation and Geology) of the Adopted East Devon Local Plan 2013 to 2031 and Conservation of Habitats and Species Regulations 2017.
6. In the absence of a completed planning obligation (Section 106 of the Town and Country Planning Act 1990) (as amended) in terms that are satisfactory to the Local Planning Authority which makes provision for affordable housing, or any assessment to support a claim that such provision would impact upon the viability of the scheme, the proposal is contrary to Strategy 34 (District Wide Affordable Housing Provision Targets) of the adopted East Devon Local Plan 2013 to 2031 and the Policy 11 (Affordable Housing within the BuAB) of the Sid Valley Neighbourhood Plan 2018-2032.
7. Insufficient information has been provided in the form of a scaled site plan to indicate that the proposed dwellings would be provided with sufficient parking spaces and that the proposed parking arrangements would be compatible with the commercial servicing of the building by commercial vehicle deliveries. As such, it has not been demonstrated that the proposal would accommodate car parking provision commensurate with the type, size and location of development, contrary to local plan policy TC9 (Parking Provision in New Development) of the adopted East Devon Local Plan 2013 to 2031
8. Insufficient evidence has been provided to demonstrate that the proposal would be subject to the exemption of the provisions of Biodiversity Net Gain. As such it has not possible to assess whether the proposal would be contrary to Paragraphs 2 -12 of Schedule 7A of the Town and Country Planning Act 1990 as amended by the Environment Act 2021.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant

planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

	Proposed Site Plan	11.07.24
121	Proposed Elevation	11.07.24
8278-100 H : annexe	Proposed Floor Plans	11.07.24
	Location Plan	07.06.24
202 B	Proposed Floor Plans	07.06.24

24/1175/LBC

REFUSE for the following reasons:

1. Insufficient information has been provided to justify the proposed level of subdivision and fragmentation of the site, or that the proposal forms the optimum viable use for the site. The proposed subdivision of the site would impact upon the rarity and completeness of the heritage asset in such a way that would harm the historic and architectural significance of the site. The proposal would allow for the conversion of the most readily adaptable part of the site, leaving the more sensitive areas of the site with no clear long-term strategy for its ongoing conservation and the proposal does not provide any guarantee that the revenue generated would be used to refurbish the remaining portion of the building. In the absence of public benefits sufficient to outweigh the harm identified, the proposal would be contrary to the provisions of Policy EN8 (Significance of Heritage Assets and their Setting), Policy EN9 (Development Affecting a Designated Heritage Asset) of the adopted East Devon Local Plan 2013 to 2031, and Paragraphs 207, 208, 212, 213, 215 and 220 of the National Planning Policy Framework 2024.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

	Proposed Site Plan	11.07.24
121	Proposed Elevation	11.07.24
8278-100 H : annexe	Proposed Floor Plans	11.07.24
	Location Plan	07.06.24
202 B	Proposed Floor Plans	07.06.24

List of Background Papers

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

Technical Consultations

Historic England 03/09/24

Thank you for your letters regarding further information on the above applications for listed building consent and planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the applications.

Summary

The proposed works relate to the grade II* listed Sidholme Hotel, a substantial gothic villa with a spectacular octagonal music room, which originally started as two earlier Cottage Orne properties.

The works proposed will irreversibly subdivide and fragment this important site. This would result in the isolation of the most sensitive part of the site, the music room and associated Richmond House, increasing the challenges it might face in identifying a sustainable medium to long term future. At present there is no clear intention on how the whole complex will be delivered, in particular with respect to this part of the site.

Consequently, there is no clear and convincing justification for the proposed work and it cannot be demonstrated that this forms the optimum viable use for the site. As a result Historic England objects to the proposals on heritage grounds.

Historic England Advice

Significance of Sidholme Hotel

Sidholme Hotel is located in an area known as Elysian Fields and is a substantial gothic villa. It originally consisted of two large Cottage Orne properties, Richmond

House and Cumberland Cottage, that were built during the Regency period. Sidmouth grew as a popular holiday destination during the late 18th/ early 19th century for the wealthy gentry including some royalty and the speculative development of Elysian Fields was a result in this growth in popularity.

Richmond House was extended, when the Earl of Buckingham, the then owner, built the Music Room, a suite of private accommodation to the west along with the Billiards Room in the 1850s. The two cottages were amalgamated to form one large property in 1880s, although evidence of their former arrangement can still be appreciated within the elevation, floorplan and internal features. The house has more recently been a hotel set up by the Methodist Guild from the 1930s, however, this shut in 2020.

Sidholme now sits within extensive sylvan grounds, contributing to the character of the area and reflecting its name Elysian Fields. Some modern development including the extensive carparking has occurred to the north. This area retains a back of house character reflective of its former historic arrangement.

Due to its more than architectural and historic special interest, Sidholme has been listed at grade II* and forms the top 2.5% of all listed buildings in England. Its grounds also contribute to the significance the house derives from its setting. Finally, the site also forms an important part of Area 3 of the Sidmouth Conservation Area, contributing to its character and appearance.

Impact of the proposed works

The application is for a primarily residential led scheme covering both the associated outbuildings and the main house with the Music Room and associated Richmond House forming a commercial entity, the details of which have not yet been established.

Pre-application advice given

Historic England provided pre-application advice on this revised approach before the application was submitted. We raised initial concerns regarding the impact of the approach on the sustainability of the Music Room as well as the wider issues surrounding the fragmentation of the site and the impact this could have on the ongoing sustainability of those most sensitive elements. A number of further investigative works were required in order to identify the optimum viable use for the site and to ensure the ongoing sustainability of these important heritage assets.

Although a greater degree of the building is now being retained with the Music Room, the investigative work requested has not yet been undertaken.

Proposed works

The current scheme seeks to propose a number of works to create residential units within the site, utilising existing consents and new works. It also seeks to change the planning status of a number of properties on the site. This includes -

- o Converting Cumberland Cottage (rear section of main house) into 4 residential units including change of use.
- o Continue with the approved Garage conversion in 4 townhouses and sale (LPA ref 23/0992/LBC & 23/0991/FUL)
- o Retain Sidholme Hotel (formerly Richmond House) and Music Rooms as a single entity, for commercial uses.
- o Change of use of Staff cottage to be converted in line with approved application LPA ref 24/0035/LBC.
- o Detached bungalow seeking to remove restriction for hotel manager accommodation only.
- o Change of use for the Annex, which was converted in line with LPA ref 21/2805/LBC.

The extent of the proposed subdivision would by its nature introduce a high degree of fragmentation into the site. In terms of the physical impact, the application lacks details on how the subdivision of the properties and the landscape would be implemented. We would expect to see plans, sections and elevation in respect of the main properties being provided along with the relevant supporting documentation. In terms of the landscape, a landscaping plan would also be beneficial to see how any new hard or soft landscaping might impact on the setting of the building.

Meanwhile, the fragmentation of the site also could impact on the ongoing conservation of the historic assets.

The application as presented, seeks to convert and adapt the most easily accessible part of the site, selling them off. This would leave those more sensitive areas for change, the Music Room and Richmond House, albeit with greater floor area, with no clear long-term strategy for its ongoing conservation.

No evidence has been provided to demonstrate whether this form of development would even be commercially viable or practical, particularly located within what is proposed to be a primarily residential scheme.

Therefore, there are serious concerns about the practicality of the proposed approach, and whether this could place greater pressure on these spaces should the proposed use fail to accommodate further subdivisions and change within these more highly sensitive parts of the site. We would always advocate that a holistic approach is encouraged that seeks to identify the optimum viable for the whole site, ensuring that those more challenging aspects are integrated into any final solution.

Planning Policy Context

The council in their consideration of the scheme will need to consider the impact of the works in line with the NPPF.

- o The application should provide sufficient information to understand the level of impact on the significance of the affected heritage asset including appropriate drawings, plans and elevations (NPPF, Para 200).
- o Where impacts result in harm, any harm will need to be clear and convincingly justified with opportunities identified to avoid and minimise any conflict between the proposal and the conservation of the heritage asset (Para 201 and 206).

- o The scheme will need to demonstrate that it is securing the optimum viable use for the site (NPPF, Para 208). The optimum viable use is not necessarily the most economical solution but rather the most compatible to the heritage assets (PPG, Para 015 Reference ID: 18a-015-20190723).

- o Furthermore, the council in their consideration of the application should ensure that great weight is afforded to the conservation of the heritage asset. The more important the asset the greater that weight should be (NPPF, Para 205).

A Conservation Management Plan 2023-2028 has also been produced for the site. Any scheme will need to address the points section in the Policies and Action section.

Historic England's Position

Historic England recognises the importance of finding a sustainable solution for the site to enable its ongoing conservation in the medium to long term.

The current application does not give sufficient consideration as to how the more sensitive elements of the site, namely the Music Room and Richmond House, will be addressed as part of a long-term strategy for the site. As a result, the works as proposed could fundamentally undermine the future conservation of this asset through the wider fragmentation of the site and the isolation of these more sensitive elements.

In addition to a more comprehensive set of drawings and plans being provided (NPPF, Para 200), the following work needs to be undertaken in order to assist in identifying a robust solution for this important historic site.

- o Options appraisal - This will need to explore different uses and combinations of uses for the site. Consideration should be given to the density and types of uses proposed, which could include the configuration and balance of those uses across the site. Considering how the site will work in the medium to the long term.

- o Viability - Much of the rationale for the scheme is based in ensuring it is viable. The council will need to assess this as part of their consideration of the scheme. The council should be confident that any proposals are the minimum necessary to secure the future of the site. This should be based on robust evidence base and avoid any associated hope value that may be attributed to the site.

We appreciate this is not an enabling development scheme, however, Historic England's Enabling Development and Heritage Assets: Historic Environment Good Practice Advice in Planning Note 4 (June 2020) (HEAG (historicengland.org.uk) <<https://historicengland.org.uk/images-books/publications/gpa4-enabling-development-heritage-assets/heag294-gpa4-enabling-development-and-heritage-assets/>>) provides relevant information on the type of information that would be beneficial to show in respect of any viability scheme - this includes the sections on Market Testing and Value Assessment, and Development Appraisals.

- o Masterplan - A masterplan should then be developed that sets out the key elements of the scheme and demonstrate how the site has been considered

holistically. It should also consider how the various elements of the site will assist and support those more sensitive elements to change in the medium to long term.

At this current stage we do not consider the proposed level of subdivision and fragmentation of the site has been justified and would result in potentially high degree of harm to the ongoing conservation of Richmond House and the Music Room (NPPF, Para 201 and 206). Furthermore, it has not been demonstrated that this forms the optimum viable use for the site, providing a sustainable future for the complex as a whole (NPPF, Para 208).

Therefore, the application cannot be shown to give great weight to the conservation of the heritage asset, the more important the asset the greater should be.

Recommendation

Historic England objects to the applications on heritage grounds.

The current application lacks clarity on the impact of the scheme, the harm that would be caused as well as confidence that this delivers the optimum viable use for the site. At present, it does not present a clear and convincing justification for the proposed works.

Therefore, due to the potential level of harm that would be caused, the lack of a cohesive strategy for the site as well as the insufficient information to assess the detailed impacts of the scheme, Historic England objects to the application.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 200, 201, 205, 206 and 208 of the NPPF.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Also section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account in determining the applications. If you propose to determine the applications in their current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

If your authority is minded to grant consent for the LBC application in its current form, in light of our objection you should treat this letter as a request to notify the Secretary of State of the LBC application, in accordance with the above Direction.

Please contact me if we can be of further assistance.

Yours sincerely

Rhiannon Rhys
Inspector of Historic Buildings and Areas
E-mail: Rhiannon.Rhys@HistoricEngland.org.uk

cc: Planning Conservation, EDDC

Historic England 20/12/24

Thank you for your letter of 8 October 2024 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Significance of Sidholme Hotel (also known as Richmond Hotel)

The grade II* listed Sidholme Hotel was part of a speculative development known as Elysian Fields and consisted of a group of cottage orné houses built in the late 18th/early 19th century. The current property is formed from 2 of the original buildings, Richmond House and Cumberland Cottage.

The property was extended into a substantial gothic villa with the addition of the particularly fine music room with rococco influences and was built for the Earl of Buckingham in 1826. It was further extended and amalgamated with the adjoining cottage in 1880. The house has more recently been a hotel set up by the Methodist Guild from the 1930s, however, this shut in 2020.

Due to its more than architectural and historic special interest, Sidholme has been listed at grade II* and forms the top 2.5% of all listed buildings in England. Its grounds also contribute to the significance the house derives from its setting. Finally, the site also forms an important part of Area 3 of the Sidmouth Conservation Area, contributing to its character and appearance.

Impact of the proposed works

Following our previous letter and subsequent meeting, we have discussed the proposals with our Development Economics Team. Please be aware that this letter should be read in conjunction with our previous correspondence (dated 2 September 2024).

We are aware that the applicant has provided a detailed response to our last letter, however, we feel that following the input from our specialist advisor, it would be more beneficial to set out the information requested to enable us to assess the impact of the proposals and the justification for the proposed works, rather than responding to those points raised in detail.

We note that the council has requested new information and the following might assist in helping to inform and frame that request further-

Options Appraisal -

- o The aim of the option appraisal is to identify the optimum viable use for the site. This means the use that will deliver the least harmful long term beneficial use, and is a viable concern - i.e. raises enough money to pay for the site's ongoing operation and maintenance. However, it is also important that any appraisal should also look at the deliverability and upfront development viability of the different options (including things like grant funding and new development to plug again deficits).
- o Some work on this has been undertaken to date regarding different use options on the site. However, we a wider range of options needs to be considered. We suggest starting from scratch, rather than assuming the existing planning uses are the only option available, , which will also allow for the site to be treated holistically. This will avoid the appearance of the justification looking as it is being fitted to support the solution, instead of clearly demonstrating that this is the right approach to address this complex, in securing its optimum viable use.
- o The focus on the appraisals to date has been on cash flow once operational, however careful consideration about the upfront costs need to be considered as part of any appraisal.

Costed Condition Survey - as part of any options appraisal, understanding what the cost of repair and any conservation work will be a key consideration. A costed condition survey will provide the base line for working out what the conservation deficit for the site, what is required to deliver the works and what the final profit will be at the end.

A detailed document setting out exactly what is being proposed - there is still some confusions and inconsistency within supporting information as to what is being proposed for each building. We would ask that a list or table is created setting out for each building the following-

- o the proposed use (is it holiday or residential, elaborating on the broad C3 reference to date),
- o the ownership, whether it is being retained or sold,
- o what income will it generate for the estate/ applicant

Review of the Valuation Assumptions - on review of the Valuation Assessment, there does appear to be some inconsistency between the narrative presented connected to the uses of each property, and the discounts applied to the values for each property in the calculation part of the valuation report. It is also not clear whether these assumptions and valuation adjustments accurately reflect the applicants' intentions for the site and the plans listed in other documents submitted. . The council will need to review this to ensure the figures and values applied are correct

A clear phasing plan - this is to set out how it is envisaged the funds will move through the site, how each building will be delivered and how that will then facilitate the rolling programme of works. Setting this out clearly will help to articulate the narrative on how it is intended to progress the works and how they are intended to be funded. This will also help set out the benefits of each part of the proposed works and consequently, contribute to establishing a robust justification.

A detailed Business Plan - this plan will need to include a thorough market analysis of demand and supply, including competitors, what they charge, the number of weddings and events they hold, occupation rate of the holiday lets etc. This needs to utilise relevant expertise to evidence the income and operational and maintenance costs for the different uses and to help demonstrate it is viable.

In cases such as this, we would advise the council to undertake an audit of the business plan, costings and financial information provided. This would usually be undertaken by independent consultants with the necessary expertise, commissioned by the council, and paid for by the applicant.

However, at this stage, a more detailed, ordered and thorough explanation of the proposals needs to be undertaken in line with the advice set out above in order to provide the auditor with clear and thorough information to audit and to best assist the applicant in demonstrating their case that the current proposals forms the optimum viable use for the site.

In addition to these larger items, we have some specific questions in respect of the information that has been provided to date.

“Funding Costs” - in the Document referred to as “Comment date Thursday 3rd September 2024 - Response 9th September 2024” under OPTIONS OF USE V SUSTAINABILITY, the funding cost is referred to in two of the costings but not the final option. It is not clear what this is made up of and why it has not been included in the 3rd scenario (Wedding/Music Venue and Leasehold Monthly Income). However, it seems to be fundamental to the viability of the other scenarios and therefore requires further clarification.

In terms of the lump sum (£350 per unit per month), which is identified as being paid from the various lease holders from within the site, further clarification is required on what this charge is for. Will this be on top of the service charge or included? This is a key part of the proposals and requires further explanation, as well as market evidence to demonstrate that this sum is in line with market norms, and something which would not make the purchase of the long leasehold unattractive or unviable for potential investors.

Furthermore, clarification is required as to how the developers intend to guarantee that the long lease holders will not look to buy out the free-hold as they may be legally able to do - further details can be found on the following link - <https://www.gov.uk/leasehold-property/buying-the-freehold>.

Policy Context

The council in their consideration of the scheme will need to consider the impact of the works in line with the NPPF (revised December 2024). We have previously highlighted the need to give particular consideration to Para 207 (formerly 200), Para 208 (formerly 201), 212 (formerly 205), 213 (formerly 206) and 215 (formerly 208).

Historic England's Position

Historic England acknowledges through the ongoing dialogue with the applicant, that they are confident that the proposed scheme forms the optimum viable use for the site. Unfortunately, at present, further detail is required to justify that these conclusions. We would encourage further works to be undertaken to clearly and objectively set out the proposals in a systematic, clear and transparent manner, addressing the points raised above and the additional information requested. In so doing, this should aim to demonstrate to the council on how they intend to deliver this site and why this is the best means by which to achieve it. The advice set out above will help in articulating and rationalising this process.

There are some specific elements that require further clarification, in order for us to better understand the outcome of the assessments undertaken to date, which we would encourage is included as well.

We would welcome the opportunity to advise further as and when this information is provided. If it would be beneficial, once submitted, a meeting with our Development Economics Team could be arranged to visit the site in conjunction with the council in order to further assist in determining what constitutes the optimum viable use for the site.

Recommendation

Historic England objects to the application on heritage grounds.

This is due to the lack of clarity regarding the impact of the scheme and the lack of confidence that the scheme will deliver the optimum viable use for the site. At present, the works have not been clear and convincingly justified.

We would encourage the applicants to review the information within this letter to assist in producing the information required to help assess the proposals. Once provided, HE would be able to attend a visit with our Development Economics Team to discuss the scheme further.

We consider that the application does not meet the requirements of the NPPF (revised December 2024), in particular paragraph numbers 207, 208, 212, 213 and 215.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have

special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Also section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

Please contact me if we can be of further assistance.

Yours sincerely

Rhiannon Rhys

Inspector of Historic Buildings and Areas

E-mail: Rhiannon.Rhys@HistoricEngland.org.uk

County Highway Authority

Observations:

I have visited the site and reviewed the planning application documents, the site access is forecasted to change very.

The trip generation from the C1 Hotel use to C3 residential use and the annexe apartments to C3 holiday use, together with the various lifting restrictions, should not alter greatly.

Therefore in summary the County Highway Authority (CHA) has no objection to this planning application.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Officer authorised to sign on behalf of the County Council
2024

4 November

Clerk To Sidmouth Town Council

PARTLY SUPPORT

Members found it difficult to continue to support the proposal to change the use and dispose of parts of the main house and would like to see a concise business plan to indicate how the main house might be retained in its integrity.

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.

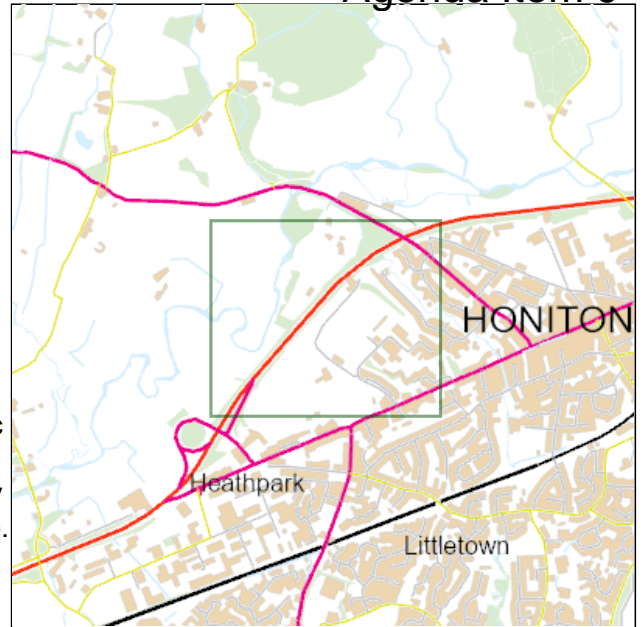
Ward Honiton St Pauls

Reference 23/1897/MOUT

Applicant C/o Agent

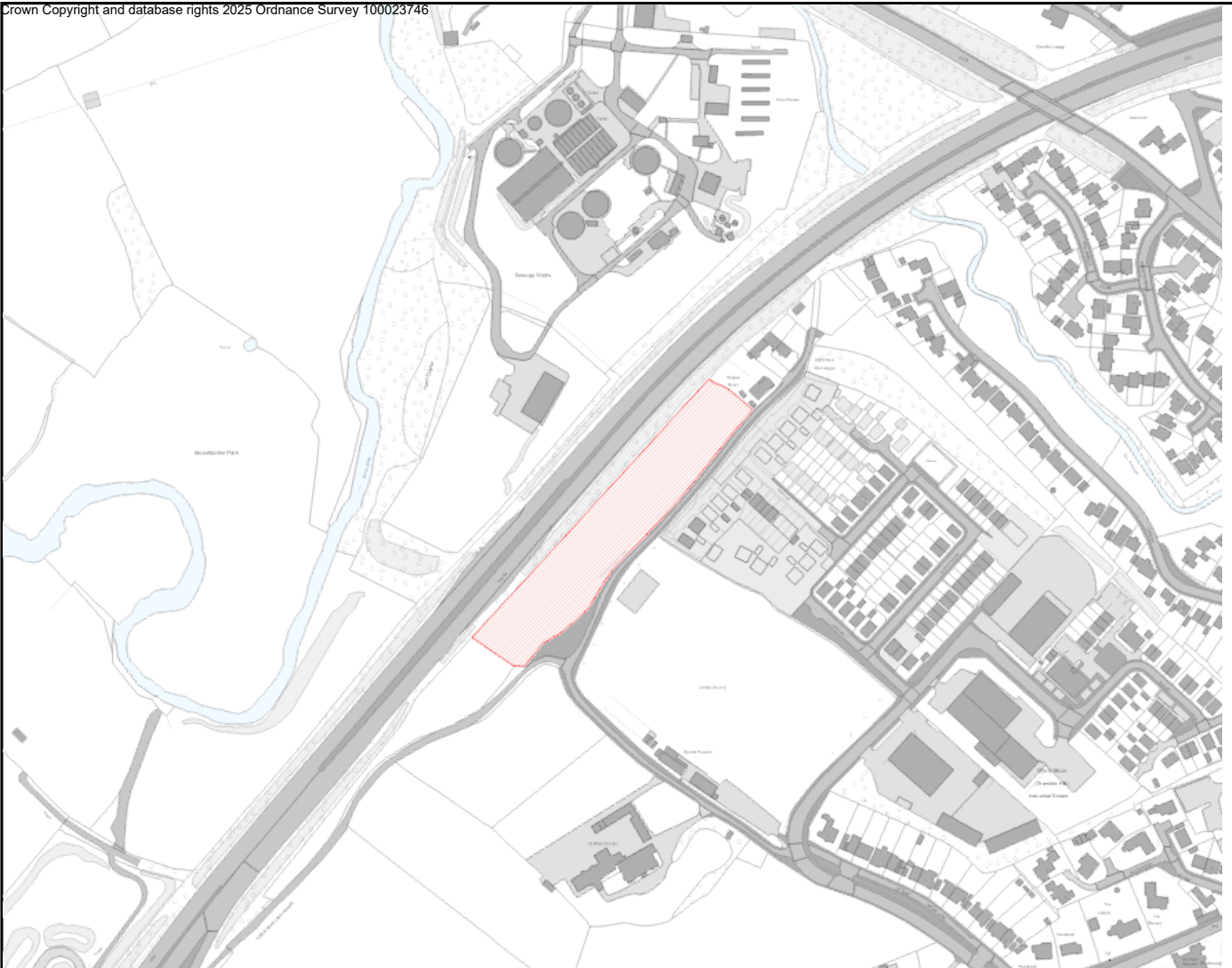
Location Land North West Of Ottery Moor Lane Honiton

Proposal Outline application for the construction of up to 21 dwellings, internal roads, landscaping, public open space, infrastructure and the creation of a new access and "ahead only" junction on Ottery Moor Lane (all matters except access reserved).



RECOMMENDATION: Resolution to approve subject to conditions and completion of a S106.

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		Committee Date: 28.01.2025
Honiton St Pauls (Honiton)	23/1897/MOUT	Target Date: 11.12.2023
Applicant:	C/o Agent	
Location:	Land North West Of Ottery Moor Lane	
Proposal:	Outline application for the construction of up to 21 dwellings, internal roads, landscaping, public open space, infrastructure and the creation of a new access and "ahead only" junction on Ottery Moor Lane (all matters except access reserved).	

RECOMMENDATION: Resolution to approve subject to conditions and completion of a S106.

EXECUTIVE SUMMARY

The application is referred to Planning Committee as the application is for a Major development and officer recommendation differs from that of Honiton Town Council.

The proposal seeks outline planning consent for the erection of up to 21 dwellings with public open space, landscaping and associated infrastructure. Access is to be considered at this stage and plans have been submitted which show how access to the site would be achieved. The site area has been enlarged, subsequent to submission of the application, to incorporate a larger area of land to the west and forming part of the same field. This has not increased the number of dwellings proposed but has been provided to allow for on-site surface water attenuation measures.

The application site lies outside of but adjoins the built up area for Honiton and is therefore situated in the countryside and has been advertised as a departure from the development plan.

However, due to the current lack of a 5 year housing land supply within the district, government guidance, in the form of the National Planning Policy Framework, makes clear that restrictive policies of the development plan should be considered out of date. As a result the presumption in favour of sustainable development applies and a “tilted balance” assessment is required to assess whether any adverse impacts of granting consent would significantly and demonstrably outweigh the benefits.

The site is within easy walking distance of Honiton Town centre with good linkages to the wider highway network. The site would represent an infilling of land between recent residential development to the south and the A30 to the north and would be contained within this defining feature to the north edge of the town.

The proposals would, on the whole, retain existing landscape features and the landscape strategy indicates how this would be bolstered and landscaping enhanced. It has been demonstrated that surface water drainage can be appropriately managed and that ecological interests could be suitably protected. Heritage impacts (in particular below ground) can be appropriately mitigated through a programme of archaeological work that can be secured by conditions.

The proximity of the site to the A30 gives rise to background noise impacts that could result in amenity harm to future residents. National Highways, as operator of the A30, has raised concern in this regards and that the proposal has not shown that WHO (World Health Organisation) guidelines could be met. This issue has been considered by the Council's own Environmental Health team who are satisfied that significant adverse impacts can be avoided subject to appropriate mitigation, which can be secured by condition. In other regards the County Highways Authority has confirmed that the access proposal are appropriate and the proposal would provide the requisite quantum of affordable housing (25%).

The concerns of the town council and local residents are noted in relation to the loss of this undeveloped greenfield site and change to and impact on the character of Ottery Moor Lane but there are no outstanding technical objections to the scheme and any harm arising is considered to be limited and outweighed by the benefits that would be wrought in terms of housing provision particularly against the backdrop of a lack of a 5 year housing land supply

Boosting the supply of housing is one of the main thrusts of government policy and the proposal would bring this forward in a sustainable manner. As such the recommendation is for an approval subject to the completion of a s106 agreement.

CONSULTATIONS

Local Consultations

Parish/Town Council

13.11.24 - Members considered the amended plans and unanimously **RESOLVED** to continue to **OBJECT** to the application for the following reasons:

- Loss of green wedge between Mountbatten Mews and the A30
- Development of a greenfield site in contrast to Mountbatten Mews which was a brownfield site.
- Concerns re additional traffic along Ottery Moor Lane with doubts raised regarding the enforcement of the proposed access
- Adverse impact on the adjoining residential properties.

- Adverse impact on existing wildlife and ecology
 - Removal of two Devon banks
 - The additional traffic through Mountbatten Mews to access the new development was considered unacceptable.
 - Adverse noise and pollution impact on the residents of the new development.
- Members noted that the noise and pollution reports addressed only the impact of noise and pollution during the construction process.

Technical Consultations

National Highways

Have confirmed that their interest relates to the impact of the proposed development on the continued safe and efficient operation of the A30 and its assets. In earlier responses to the application they have raised concerns in relation to drainage, landscaping and noise and issued a holding recommendation whilst further information was provided to address those issues. In their most recent response they have confirmed that their drainage comments have been addressed and that landscaping can be dealt with by pre-commencement condition.

In relation to noise they advise that they remain concerned about noise impacts from the operation of the A30 on future residents owing to the proximity of the site to the trunk road. They have made explicit their concern about noise levels and that National Highways cannot be held liable for any adverse noise impact arising from the operation of the strategic road network should the development fail to deliver measures which adequately mitigate noise to levels as set out in British Standard BS8233:2014 and WHO guidelines. However, they recognise that it is for the Local Planning Authority to determine whether the 'desirability' of the development offsets any likely adverse noise impact upon the intended site users and whether they consider the development is sustainable in accordance with NPPF and Local Plan policies.

Subject to Pre-commencement conditions to control landscape planting and management, boundary treatment and maintenance and tree protection and method statements their earlier holding objection is overcome. **Full consultation response included as an appendix.**

County Highway Authority

No objection in principle. Conditions recommended to secure cycle storage, a Construction and Environment Management Plan (CEMP) and signage at the entrance to both the east and west spurs to Dairy Close (within existing development at Mountbatten Mews) to identify these as no-through roads.

Detailed comments on access arrangements discussed within Highways section below but no objections raised to these.

DCC Flood Risk Management Team

No in-principle objection subject to pre-commencement planning condition being imposed to manage construction and operational phase surface water management

based on the submitted drainage strategy and the adoption and ongoing maintenance of the same.

DCC Historic Environment Officer

No in principle objection raised but comments provided in relation to the archaeological potential of the site, the impact groundworks could have on archaeological remains and the need for this to be mitigated through 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. In the absence of such details a pre-commencement condition to secure these is recommended.

Police Architectural Liaison Officer - Kris Calderhead

No objection in principle but some recommendations made for consideration in relation to layout, landscaping, boundary treatments and lighting in order to help design out crime.

South West Water

No in-principle objection, confirmation of availability of foul drainage and mains water connection and comments on need to consider surface water drainage hierarchy to ensure that surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable.

NHS Local

No in-principle objection, confirmation that GP surgeries within the affected catchment area currently have sufficient infrastructure capacity to absorb the population increase that the development would generate.

However, have also advised that the capacity assessment is time sensitive and could change dependent on the position when the application is determined. Were this to be the case it is advised that an estimated sum of £580 per dwelling towards NHS Primary Care should be factored into any viability assessments.

Blackdown Hills AONB Project Partnership

Thank you for seeking comments from the Blackdown Hills AONB Partnership on this application.

In this case taking account of the location and relationship to adjacent development and land uses, together with surrounding topography and vegetation we do not wish to comment further on this occasion.

Environmental Health

I have considered the noise impact from traffic movements on the A30 and if the sound mitigation measures detailed within the applicants NIA Addendum (Ref: 073090) are implemented, I do not anticipate any significant adverse effects.

Recommendation for a Construction and Environment Management Plan (CEMP) condition.

Housing Strategy/Enabling Officer

Comments on latest amendments:

No further comments to make on these amended and additional plans. Please see comments dated 29th September 2023.

Original comments:**SUPPORT**

Percentage of Affordable Housing - under current policy Strategy 34, a requirement of 25% affordable housing will be required. This application if approved, will provide 25% affordable housing which equates to 6 units and this is acceptable to the Housing department.

Additional comments provided relating to: the high level of unmet affordable housing need across the district; how tenure split should accord with Strategy 34 i.e. 70% for rented accommodation and 30% for affordable home ownership with the rented units to be provided as social rent (4 rented units and 2 units for affordable home ownership); housing mix, and; layout.

EDDC Trees

Having viewed the amended proposals I can confirmed that in principle I have no arboricultural concerns.

EDDC District Ecologist

The application has been supported by a revised metric, ecology response letter, and revised plans. The submitted documents seek to address comments previously raised regarding the application.

There is a question over whether the development would result in a net gain based on the provision of medium sized trees and interpretation of guidance, however this application would not be subject to statutory Biodiversity Net Gain.

A significant issue that has been addressed is the location of the north-west boundary hedgerow. This has now been moved to the south-east elevation (in front of) of the acoustic barrier fencing which would allow suitable management and conditions for the hedge to be established and maintained.

Submitted ecological survey information including ecological avoidance, mitigation, and enhancement measures are generally considered acceptable assuming suitable conditions are imposed and the successful implementation of the mitigation and enhancement measures.

EDDC Landscape Architect

No objection in principle and scheme is considered to be acceptable in terms of landscape design/impact subject to imposition of conditions.

Other Representations

14 no. representations were received to the original application with a further 24 comments received to the amended scheme, those objections are summarised as follows:

- Ottery Moor Lane provides a calm and quiet sanctuary for people;
- Impact on wildlife through loss of habitat;
- Loss of natural space that could be better used as public amenity space or sports pitch/recreation provision;
- Concerns that the priority junction will be misused;
- Flood risk issues to existing properties caused by junction ramp;
- Access would be better located at the St. Rita's end of the lane;
- Impact on existing neighbouring properties from degradation of Ottery Moor Lane (sole access to existing properties), potential lighting of junction, boundary treatment;
- The layout and access route should be rethought and involve land adjoining Mountbatten Playing field avoiding construction traffic impact on the occupiers of residential properties;
- Concerns over whether the proposed junction will function and be able to accommodate right hand turns and that parking will overspill into the lane;
- Loss of mature trees;
- Development outside of the built-up area boundary of the town and contrary to proposed policies for development in such locations;
- Loss of historic hedgebank and species rich hedgerow;
- Loss of 'green lung' as the sole remaining section of agricultural land between the east and west 'gateways' to Honiton;
- The new access route is not necessary as the existing lane provides suitable access including for lorries, HGVs etc.
- The raising of levels on the Mountbatten Mews site has led to the need for the ramped access and resulting drainage issues/potential flood risk;
- The acoustic mitigation measures will deflect noise increasing impacts on existing neighbouring properties;
- Unclear how the new traffic route priority system will work or how this can be monitored or enforced;
- Lack of traffic calming measures employed and concerns over pedestrian and non-vehicle traffic safety;
- Impact of additional traffic on road safety, relating to reversing manoeuvres required by occupiers/visitors to Dairy Close (existing development on opposite side of Ottery moor Lane) due to lack of turning provision
- Overlooking of and loss of privacy to existing properties in Dairy Close
- Impact on amenity of existing occupiers of additional traffic generation through residential estate, particularly during construction period.
- Increased drainage impact for existing residents of Dairy Close where drainage concerns are already reported.
- Proposed revised drainage works are not sufficiently detailed and don't consider downstream implications.
- Submitted plans incorrectly define the boundary with Rogues Roost.

PLANNING HISTORY

Reference	Description	Decision	Date
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22/2470/FUL	Temporary change of use of grazing field to parking to accommodate contractor cars and welfare units.	Withdrawn	15.05.2023
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POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 2 (Scale and Distribution of Residential Development)

Strategy 7 (Development in the Countryside)

Strategy 5B (Sustainable Transport)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 23 (Development at Honiton)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 38 (Sustainable Design and Construction)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

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

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

Site Location and Description

The site relates to a narrow field laid to pasture and extending to just under 1.39ha. The site is relatively level but falls toward the southwest end. It is currently enclosed by native hedge planting with a belt of native tree planting growing off-site on the embankment to the A30. There are further trees within the hedgeline to the southeast side of Ottery Moor Lane. The site is accessed via a field entrance from Ottery Moor Lane.

The site is located to the northwest of the town centre and outside of the designated built-up area boundary. It lies between Ottery Moor Lane to its southeast side and the A30 to the northwest, which is set below site level. Close to the northeast corner of the main site, the site extends across Ottery Moor Lane to link with the residential estate under construction on the other side of the lane. There are 2 no. existing residential properties to the northeast of the site and land in recreational use to the south of the site. Beyond the A30 to the north are the sewage treatment works that serve the town.

The site falls entirely within Flood Zone 1 but there is a small area of surface water flooding in the southwest part of the site. The site does not lie within any areas designated for heritage or landscape value. The southern edge of the Blackdown Hills Area of Outstanding Natural Beauty lies approximately 290 metres to the north of the site, at its closest point.

Proposed development

Outline permission is sought for development of up to 21 dwellings. All matters save access are reserved for future consideration.

The application details how the site would be accessed through the provision of an 'Ahead Only' junction which would direct travel through the adjoining residential development of Mountbatten Mews. Whilst this would encourage the use of this route by occupiers of and visitors to the development site it would not affect the use of the existing access route to existing neighbouring properties accessed by Ottery Moor Lane. A separate pedestrian/cycle access is indicated further to the south onto Ottery Moor Lane.

Indicative site layout details have been provided to show how the site could be laid out to provide a mix of 2, 3 and 4 bedroomed properties arranged so that their principle amenity/garden areas are to the southeast side and principle elevations to the northwest onto the estate road. The scheme includes the provision of 6 no. affordable units.

The indicative masterplan also indicates areas for the provision of on-site amenity open space; surface water attenuation areas and additional landscaping

ANALYSIS

The principle issues for consideration in the determination of the application are as follows:

- The principle of the development (including consideration of housing supply within the district)
- Accessibility of the site in relation to services and facilities
- Affordable Housing provision
- The impact on the character and appearance of the area (including the setting of the AONB)
- The impact on highways
- Surface water and foul drainage
- Residential Amenity
- Impact on trees
- Heritage Impacts
- Archaeological Impact
- Ecological Impacts and Biodiversity Net Gain
- Other Issues
- S.106 matters

Principle

East Devon Local Plan 2013-2031 (EDLP)

The application site lies outside of the built-up area boundary of the town, as defined in the EDLP, and as such, and in accordance with Strategy 7 of the plan, it falls to be considered as open countryside.

Within the open countryside Strategy 7 only permits development where such development is explicitly permitted by another policy of the Local Plan or, where relevant, Neighbourhood Plan.

There are no other policies of the EDLP that provide the specific policy support required by Strategy 7 as such the proposal represents a departure from the development plan.

Emerging East Devon Local Plan (Consultation draft)

A New East Devon Local Plan is under preparation and a Draft Local Plan has been produced and has been consulted upon, following on from this site allocations have been determined and agreed upon. The Emerging Plan has reached Regulation 18 Stage with consultation due to take place shortly on a Regulation 19 version of the Plan.

At this stage proposed Strategic Policy 1 (Spatial Strategy) sets out the proposed strategic approach for delivery of new development which includes the Main Centre of Honiton.

Strategy 21 (Honiton and its future development) identifies the site as capable of accommodating small scale development of up to 21 new homes. Further site

selection work carried out to aid preparation of the emerging plan considered the site to have '*Limited impact upon the historic environment and minor ecological and landscape impact*' but recognised that vehicle noise would represent a major impact to be addressed, it was recommended that the site should be allocated and the site was identified as a preferred allocation.

As part of the process of site allocation a series of meetings were held to consider sites for employment and housing purposes. The land relating to the current application site was considered as part of this process (Honi_10) at Strategic Planning Committee on 20th September and where committee unanimously recommended the site be included as an allocation for housing development for up to 21 dwellings in the Regulation 19 draft of the emerging Local Plan. Whilst there is still some way to go until a new Local Plan can be considered for adoption the inclusion of the site as a future housing allocation demonstrates the considered suitability of the site in principle.

National Planning Policy Framework (NPPF)

The NPPF has recently been updated (December 2024) and the new version has removed the ability of authorities to be able to demonstrate a four year supply of housing land where emerging plans have reached Regulation 18 or 19 stage.

The new NPPF (para. 78) requires authorities to be able to demonstrate a minimum five year supply of '*specific, deliverable sites*' against their housing requirements (including a requirement to demonstrate a further buffer where there has been significant under delivery). Where such supply can't be demonstrated the presumption in favour of sustainable development, as set out at para.11 of the NPPF applies, this states that,

*For **decision-taking** this means:*

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

The most recent information indicates that the Council's 5 year housing land supply (YHLS) stands at 2.97 years and as such the presumption in favour of sustainable development applies.

The policies of the adopted East Devon Local plan which are directly related to the supply of housing have evidently not maintained a suitable supply of housing within the district. These policies include, amongst others, establishing settlement boundaries to control sporadic development and a hierarchy of settlements. Whether a policy is out-of-date or not can be assessed against the way in which it operates in relation to the determination of the particular proposal, rather than solely in a generic manner.

Clearly the definition in planning terms between settlement and the countryside beyond concerns policies which are most important to the determination of this application.

In this case, the application site is sustainably located, lies adjacent to the built-up area boundary of Honiton and it is proposed as a site allocation in the New Local Plan. There is a clear need for more housing, both market and affordable, within the district and the current shortfall in supply is a significant factor in determining planning applications. Accordingly, in applying the tilted balance unless there are adverse impacts that would 'significantly and demonstrably' outweigh the benefits of the development (when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination) permission should be granted.

Site Accessibility

The site is located to the northwest of the town centre which is accessed via Ottery Moor Lane and then Honiton High Street. The distance to the edge of the town centre shopping area being just over 800 metres (via Ottery moor Lane). The route is relatively level and served by dedicated footways, for most of the route.

The town has a wide variety of commercial, retail, community and leisure uses in the town centre and elsewhere with the built-up area boundary and which are in a reasonable walking/cycling distance of the site.

In terms of public transport provision the town is well served by regular bus services to Exeter, Axminster, Seaton, Sidmouth and Beyond. The town's railway station is on the main Exeter to London (Waterloo) line with approximately an hourly service in each direction.

Affordable Housing

In considering residential development such as this, outside identified Built Up Area Boundaries (BUAB) strategy 34 of the Local Plan states that an affordable housing target of 50% applies. If the proposal was situated within the BUAB of Honiton a 25 % affordable target would be sought as per the same policy. The absence of a five year housing land supply however means that policies important for decision making in regard to housing delivery are considered to be out of date. As such less emphasis can be placed on built up area boundaries and it is therefore reasonable to assess affordable housing requirements for sites immediately adjoining BUAB's, such as this,

as if they were within the boundary which in this case would require a 25% affordable housing provision.

The Planning Statement submitted with the application confirms the development would make provision of 25% affordable housing in accordance with the requirements outlined in East Devon's Adopted Local Plan. The Indicative Master Plan shows the provision of 6 no. affordable units.

The Council's Affordable Housing Enabling Officer has confirmed support in principle for the development. They advise that the September 2022 East Devon Local Housing Needs Assessment identified a current unmet affordable housing need of 971 households across the district and that East Devon Council's housing register Devon Home Choice has over 5000 households registered. The provision of affordable housing would therefore assist in meeting this need.

Strategy 34 sets a target of 70% for rented accommodation and 30% for affordable home ownership. This would require 4 rented units and 2 units for affordable home ownership. The rented units should be provided as Social Rent as this is more affordable to local incomes in East Devon.

In terms of housing mix this would be secured at reserved matters stage but the applicant would be expected to engage with the housing team to ensure a mix that aligns with housing needs.

For the reasons set out above this level of affordable housing is considered to be acceptable and weighs in favour of the development meeting one of the social objectives in providing a much needed range of homes.

Impact on character and appearance of the area/Landscape Impact

The application site is a narrow field located to the north side of Ottery Moor Lane and which provides a visual buffer between the development to the south side of the lane and the A30 to the north. Together with land to the south/southwest it forms part of a wider area of undeveloped green space to the Northwest side of the town. It is clear from comments received to the application that the undeveloped nature of the site and tranquil character of Ottery Moor Lane is valued by local residents. Although it should be noted that there is no public access to the site itself. The development of the site would introduce built form on to the site and a crossing point from the recent residential development to south (Mountbatten Mews) across Ottery Moor Lane to the application site. As a result there would be harm to the undeveloped character of the site and the lane.

The outline nature of the application means that there are limited details to be considered at this stage but the submitted Indicative Masterplan indicates one way in which the site could be developed and this includes for the retention of the majority of the existing boundary hedges (other than where access is proposed). The proposed access arrangements would also seek to route vehicular traffic associated with the site via Mountbatten Mews to the south, thereby limiting use of Ottery Moor Lane and helping to maintain its existing lightly trafficked nature. The details provided therefore demonstrate that the site could be developed in a relatively low density manner whilst

retaining existing landscape features which would reduce the extent of landscape harm that would occur. It is also recognised that the site is located close to the existing built up edge of the town and within the physical boundary to the north side of the town which is formed by the A30.

In terms of wider landscape impact the site lies outside of the designated Blackdown Hills National landscape (which lies to the north of the A30). The Blackdown Hills AONB Project Partnership has confirmed that they do not wish to comment on the application, having taken account of the location, relationship to adjacent development and land uses, topography and vegetation.

The original indicative masterplan included the planting of a hedgerow to the north of an acoustic fence that would run parallel to the northern boundary of the site with the A30. This was proposed to provide screening of the fence from the A30 side. However, the view of the Council's Ecology and Landscape officers were that the fence would struggle to establish in this location, to the north of the fence and between it and established planting on the A30 embankment. The revised masterplan therefore shows this hedge relocated to the site side of the fence where growing conditions would be more favourable and it would screen the fence from the site side. From the A30 views of much of the fencing are likely to be filtered by established planting on the roadside embankment. Whilst the comments of National Highways are acknowledged in that their own soft estate should not be relied upon to provide screening of the site, it remains the case that such planting is present and that the planting of additional hedgerow within the site and to north of the required acoustic fencing would likely fail to establish. Control over the finish to the acoustic fence can be secured by condition.

The Council's Landscape Architect has raised no in principle objections and concurs with the conclusions of the applicant's own Landscape and Visual Assessment that the landscape and visual effects of the proposed development would be low to neutral and very localised. Subject to conditions to control landscape planting, hard landscaping, site level changes and soil management as well as methods for protection of existing trees and hedgerows the proposal is considered to be acceptable in terms of its landscape and visual impact.

Access and Highways Impacts

At present the site is accessed via Ottery Moor Lane, however this is a narrow, single carriage width unclassified road that is considered to be unsuitable to provide vehicular access to the site.

The application proposes to provide vehicular access instead from and through the adjoining residential estate to the south of the site. This would involve the removal of sections of hedgerow on either side of Ottery Moor Lane to provide a link to the site. A priority junction is proposed with vehicles travelling to and from the site directed as 'ahead only' and levels raised within Ottery Moor Lane to facilitate this. Either side of the access route the levels would be ramped down to existing road levels within Ottery Moor Lane.

A number of concerns have been raised in relation to the proposed means of access to the site. These include concerns that the priority access route won't work, or won't be used; that it is unnecessary, as access could be achieved direct from Ottery Moor Lane itself, and; that the proposal would cause highway safety issues in Dairy Close. On this last point the concern being that at present vehicles visiting properties via the spur to either side of Dairy Close can reverse out and turn in relative safety but that with the access proposals this would require reversing out onto a two way junction.

The County Highway Authority (CHA) has reviewed the access proposals and has confirmed that they have no objection to them. Although they acknowledge that enforcing the ahead only use of the access route would be difficult they note that the directness and nature of the route, with greater width and passing provision would make it the preferred option for drivers. In addition, the access radii with Ottery Moor Lane would also encourage the straight ahead route to be taken. The alternative route proposed via Ottery Moor Lane itself would increase traffic using this route and where there are limited passing places. In relation to the concerns regarding reversing manoeuvres from the east and west spurs to Dairy Close the CHA has recommended a condition to secure additional signage at the entrance to each spur emphasising no-through route would help avoid un-necessary turns and that otherwise the properties served by these spurs have sufficient driveway to allow delivery vehicles to turn and re-join the carriageway in a forward facing motion.

National Highways, as the operator of the A30 have commented that in terms of traffic impacts they are satisfied that the development is unlikely to result in an unacceptable impact on the safe operation of the A30 trunk road.

A separate pedestrian and cycle access is proposed between the residential development and attenuation basin, as indicatively shown on the masterplan. This would provide an alternative link onto Ottery Moor Lane and separate pedestrian and cycle traffic from the main vehicular route.

Surface water and foul drainage

The application has been amended since the original submission to include additional land at the western end of the site to provide for surface water attenuation in the form of a shallow basin with connection to an existing stormwater pipe that runs under the A30. The submitted Drainage Strategy indicates that surface water from the development will be directed via the sewer network to this attenuation basin from where surface water would be attenuated to not exceed greenfield run-off rates and including allowances for climate change and urban creep. The strategy identifies that part of the stormwater pipework, upstream of an existing manhole on site has collapsed and that further survey work would be required and any necessary repairs undertaken before it could be considered for adoption.

Devon County Council as the Lead Local Flood Authority has reviewed the revised drainage strategy and have withdrawn an earlier objection which raised concerns over provision of insufficient information. At this stage they advise that they have no in-principle objections to the proposed development subject to the imposition of pre-commencement conditions to secure: soakaway testing and groundwater monitoring; submission of a detailed drainage design based on the submitted drainage strategy;

details of the management of surface water and silt run-off during the construction phase of development; details of the adoption and maintenance of the permanent surface water drainage system; details of how exceedance flows will be safely managed, and; assessment and repair of any existing surface water drainage system that would be affected by the development.

Subject to the recommended condition requirements set out by Devon County Council requiring submission of further details as part of, or prior to any reserved matters application, it is considered that an acceptable surface water drainage solution can be provided for the site and that the requirements of policy EN22 of the EDLP could therefore be met.

The works to Ottery Moor Lane to raise levels and create the priority crossing point will require the separate agreement of the highway authority (s.278 agreement) which would address matters of highways drainage.

In relation to foul drainage this is proposed to connect to existing combined public sewer which crosses the site. South West Water in their original response to the application confirmed that they are able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site and in response to the most recent round of consultation have confirmed that they have no further observations to make.

Residential Amenity

As an outline application details of the scale, layout and external appearance, as well as how the site might be appropriately landscaped are reserved for future consideration. Therefore how such matters might affect the impact of development on existing and future occupiers cannot be fully considered but will need to be taken into account in the preparation and determination of any subsequent reserved matters application.

At this stage, the indicative master plan shows one way in which the site could be developed and demonstrates that this could be achieved in a manner that would provide suitable separation to existing residential properties so as not to harm the amenity of the occupiers of those properties.

In terms of amenity impacts on future occupiers the proximity to and traffic noise from the A30 are recognised as a significant constraint to development.

Policy EN14 of the Local Plan states that permission will not be granted for development which would result in unacceptable levels of, amongst other things, noise either to residents or the wider environment. This reflects guidance in the NPPF at para. 187 e) that seeks to prevent new (and existing) development from being put at unacceptable risk from noise pollution and para 198 which states,

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well

as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life....”

The application was submitted with a Noise Impact Assessment (NIA) prepared by consultants on the applicant's behalf and which considers existing noise sources and attenuating factors. As a result, it proposes design measures to minimise the impact of the existing noise environment on future occupiers these include:

- orientating all of the units to face toward the A30 providing shielding to the private amenity spaces to the rear;
- the provision of a 2.2 metre high acoustic barrier between the A30 and the site (along the northwest site boundary);
- the use of appropriate mechanical ventilation systems to enable windows and doors on the elevation facing the A30 to be kept shut.

An additional Addendum report has been provided that has sought to respond to specific noise related comments raised during the initial consultation period and where National Highways had raised specific concerns in relation to data indicating that noise levels in outside amenity areas would exceed recommended levels set out in World Health Organisation Environmental Noise Guidelines (WHO) and British Standard 8233:2014 which advise that,

“To protect the majority of people from being seriously annoyed during the daytime, it is recommended that the sound pressure level on balconies, terraces, and outdoor living areas should not exceed 55dB LAeq for a steady continuous noise. To protect the majority of people from being moderately annoyed during the daytime, the outdoor noise level should not exceed 50dB LAeq.”

The addendum report provides further review of the impacts from road traffic noise from the A30 on future occupiers of the development as well as responding to previous comments raised by National Highways, EDDC's Environmental Health team and adjoining residents to the site.

Taking the resident comments first, occupiers of nearby properties had suggested that the installation of acoustic fencing at the application site could have an amplifying impact on noise levels at their own properties. The addendum report states that modelling undertaken indicates that the impact would be within the range of negligible to slightly beneficial.

In relation to noise levels on site, the further acoustic modelling work undertaken has considered external noise levels for properties (based on the indicative Masterplan layout) for both ground and first floor levels and day and night time scenarios and used this to consider how noise impacts could be appropriately reduced. The mitigation measures identified include the orientation of properties to face the A30 and to provide protection to rear amenity areas; provision of 2.2 m acoustic fence within the site and parallel to the A30 boundary.

To reduce impacts internally measures such as consideration of window opening size, internal room layout and mechanical means of ventilation are recommended. The report demonstrates how appropriate internal amenity standards (with regards to noise levels) could be achieved through applying different mitigation measures. However in order to accord with relevant Building Regulations relating to overheating mechanical extract ventilation would be required, this would be controlled under the Building Regulations.

In relation to external areas, the report advises that the acoustic limits which National Highways are seeking to be met are not achievable at the site but that industry guidance - in ProPG (Professional Practice Guidance on Planning & Noise) which has been prepared by a Working Group consisting of representatives of the Association of Noise Consultants (ANC), Institute of Acoustics (IOA) and Chartered Institute of Environmental Health (CIEH) – recognise that the WHO levels will not always be achievable where development might be desirable and that in such circumstances development should be designed to achieve the lowest practicable noise levels in external areas. The report argues that this is the case with the proposed development and that the scheme has been designed in line with industry guidance so that each plot would maintain a relatively quiet façade and parts of each external amenity space would conform to the ProPG guidance.

In reviewing the addendum report National Highways has previously commented that,

“...residential property built at this location with private amenity space having noise levels that exceed the ‘desirable’ threshold is unsustainable with respect to traffic noise, and conflicts with NPPF ...”

They have gone on to state that,

“Should the Local Planning Authority consider that the development does not conflict with adopted national, regional and local policies on ensuring the health and wellbeing of residents in new developments, and the development as currently proposed is warranted in that it offers “convenience of living in these locations or making efficient use of land resources to ensure development needs can be met”, then the Local Planning Authority should ensure that prospective buyers are fully aware of the noise situation and bear responsibility to act on any future complaints of traffic noise. National Highways can not be held liable for any adverse noise impact arising from the operation of the strategic road network should the developer fail to deliver measures which adequately mitigate noise to levels as set out in British Standard BS8233:2014 and WHO guidelines.”

In their most recent comments National Highways, whilst raising no objection on the basis of noise impact, have advised that this is **strictly on the basis** that their position is fully documented in any decision notice, so that any exceedance of noise levels as set out in British Standard BS8233:2014 and The World Health Organisation (WHO) Environmental Noise Guidelines are expressly identified for the benefits of any prospective future purchasers.

In respect of noise considerations, officers rely for technical advice on the Council's Environment Health Team. In this case the relevant officer has reviewed both the

initial NIA and the subsequent addendum report and reviewed the comments of National Highways, they have advised that,

“I have considered the noise impact from traffic movements on the A30 and if the sound mitigation measures detailed within the applicants NIA Addendum (Ref: 073090) are implemented, I do not anticipate any significant adverse effects.”

The EHO has also confirmed that the guideline values detailed within BS8233 2014 are not achievable at the site due to background noise from the A30. Where this is the case the ProPG guidance states,

These guideline values may not be achievable in all circumstances where development might be desirable. In such a situation, development should be designed to achieve the lowest practicable noise levels in these external amenity spaces.”

On the basis of the advice received, it is considered that it has been demonstrated that acceptable levels of internal and external amenity could be achieved. As layout is a reserved matter the orientation of the units is for consideration at reserved matters stage, as is the detailing of providing the acoustic barrier/fence as part of the landscaping of the site. However at this stage, it is considered that sufficient information has been provided to demonstrate how appropriate mitigation could be provided so that acceptable internal and external noise levels could be achieved.

In the event of an approval, a condition could be imposed to: require a further Noise Impact Assessment to be submitted at reserved matters stage to demonstrate how acceptable internal and external noise levels would be achieved and to secure the provision and maintenance of a noise barrier to the A30 boundary. An informative could also be added to advise/inform future prospective residents/developers of National Highways position.

Arboricultural Impact

The application would require the removal of a section of hedge either side of Ottery Moor Lane to provide access from Mountbatten Mews. The removal of this hedge would have some limited and localised impact. Elsewhere other trees and hedgerow around the perimeter of the site would be retained and protected and landscaping conditions could secure replacement and additional tree and hedgerow planting which would result in an overall increase in coverage post development. The Council's arboricultural team has raised no objections to the proposed development.

Heritage Impact

The site is not located where it is close to or would be likely to impact on the setting of any listed buildings. The nearest such property being over 300 metres to the northeast of the site and separated from it by existing development and belts of mature tree planting.

In terms of archaeological impacts Devon County Council's Historic Environment team have advised that, map evidence suggests that the field system, which survived until the construction of the A30, pre-dates the construction of the Roman road leading

eastward to Exeter and has origins in the later prehistoric period. Although most of the above ground elements of the field system has been removed by late 20th century development there is potential for the survival of infilled ditches associated with these early boundaries.

This being the case any groundworks for the construction of the proposed housing development would expose and destroy any such heritage assets that may be present within the site. This impact therefore needs to be mitigated and it is recommended that a programme of archaeological work is undertaken to investigate, record and analyse the archaeological evidence that would otherwise be destroyed by the proposed development.

The Historic Environment Team has recommended that the 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. As such a report has not been submitted to accompany the application, it is considered necessary to impose a pre-commencement condition to ensure that archaeological works are agreed and implemented prior to any disturbance of archaeological deposits. A further condition is required to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe.

Subject to securing archaeological works and recording by appropriately worded conditions the proposal could be considered to be in accordance with the requirements of Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and the relevant guidance as set out in the NPPF.

Ecology

The application is accompanied by an Ecological Baseline report and Ecological Impact Assessment. The reports describe the site as comprising of modified grassland and tall ruderal vegetation with boundary native species-rich hedgerows, including some trees, along the eastern, northern and western boundaries. Surveys undertaken found the site to have evidence of a range of protected and notable species, including: slow worms, dormouse, breeding birds and commuting/ foraging bats, as well as the potential to be used by badger, common amphibians, hedgehog and a wide range of invertebrates.

The proposal would result in the loss of some 0.86ha of modified grassland and approximately 40 metres of hedgerow. To compensate and mitigate for this loss a number of measures are proposed including a reptile translocation programme and additional checks prior to the removal of hedgerow which will be timed to avoid sensitive times of the year. The development itself would create new habitat, including species rich hedgerow, trees and natural SuDS features and would result in some biodiversity gain, although it is not subject to statutory BNG requirements (see below). The Council's Ecologist has reviewed the scheme and considers the proposals to be acceptable subject to imposition of suitable conditions to secure mitigation and enhancement measures.

Derogation Test

As Dormouse are a European Protected Species (EPS) the hedgerow removal will need to be undertaken under a mitigation licence from Natural England. Natural England can only issue a licence if the following tests have been met:

- the development is necessary for preserving public health or public safety or other imperative reasons of overriding public interest;
- there is no satisfactory alternative; and
- the action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.

An outline mitigation strategy has been developed which includes the requirement for hedgerow removal being overseen by a licensed ecologist; removal of hedgerows to only take place at specified time of the year (when dormice are active but not breeding); keeping removal of hedgerow to a minimum and maintaining access to the wider hedgerow network. Compensation and enhancement would be provided by the planting of a significant length of new native species-rich hedgerow and provision of dormouse boxes within retained hedgerows prior to hedge removal works.

Planning Practice Guidance (PPG) requires that the Local Planning Authority is satisfied that a licence is likely to be granted before it grants planning permission.

To this end, it is required to consider proposals against three licensing tests for European protected species. If these are not satisfied, a licence cannot be issued and the developer may not be able to implement a grant of planning permission.

The proposals are assessed against the three tests as follows:

The activities are required to develop the site which whilst not allocated for development in the current Local Plan is nevertheless considered to be a suitable and sustainable location for residential development. In terms of public interest the proposal, as a matter of principle, accords with the national objective of significantly boosting housing supply and from which economic and social benefits would arise

The enclosed nature of the site has dictated the proposed access arrangements and the resulting required loss of hedgerow and habitat loss. There are no alternative feasible access arrangements which would negate the loss of hedgerow. In wider terms alternative scenarios are not readily apparent and given the level of housing provision required to meet the district's need greenfield sites such as this will need to be developed.

The proposed avoidance, mitigation and compensation measures for the dormice identified - including the provision of a significant extent of new hedgerow, timing of works and provision of nesting boxes have been developed by suitably qualified experts and are considered appropriate by the council's own ecologist so as to appropriately safeguard their conservation status.

In conclusion, there is no reason to consider that a licence would be withheld by Natural England as a matter of principle, or why Article 12 would be infringed, and is therefore not a barrier to granting planning permission.

Taking into account all of the above the proposal is considered to accord with strategy 47 and policy EN5 of the East Devon Local Plan and guidance in the NPPF.

Other Issues

Open space provision - Strategy 43 of the Local Plan gives rise to a requirement to provide 'amenity open space' on the site, with the amount calculated on the basis of population increase and based on average occupancy, for the indicatively shown size and number of units this would equate to an area of approx. 167 m². The exact amount would need to be determined on the number and size of units forming part of any reserved matters approval, however the indicative details indicate that the site is capable of providing sufficient land for this use, with an area for this indicated at the north-eastern end of the site.

Biodiversity Net Gain – In relation to Biodiversity Net Gain (BNG), requirements brought forward under the Environment Act 2021 and amendments to the Town and Country Planning Act 1990, mean that, subject to some exemptions, all planning permissions will be subject to a conditional requirement to provide a minimum 10% increase in biodiversity value. The Biodiversity Net Gain (BNG) can be delivered on site or off-site through a registered credit scheme. In this case, the application has been submitted with the biodiversity metric complete and a BNG assessment indicating that a net gain of just over 10% could be achieved in both habitat and hedgerow units. The District Ecologist has considered the completed biodiversity metric and raised some questions in relation to how this accounts for tree growth over the 30 year maintenance period. However, in this instance the proposal is considered be exempt from the requirement to demonstrate the statutory 10% net gain as the application was made prior to the date when the legislation came into effect. Nonetheless, subject to conditions to secure appropriate landscaping the development would bring forward some biodiversity enhancement.

Police architectural liaison officer comments – These largely relate to a request for provision of appropriate boundary treatments to individual properties and to the open space area at the northern end of the site to respectively provide appropriate security and to prevent vehicular access. In addition, it is recommended that consideration is given to the width, lighting and planting layout in respect of the pedestrian/cycle route to ensure this provides a safe route. As boundary treatments and planting would be covered by the approval of any subsequent reserved matters application for Landscaping these issues can be addressed at that time. This is also the case in relation to lighting of communal parking, turning and access areas.

S.106 matters

Affordable housing –Provision of on site affordable housing (25% of the total number of houses) equating to 6 units if 21 are constructed. In line with Strategy 34 this should provide a tenure mix of 70% for rented accommodation and 30% for affordable home ownership, with the rented units being for Social Rent.

Open space/Drainage – Provision and maintenance of an appropriate area of amenity open space and including maintenance and management of any

grassland/drainage/communal areas and the maintenance strip between the application site and the A30 by a management company to be established for this purpose.

Highways - Agreement to secure alterations to the public highway to accommodate the access works

NHS Contribution – The Local NHS trust has advised that at present there is sufficient capacity at the local GP surgeries within the application site catchment and that as such no contribution is currently required.

At the time of writing a S106 legal agreement securing the above requirements has not been secured. Accordingly, the recommendation to Members is that of a resolution to approve, subject to the completion of the S106 with the requirements listed.

Conclusion and Planning Balance

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

There has been an identified conflict with the policies of the adopted local plan – in this instance principally with strategy 7 which seeks to prevent expansions of settlements into the countryside and policy D1 due to the harm to the existing character of the site.

The NPPF seeks to significantly boost the supply of housing across England and recent changes to it have solidified the government's intentions to deliver on this aim. The proposal would provide for a limited number of dwellings but where these would nevertheless help to bolster the much needed supply of housing in the district. This proposal would bring about some shorter term economic benefits through the construction phase as well as longer lasting social benefits in making housing available at a time when this is much needed. This provision of housing (including affordable housing), is one of the main thrusts of the NPPF and accordingly is given significant weight in the planning balance.

It also should be made clear there are no outstanding objections raised by technical consultees, and subject to conditions.

In terms of the social benefits, the scheme would deliver additional housing, in a sustainable location adjacent to the built-up area boundary of Honiton and in line with the Framework's aim to significantly boost the supply of housing.

It has been identified that the site would provide an accessible location relative to local services and facilities thereby encouraging active travel modes and public transport. The trees and hedgerows around the perimeter contribute to the character of the area and would largely be retained and enhanced by additional planting. A suitable SuDS scheme can be provided and DCC's Lead Flood team are satisfied that this can be accommodated. No objections are raised by the Council's ecologist or landscape architect, subject to conditions. The highway officer has also not raised any objection

to the proposed access arrangements or resulting increased traffic on the existing highway network. The proposed development does require careful consideration of layout and provision of mitigation measures to ensure that appropriate noise levels for future residents, with respect to proximity to the A30, can be achieved and in this regard the council's environmental health officer considers this is possible. As an outline scheme with most matters reserved some amendments to the indicative layout could occur but the applicant has demonstrated that an appropriate scheme could be brought forward at reserved matters stage.

Mitigation of the scheme to account for impacts such as the requirements to provide and maintain open space and drainage measures and to secure affordable housing are not to date secured, as there is no completed s106 legal agreement. However, should members resolve to approve the scheme it would be subject to the completion of a s106 which is the appropriate mechanism to secure such measures.

When taking all of the above into account the conflict with residential development beyond built up area boundaries, and harm to the intrinsic character of the countryside resulting from the development of the site are not considered to outweigh the benefits (noted above). Therefore it is concluded that the benefits of the development, including the need to bolster housing supply within the district are material considerations that outweigh the conflict with the development plan.

As such, given the above a recommendation of approval is made, subject to completion of a s106 and the following conditions.

RECOMMENDATION

Resolve to APPROVE subject to the following conditions, and completion of a s106 agreement:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).
2. Approval of the details of the layout, scale and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline with one or more matters reserved.)
3. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a

written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.

(Reason - To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 212 of the National Planning Policy Framework (2024), that an appropriate record is made of archaeological evidence that may be affected by the development.)

4. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.

(Reason - To comply with Paragraph 212 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.)

5. Prior to the commencement of the development hereby permitted, a Landscape Management Plan, Planting Schedule and details of implementation and future maintenance shall be submitted to and approved by the Local Planning Authority (in consultation with the strategic highway authority). Planting shall be undertaken in accordance with the agreed plan and maintained as such thereafter.

(Reason: In the interest of safe and efficient operation of the Strategic Road Network and to protect the highways soft estate in accordance with para 115 of the National Planning Policy Framework (2024).)

6. Prior to or as part of the Reserved Matters for layout, the following information shall be submitted to and approved in writing by the Local Planning Authority:
 - (a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.

(b) A detailed drainage design based upon the approved Mountbatten View Drainage Strategy (Report Ref. 09708-HYD-XX-XX-RP-C-0011, Rev. P03, dated 18th October 2024) and the results of the information submitted in relation to (a) above.

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

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

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

(f) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

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

7. As part of any reserved matters application for layout and/or external appearance, an updated Noise Impact Assessment report based on the final layout and design of properties shall be submitted. The report shall demonstrate how the mitigation measures set out in the submitted Noise Impact Assessment Addendum Report, prepared by SLR Consulting Ltd and dated 10th June 2024, have been taken into account to mitigate the impacts of road noise associated with the operation of the A30, and shall include the following:
- Details of the level of façade mitigation proposed to meet with the desirable internal ambient noise levels set out within BS8233 (2014);
 - The measures proposed to minimise as far as reasonably practicable external noise levels for each property through the use of good acoustic design as detailed within ProPG (Professional Practice Guidance on Planning & Noise) . Development shall then proceed in accordance with the submitted details unless any alternative details have previously been submitted to and agreed in writing by the local planning authority. All noise mitigations measures shall be implemented prior to occupation of the dwellings to which they relate and shall be retained and maintained as such for the lifetime of the development.

(Reason - To protect the amenity of future residents from noise impacts associated with operation of the adjoining A30 in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

8. A Construction and Environment Management Plan (CEMP) must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Any equipment, plant, process or

procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site and no high frequency audible reversing alarms used on the site.

(Reason - To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

9. As part of any reserved matters application for layout details of an acoustic barrier to be installed parallel to the northwestern boundary of the site (as indicatively shown on Indicative Masterplan drawing no. P19-3039_05 Rev. K and Indicative Site Section drawing P19-3039_10B) shall be submitted for the written approval of the Local Planning Authority. Such details shall include the type, layout and positioning and length of any barrier and details of its finished appearance. In addition and unless alternative details have previously been agreed in writing the acoustic barrier shall be constructed to a minimum specification of:

- o Height of 2.2m above adjoining ground level;
- o A surface mass of 10 kg/m² and be of solid construction with no air gaps

No residential unit approved, as part of this permission, shall be occupied until the barrier has been completed in accordance with details as approved by the Local Planning Authority (in consultation with the strategic highway authority). Following its construction the barrier shall thereafter be retained and maintained for that purpose in perpetuity.

(Reason - To protect the amenity of future residents from noise impacts associated with operation of the adjoining A30 in accordance with policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

10. No hedgerow removal shall commence on site unless the local planning authority has been provided with a copy of the dormouse mitigation licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead. Any mitigation and compensation measures should be in accordance with an agreed Landscape and Ecological Management Plan (LEMP), unless otherwise amended by Natural England.

(Reason: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures 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 guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

11. No works shall commence on site until a Lighting Design including lux contours, based on the detailed site design and most recent guidelines (currently GN08/23 and DCC 2022), has been submitted and approved in writing by the local planning authority. The design should clearly demonstrate where dark corridors are provided, especially the western boundary, without the attenuation of habitat features which long-term management cannot be guaranteed. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

(Reason: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures 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 guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

12. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development based on the submitted Ecological Impact Assessment (GE Consulting, 2023) and informed by a detailed landscaping plan and updated Biodiversity Net Gain (BNG) calculation using the current (at the time of submission) biodiversity metric. It should include details of the reptile translocation, including methodology and receptor site, locations and design of biodiversity features including bird boxes (at a ratio of 1 per unit), bat boxes, bee bricks, permeable fencing, and other features clearly to be shown on submitted plans.

The content of the LEMP shall also include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum 30-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

(Reason: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures 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 guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

13. No development shall take place (including ground works or vegetation clearance) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the local planning authority based on the details within the submitted EclA (GE Consulting, 2023). The CECoMP shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication, including reporting compliance of actions to the LPA
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CECoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

(Reason: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures 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 guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

14. The ecological mitigation measures relating to each residential unit shall be provided prior to the initial occupation of that unit. Furthermore, prior to the initial occupation of the final unit to be occupied, evidence (including photographs of all ecological mitigation and enhancement features, including bat boxes, bird boxes (1 per dwelling), bee brick, permeable garden fencing and reptile hibernacula) shall be provided to the local planning authority that demonstrate all mitigation measures have been installed/constructed, and ecological method statements complied with, in accordance with details within the submitted LEMP and CECoMP. (Reason: To ensure that the identified ecological mitigation and enhancement features are provided 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 guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

15. As part of any reserved matters application for layout and landscaping the following information shall be submitted for approval:
- a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, site furniture and signage.
 - b) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by two sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.
 - c) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:
 - o a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
 - o methods for stripping, stockpiling, re-spreading and ameliorating the soils.
 - o location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
 - o schedules of volumes for each material.
 - o expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
 - o identification of person responsible for supervising soil management.
 - d) A full set of soft landscape details including:
 - i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.
 - ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
 - iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
 - iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.
 - e) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with

the exception of planting which shall be completed no later than the first planting season following first use. Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

16. No other part of the development hereby approved shall be commenced until the access and no-through route sign have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

(Reason- To ensure the appropriate management of traffic in the interest s of highway safety in accordance with Policy TC7 - Adequacy of Road Network and Access of the Adopted East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

17. As part of any reserved matters application for layout and external appearance, details shall be provided of how secure cycle/scooter storage facilities adequate to serve each residential unit will be provided. Development shall then proceed in accordance with details as agreed with the approved parking provision made available for use prior to the initial occupation of the unit to which it relates.

(Reason - To promote sustainable travel and ensure adequate provision for such is made in accordance with policies TC2 (Accessibility of New Development) and TC9 (Parking Provision in New development) of the East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

18. 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;

Development shall take place in accordance with the agreed CEMP.

(Reason - To ameliorate and mitigate against the impact of the development on the local community and to ensure that any impact on the highway network is kept to a minimum in accordance with policies TC7 - Adequacy of Road Network and Site Access and EN15 (Control of Pollution) of the East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

- 19.. Unless alternative details have previously been agreed in writing by the Local Planning Authority, The development shall be carried out in accordance with the approved Tree Protection Plan and Arboricultural Method Statement details prepared by Aspect Tree Consultancy and shown on drawing nos. 05116 AIA (revised 23.10.24); 05116.TPP rev D (23.10.24). These details include the requirement for the submission of a further Arboricultural Method Statement in relation to drainage design to be submitted as part of any reserved matters application.

(Reason - The condition is required in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

NOTE FOR APPLICANT

Biodiversity Net Gain

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that development may not begin unless:

- (a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- (b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case exemption1 from the list below is considered to apply:

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
 - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- (i) the application for planning permission was made before 2 April 2024;
- (ii) planning permission is granted which has effect before 2 April 2024; or
- (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat,

information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Informative:

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

Informative:

Prospective developers/residents are advised to review the consultation response from National Highways, as the operators of the adjoining A30, with regards to their views on noise impact of the development. The consultation response is available to view on the Council's website under the application reference number.

Plans relating to this application:

09708-HYD-XX-XX-DR-TP-0001 REV P01: Junction Arrangement	Other Plans	04.09.23
09708-HYD-XX-XX-SK-C-0101 REV P02: Site Access Levels	Other Plans	04.09.23
P19-3039-04 rev D	Location Plan	10.07.24

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.



National Highways Planning Response (NHPR 24-02) Formal Recommendation to an Application for Planning Permission

From: Regional Director, South West Operations Division, National Highways,
planningsw@nationalhighways.co.uk

To: East Devon District Council
Planning – FAO East Team

CC: transportplanning@dft.gov.uk
spatialplanning@nationalhighways.co.uk

Council's Reference: 23/1897/MOUT

National Highways Ref: NH/23/02700

Referring to the notification of an Outline planning application referenced above (all matters reserved except access) for the construction of up to 21 dwellings, internal roads, landscaping, public open space, infrastructure and the creation of a new access and "ahead only" junction on Ottery Moor Lane, at land north west of Ottery Moor Lane, Honiton, notice is hereby given that National Highways' formal recommendation is that we:

- ~~a) offer no objection (see reasons at Annex A);~~
- b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);
- ~~c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is not relevant to this application.¹

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

¹ Where relevant, further information will be provided within Annex A.

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

The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningSW@nationalhighways.co.uk

Signature: Sally Parish

Date: 23 December 2024

Name: Sally Parish

Position: Highways Development Management

National Highways: Level 1, Ash House, Falcon Road, Sowton Industrial Estate, Exeter EX2 7LB

Email: sally.parish@nationalhighways.co.uk

Annex A National Highways' recommended Planning Conditions

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

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development" and the National Planning Policy Framework (NPPF). This response represents our formal recommendations with regards to planning application reference 23/1897/MOUT.

Statement of Reasons

The application seeks outline permission (all matters reserved except access) for the construction of up to 21 dwellings, internal roads, landscaping, public open space, infrastructure and the creation of a new access and "ahead only" junction on Ottery Moor Lane, at land north west of Ottery Moor Lane, Honiton. The 0.89ha site is located immediately adjacent to the A30 trunk road boundary and approximately 400m north east of the A30/Exeter Road Turks Head junction.

The site proposes the creation of a new access onto Ottery Moor Lane which forms part of the local road network and as such falls under the responsibility of Devon Country Council. National Highways is responsible for managing and maintaining the A30 trunk road which forms part of the strategic road network. Our interest therefore relates to the impact of the proposed development on the continued safe and efficient operation of the A30 and its assets.

It is understood the site is not allocated for development in the adopted Local Plan and is therefore considered to be speculative.

Previous Response

Following consultation on the application in September 2023 National Highways issued a holding recommendation on 3 October 2023 to provide time for the applicant to address matters relating to drainage, landscaping and noise. Our holding recommendation has subsequently been extended, most recently on 27 June 2024, and this response should therefore be read in conjunction with our previous responses.

Position Update

Subsequent to the issue of our June 2024 response National Highways has been engaging with the applicant's consultants regarding the above matters and based on information provided are satisfied our comments relating to drainage have been addressed.

We have agreed with the applicant that we content matters relating to landscaping and boundary treatment can be dealt with by pre-commencement planning condition and have set out our required conditions later in this response.

In respect of noise National Highways remains concerned regarding the likely noise levels future residents may be subject to owing to the proximity of the site to the adjacent A30 trunk road.

We are of the view that development which fails to mitigate noise to levels set out in British Standard BS8233:2014 and The World Health Organisation (WHO) Environmental Noise Guidelines cannot be considered sustainable in noise terms, contrary to NPPF. We wish to make clear that National Highways can not be held liable for any adverse noise impact arising from the operation of the strategic road

network should the development fail to deliver measures which adequately mitigate noise to levels as set out in British Standard BS8233:2014 and WHO guidelines.

However we acknowledge it is for the Local Planning Authority to determine whether the 'desirability' of the development offsets any likely adverse noise impact upon the intended site users and whether they consider the development is sustainable in accordance with NPPF and Local Plan policies. On this basis we offer no objection to the application on the basis of noise however this is **strictly on the basis** that our above position is fully documented in any decision notice so that any exceedance of noise levels as set out in British Standard BS8233:2014 and The World Health Organisation (WHO) Environmental Noise Guidelines are expressly identified for the benefits of any prospective future purchasers.

National Highways are therefore withdrawing our holding recommendation dated 27 June 2024 and replacing it with a response recommending the below planning conditions.

Recommendation

National Highways has no objection in principle to application 23/1897/MOUT subject to planning conditions being attached to any consent the planning authority is minded to grant to the effect that:

1. Prior to the commencement of the development hereby permitted, a Landscape Management Plan, Planting Schedule and details of implementation and future maintenance shall be submitted to and approved by the Local Planning Authority (in consultation with the strategic highway authority). Planting shall be undertaken in accordance with the agreed plan and maintained as such thereafter. **Reason:** In the interest of safe and efficient operation of the Strategic Road Network and to protect the highways soft estate.
2. Prior to commencement of the development hereby permitted, a detailed Boundary Treatment Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the strategic highway authority). The plan shall include as a minimum:
 - a. details of the proposed boundary fencing, location, type, height, construction method and future maintenance;
 - b. details of any proposed boundary planting to include an Arboricultural Tree Survey and Tree Protection Plan with a Method Statement for any works required to address the removal, retention and management of trees along the site boundary.

All works shall be undertaken in accordance with the agreed plan prior to occupation and maintained in perpetuity as such thereafter. **Reason:** For reasons of safety, liability and maintenance in accordance with paragraph 57 DfT Circular 01/2022.

Standing advice to the local planning authority

The Climate Change Committee's [2022 Report to Parliament](#) notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 74 and 109 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 108 and 114 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the Switch and Improve criteria as set out in clause 4.3 of PAS2080:23 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

Ward Honiton St Michaels

Reference 24/1787/FUL

Applicant Mr Michael Belcher

Location Land To Rear Of Barn Mews King Street
Honiton

Proposal The erection of a two bedroom dwelling



RECOMMENDATION: Refusal



		Committee Date: 28.01.2025
Honiton St Michaels (Honiton)	24/1787/FUL	Target Date: 22.10.2024
Applicant:	Mr Michael Belcher	
Location:	Land To Rear Of Barn Mews King Street	
Proposal:	The erection of a two bedroom dwelling	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before the Committee because the recommendation is contrary to the view of one of the Ward Members.

The proposal is for a single-storey, 2-bed dwelling. The site is within the Built-up Area Boundary of Honiton, providing easy access to local amenities and public transport. Given that the site is suitably located, the main issues are (i) whether the proposal would provide high quality living conditions for future occupiers with regard to privacy and outlook; and (ii) whether the proposal would conserve or enhance the character and appearance of the Honiton Conservation Area within which it is located.

The site is heavily overlooked from all sides and the dwelling would be built close to the site boundaries, compromising privacy and outlook. This would result in poor living conditions, particularly for the kitchen/living area and the smallest bedroom, as well as the outdoor amenity space. The proposed design has failed to take the opportunities available to avoid these harms, leading to poor living conditions for future occupants, contrary to NPPF paragraph 135, which requires developments to deliver a high standard of amenity.

The Conservation Area around the site is characterised by its long, narrow burgage plots, many of which have been heavily developed. The proposal would add to the mass of development and erode an area of open space within the burgage plots which is a remnant from their historic use for growing food or keeping animals. Furthermore, the design, with its uncharacteristic L-shaped form and low mono-pitch roof, fails to respect the area's established pattern of linear dual-pitched buildings. The combination of the loss of open space and the unsympathetic design would harm the character and appearance of the Conservation Area, contrary to Policy EN10 of the Local Plan.

In response to this assessment, the agent has cited several precedents but these differ significantly in context and do not justify the proposal's poor living conditions and harm to the Conservation Area.

In conclusion, the proposal offers modest social and economic benefits but at the expense of future occupants' living conditions and the Conservation Area's character and appearance. The harm outweighs the benefits, leading to a recommendation for refusal.

CONSULTATIONS

Local Consultations

Honiton St Michaels - Cllr Jenny Brown

My thoughts are that this site is typical of the back areas of Honiton, there are so many little alleyways to properties. We need affordable, local housing, this gives an opportunity to build a small, affordable unit. At present the site is a home for rubbish and a breeding ground for rats.

I agree with the Town Council and am in support of this application at the present time.

If this proceeds to planning committee then I will keep an open mind until I have heard all the discussion both for and against.

Parish/Town Council

Unanimous SUPPORT

Other Representations

None received.

Technical Consultations

Environmental Health

I have considered the application and note that this site is close to nearby residents who may be impacted during the construction process. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. We would request the applicant to consult and follow the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum. This is available on the council's website.

Conservation

The Conservation dept do not wish to comment on this application and will accept the case officer's decision.

DCC Historic Environment Officer

The proposed development lies within the historic core of Honiton, in the rear part of a medieval burghage plot aligned on High Street and in an area where any ground

disturbance has the potential to expose archaeological or artefactual deposits associated with the medieval settlement here. 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.

PLANNING HISTORY

Reference	Description	Decision	Date
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The Application Site

24/0070/FUL	Demolition of a vacant outbuilding which is currently part fallen down and unsafe.	Approval with conditions	27.02.2024
22/1253/OUT	Outline application for the construction of a single storey dwelling (including consideration of matters relating to Design, Scale, Layout and External Appearance) and including demolition of existing outbuilding	Withdrawn	15.11.2022

Barn Mews

22/2280/VAR	Variation of conditions 2 (approved plans), 5 (garden subdivision) and 6 (bin and bicycle storage) of planning permission 18/1228/FUL (Conversion of existing house into 4 no. flats and re-building of existing barn in the back garden to create 3 no. flats) to correct the labelling of the west elevation and revise a window design in the west elevation, omit the car parking and communal garden, provide details of fencing and revise the bicycle parking	Approval retrospective (conditions)	15.06.2023
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18/1228/FUL	Conversion of existing house into 4 no. flats and re-building of existing barn in the back garden to create 3 no. flats.	Approval with conditions	09.08.2018
15/2237/FUL	Conversion of existing house into 4 no. flats and re-building of existing barn in the back garden to create 3 no. flats	Approval with conditions	06.04.2016

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)
 Strategy 2 (Scale and Distribution of Residential Development)
 Strategy 3 (Sustainable Development)
 Strategy 4 (Balanced Communities)
 Strategy 5B (Sustainable Transport)
 Strategy 6 (Development within Built-up Area Boundaries)
 Strategy 23 (Development at Honiton)
 Strategy 48 (Local Distinctiveness in the Built Environment)
 Strategy 49 (The Historic Environment)
 D1 (Design and Local Distinctiveness)
 EN9 (Development Affecting a Designated Heritage Asset)
 EN10 (Conservation Areas)
 EN22 (Surface Run-Off Implications of New Development)
 TC2 (Accessibility of New Development)
 TC7 (Adequacy of Road Network and Site Access)
 TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2024)
 National Planning Practice Guidance

Site Location and Description

The site is a small parcel of unused land in the Conservation Area between the High Street and King Street in the centre of Honiton. It is part of the curtilage of Barn Mews, a recent development of seven flats achieved through the conversion and extension of a building fronting onto King Street. Access to the site is through a passage which passes the entrance to the Barn Mews flats. Near the front of the site is a dilapidated single storey stone building which has consent to be demolished. The remainder of the site has been used to dump rubble and waste and is covered with weeds.

ANALYSIS

Proposed Development

Planning permission is sought for the construction of a single storey 2-bed dwelling.

The site is accessed through a passageway beneath/beside Barn Mews, and whilst Barn Mews has been developed into seven flats, the land at the rear has been left unused. It was initially proposed to use the land as a garden for the occupants of the flats in a 2015 scheme and then to use it for car parking and as garden in a 2018 scheme. However, both the parking and the garden were omitted in a 2022 variation to the approved scheme, meaning that the land is no longer required to serve the occupants of the flats.

Also in 2022, an outline application for a dwelling on the land was submitted but got withdrawn because of concerns about the loss of the stone building and the need to assess its heritage significance. Subsequently, approval was granted for its demolition, although at the time of the site visit for this application, the building was still standing.

With the land no longer required for the flats and the demolition of the stone building approved, a fresh attempt to gain planning permission for a dwelling has been made. Given the town centre location of the site, within the Built-up Area Boundary for Honiton, there is easy access to local amenities, including public transport, and therefore future occupiers would not need to rely on travel by car to meet their day-to-day needs. The site is therefore suitably located for a dwelling having regard to the strategic policies of the Local Plan, particularly Strategies 1, 2, 5B and 6.

The main issues are therefore:

- Whether the proposal would provide high quality living conditions for future occupiers with regard to privacy and outlook; and
- Whether the proposal would conserve or enhance the character and appearance of the Honiton Conservation Area (CA).

Living conditions

The site is heavily overlooked, with upper floor windows on all sides that are in close proximity to the site boundary, as illustrated in the following images.



View to the south towards Barn Mews showing the living room windows of the first and second floor flats. The stone building in the foreground would be demolished.



A further view to the south.



View of 1-3 West Elm House to the west of the site showing first floor bedroom windows overlooking the site.



View of the balcony at the rear of The Cottage, 98A High Street, which is a listed building to the north of the site.



View of 1D and 1E King Street (the rendered building), and 1F King Street (the brick building), which are on the east side of the site.

To explain further, on the south side of the site, the three storey Barn Mews building has four first and second floor windows overlooking the site which serve the living areas of flats 6 and 7 (reference 22/2280/VAR). These windows are less than 6 metres from the boundary. There are additional windows over the passageway which face the site at a distance of less than 14 metres.

Three two-storey dwellings have been constructed on the west side of the site, known as 1-3 West Elm House (reference 19/2246/FUL). These each have a first floor bedroom window overlooking the site at a distance of 3 metres from the boundary.

To the north the outlook is more open but there is a first floor balcony that overlooks the site less than five metres from the site boundary. The balcony is accessed via a glazed bedroom door facing the site that is less than 8m from the boundary. Planning permission has been granted to bring this balcony to within 1.5 metres of the site boundary, which would facilitate even closer views into the site (reference 20/1299/FUL). It is not clear if this permission is still extant.

On the east side of the site there is a two storey dwelling (reference 06/0219/FUL) and two flats (reference 89/P0918) facing the site. The dwelling has a first floor bedroom window overlooking the site and the first floor flat has lounge and bedroom windows overlooking. These windows are less than 3 metres from the site boundary. There are further dwellings to the south with oblique or longer range views to the site.

This high degree of overlooking from all directions presents a significant challenge to any designer seeking to secure the necessary high standard of amenity for future users that is required by the National Planning Policy Framework (paragraph 135).

How does the proposal respond to the constraints presented by the high degree of overlooking?

It is the applicant's view that overlooking is not a constraint and that the living conditions would be no worse than in many other dwellings to be found nearby. However, the applicant is required by national policy to provide a high standard of amenity, and this means that the scheme needs to make the best of the opportunities to create space, privacy and outlook so that future occupiers feel comfortable and at ease in their home. Compromising on amenity is neither necessary nor acceptable in this case.

The proposed dwelling has been designed with high level windows in the west elevation and standard windows in the north elevation. It may be possible to glimpse the interior of the proposed dwelling from properties on the north and west sides of the site but because the dwelling would be so close to the boundary wall (around 1 metre away), opportunities would be limited. Whilst this aspect of the design may be successful in securing the privacy from those directions, it leads to a compromised outlook, which is addressed below.

The east elevation would have a glazed front door and patio doors, both serving the kitchen/living area and providing the main outlook and source of light to that room. The separation distance between these glazed doors and the upper floor windows in the building on the east side of the site would be 6.5 metres, which is far less than the standard requirement of 21 metres. Even if a reduced separation distance is accepted given the urban character of the area, 6.5 metres is less than has been achieved elsewhere and could be improved upon with better design.

Because of the lack of separation, there would be an unobstructed, close range, view from the bedrooms and the living room on the upper floor of the neighbouring building into the living area of the proposed dwelling and also into its only outdoor amenity space. The amenity space would be further compromised by views from the flats to the south. Future occupants of the building would therefore struggle to achieve any level of privacy within both the living room/kitchen and the garden. To achieve privacy in the living room/kitchen, future occupants would be likely to use curtains or blinds and this would severely restrict their outlook. This would lead to poor living conditions that would not satisfy the requirements of paragraph 135 of the NPPF.

Living conditions would be further compromised by the restricted outlook from certain windows arising from their proximity to the boundary walls. This would particularly affect the smaller of the two bedrooms which would have no other outlook or access to light, creating an oppressive environment.

It would be possible to overcome these concerns and a potential solution has been offered to the agent that would place windows and amenity spaces where the greatest level of outlook and privacy could be achieved. The agent has declined to

make any changes to his proposal, preferring to seek the support of the Planning Committee for his compromised design.

In summary, the design has failed to overcome the constraints presented by the overlooking of the site from all sides and would not provide a high standard of living conditions for future occupants, contrary to paragraph 135 of the NPPF.

Character and appearance

In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), the LPA has a duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

Honiton Conservation Area has a mostly 18th Century and early 19th Century appearance, with larger buildings fronting the High Street and burgage plots and yards behind. Its character and form reflect its medieval origins, its rebuilding after a series of fires, its industries and agricultural connections, and its former coaching function.

The burgage plots at the rear of Honiton High Street are a distinctive feature of the town's medieval layout and a key characteristic of the conservation area. Over the centuries, many of the original burgage plots have been subdivided or altered to accommodate new buildings and developments. This has led to a more fragmented appearance compared to their original, uniform layout. Despite this, many plots still retain their long, narrow shape, preserving the medieval layout to some extent.

The long, narrow shape of the burgage plots around the application site is still evident but there has been a significant amount of built development meaning that this part of the conservation area is more built-up than it was when the conservation area was designated in 1972. The conservation area appraisal identifies features of special importance, including 'largely unspoilt and sometimes intimate open spaces, especially gardens and allotments woven into the historic remains of the burgage plots.' This in turn contributes to the overall quality and character of the town centre with such places 'hidden' behind the main street frontages.

Since 2016 there has been significant development of some of these open spaces, notably the adjoining site to the west (19/2246/FUL) and the former garden/car park at the rear of Natwest Bank (17/0809/FUL). These have eroded the sense of space, creating a more built-up, cramped environment that is at odds with the historic use of the space behind buildings for gardens, growing food or keeping animals. In the context of all the recent development, the space remaining on the application site takes on greater significance in terms of its contribution to the historic character and appearance of the conservation area.

Notwithstanding that, the conservation officer did not object in principle to the previous application for a dwelling on the site but had reservations about the scale of development. The current proposal has a similar footprint and has not addressed this concern. It would erode a remnant area of open space between heavily built-up sites that provides some visual relief and evidence of the historic character of the area. It

would therefore diminish the significance of the conservation area as a whole by reducing the extent to which the historic open character of the burgage plots can be appreciated.

Turning to the design of the dwelling, the supporting statement explains that the proposal has "a modern mono-pitch to keep the building's height to a minimum and to avoid overlooking". The roof would be covered with zinc-effect metal sheeting and the walls would be a combination of stone, possibly salvaged from the demolition of the existing building, and render.

The L-shaped form and low mono-pitch roof are uncharacteristic features of the area and do not complement the linear form and dual-pitched roofs that dominate the surroundings. Whilst paragraph 212 of the NPPF says "Local planning authorities should look for opportunities for new development within Conservation Areas" this must not be to the detriment of the conservation area and does not override the need for high quality design.

While there would be very little public visibility of the proposal, there would be considerable visibility from neighbouring dwellings which enclose the site on all sides. The proposal would therefore have sufficient prominence to result in harm to the character and appearance of the conservation area.

Taken together, the layout, scale and appearance of the proposed dwelling would fail to preserve the character and appearance of the conservation area, contrary to Policy EN10 of the Local Plan.

The harm arising from this development, owing to its scale relative to the conservation area as a whole, would be 'less than substantial'. Paragraph 208 of the NPPF requires the less than substantial harm to the significance of a designated heritage asset to be weighed against the public benefits of the proposal and this exercise is carried out in the conclusion to this report.

Precedents

The agent has drawn our attention to a number of other permissions which he argues compare favourably to this proposal.

23/0653/RES - 29 Winters Lane, Ottery St Mary. This bungalow is not in a conservation area and sits on a larger plot than the application site. There is no direct or close range overlooking of the garden or window-to-window.

22/1647/FUL - 19 High Street, Honiton. This conversion to five dwellings is outside the conservation area. In this case there was a realistic likelihood that a conversion would have been achieved using permitted development rights under Class MA if planning permission had been refused. This fallback position added significant weight in favour of approval. In contrast, there is no possibility of a fallback scheme at Barn Mews.

20/2745/VAR - Land To The Rear Of 160 High Street, Honiton. This development of 6 dwellings was first approved in 1992 under a different planning regime and was

renewed several times after, resulting in the 2020 scheme. The four dwellings on the west side of the site have a reasonable level of privacy and outlook, with windows at the front and rear. The two dwellings on the east side of the site have a restricted outlook to the east, and their west elevation faces the four dwellings at a distance of 7-8 metres, which is greater than the current proposal.

19/2246/FUL - Land to The Rear Of 102 High Street, Honiton. This development of three dwellings was recommended for refusal owing to concerns about the effect on the setting of the listed buildings at the front of the site and the effect on the conservation area from the loss open space. The planning committee acknowledged the harm but approved the application, concluding that "public benefits, in the form of economic benefits from development of the site and social benefits from affordable houses by design, outweighed the less than substantial harm to heritage assets". It does not necessarily follow that the same conclusion can be reached in this case as each proposal must be considered on its merits. Furthermore, a proposal that is 'affordable by design' does not need to compromise the living conditions of its future occupants. Affordability and good design should go together.

19/1065/FUL (5 dwellings) & 21/1719/FUL (1 dwelling) - Pegasus House, King Street, Honiton. This development lies outside the conservation area on the south side of King Street where the historic character is not defined by burgage plots. The three single storey dwellings face a 2 metre high wall at a distance of about 3 metres. Beyond the wall is a three storey block of flats with multiple windows at a distance of 8-9 metres. The bungalows are single aspect dwellings and have no private amenity space. In spite of this, all of the habitable rooms have an acceptable outlook, and compared to the current application, there is greater separation between the flats opposite and the windows in the approved dwellings.

17/0809/FUL - Land rear of Natwest Bank, Honiton. This development of four one- and two-storey dwellings is built right on the east boundary of the site with all of the living accommodation and windows facing west. The two single storey dwellings face a two storey building with a separation distance ranging from 2.65m to 3.85m. Notwithstanding the proximity, these dwellings have full size windows in all habitable rooms and sufficient access to light. Owing to the very close proximity, any views from the upper floor windows in the building opposite would be over the roof of the building and are unlikely to intrude on privacy.

The schemes identified by the agent therefore differ in various respects and do not justify allowing a proposal that would deliver poor living conditions for future occupants and harm the character and appearance of the conservation area.

Other matters

The buildings to the north, 98-104 High Street, are grade II listed, however, owing to the separation and the relative size of the development there would be no impact on their setting, complying with Policy EN9.

Although surrounded by dwellings, the proposal would not intrude on the privacy of any neighbouring dwelling. Furthermore, owing to its low roof and the existing stone walls surrounding the site it would have no negative effect on light or outlook enjoyed

by the occupants of surrounding properties and would satisfy Policy D1 in this regard.

Bin and bicycle storage areas have been indicated on the site plan and although there would be no parking on-site, it is not considered necessary in this location because of its proximity to amenities and public transport. The proposal would comply with Policy TC9 in this regard.

Surface water run-off would discharge to the main sewer and given the constrained nature of the site, this is likely to be the only viable solution and accord with Policy EN22.

Biodiversity Net Gain (BNG)

The applicant has indicated on the application form that the proposal should be exempt from BNG requirements because it would be a self-build dwelling. However, they are not claiming a self-build exemption from CIL and the question on the application form about housing type indicates that the proposal is for market housing, not self-building housing. They have since confirmed that the proposal is not for a self-build dwelling and accordingly, they have provided the information necessary to satisfy BNG requirements.

The BNG assessment concludes there would be a percentage loss for 'area habitats' of -77.80 % (-0.02 units). This means that the proposal needs 0.04 habitat units to compensate for the loss, and to achieve a 10% net gain. Given the small site area and the type of habitats that need to be delivered to satisfy BNG requirements, this can only realistically be achieved off-site. The developer will therefore need to purchase credits from a suitable provider.

If the committee are minded to grant planning permission then it would need to be subject to a BNG condition.

Planning Balance and Conclusion

The NPPF states that great weight should be given to the conservation of a designated heritage asset, irrespective of whether the harm to its significance is substantial or less than substantial. Paragraph 208 requires the less than substantial harm to the significance of a designated heritage asset to be weighed against the public benefits of the proposal.

The scheme would undoubtedly offer social and economic benefits that are also public benefits. Benefits would arise from the delivery of housing, increasing the choice of homes available, and contributing to the Government's objective to significantly boost the supply of homes. Further benefits would arise from the dwelling's location, as future occupiers would support local services and facilities in the town centre, with good access to public transport options. There would also be temporary economic benefits during the construction phase.

However, the public benefits associated with a single property would be modest. Furthermore, in this scheme, the benefits come at the expense of the living

conditions of future occupiers and this is a significant disadvantage of the proposed design. Taken together, the cumulative weight of benefits would be moderate and not sufficient to outweigh the great weight that the conservation of a designated heritage asset carries or the requirement to provide high quality living conditions. The proposal therefore fails to accord with the historic environment protection and amenity policies of the NPPF.

Owing to the poor living conditions that the scheme would deliver and the harm to the conservation area, the proposed development would conflict with Policies EN10 and D1 of the Local Plan and paragraph 135 of the NPPF. Policy EN10 is consistent with the NPPF where it identifies that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. Policy D1 is consistent where it identifies that development should be designed to be sympathetic to local character and history and deliver a high standard of amenity. As such, significant weight can be afforded to the conflict of the proposal with these policies.

Following the publication of the revised NPPF in December 2024, the Council is unable to demonstrate the necessary 5-year supply of housing. This means that paragraph 11(d) of the NPPF is engaged. In such circumstances, planning permission should be granted unless either (i) the harm to the conservation area provides a strong reason for refusal, or (ii) the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

In this case, given the limited public visibility and the small scale of the proposal, the harm to the conservation area on its own would not be a strong enough reason to refuse the application. However, as set out above, the benefits of delivering one dwelling in an accessible location would not outweigh the combined harm to the living conditions of future occupiers and the harm to the conservation area. Furthermore, if the applicant is willing to engage with the Council, there is potential for both of these concerns to be overcome, delivering a high quality development and all the associated benefits.

In conclusion, the proposal conflicts with the Local Plan, and the material considerations, including the NPPF, do not indicate that the application should be decided other than in accordance with it. For the reasons given above the application is therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. By virtue of the loss of open space resulting from the proposal, along with the cumulative loss resulting from recent developments on land near to the application site, the proposal would diminish the significance of the Honiton Conservation Area which is in part derived from the open spaces woven into the historic remains of the burgage plots at the rear of the High Street. Furthermore, owing to the unsympathetic design of the dwelling, in terms of its footprint and roof form, the proposal fails to respond to the established pattern and character of development in the immediate area. As such, the proposal would not preserve or enhance the character or appearance of the Honiton Conservation

Area and therefore would be contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). In the absence of sufficient public benefits to outweigh the less than substantial harm identified, the development is contrary to Policies D1 - Design and Local Distinctiveness and EN10 - Conservation Areas of the East Devon Local Plan 2013-2031 and guidance in National Planning Policy Framework 2024.

2. The proposal would fail to provide a high standard of amenity for future occupants owing to the outdoor amenity space and the windows serving the kitchen/living room being overlooked at close range from the windows of adjacent properties. In addition, the smallest bedroom would have a restricted outlook and limited access to light, thereby resulting in poor living conditions for future occupants. The proposal is therefore contrary to Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031 and the provisions of Paragraph 135 of the National Planning Policy Framework 2024.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

141/001 A	Location Plan	04.10.24
141/003 A	Proposed Combined Plans	04.10.24
141/004	Proposed Site Plan	04.10.24

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.

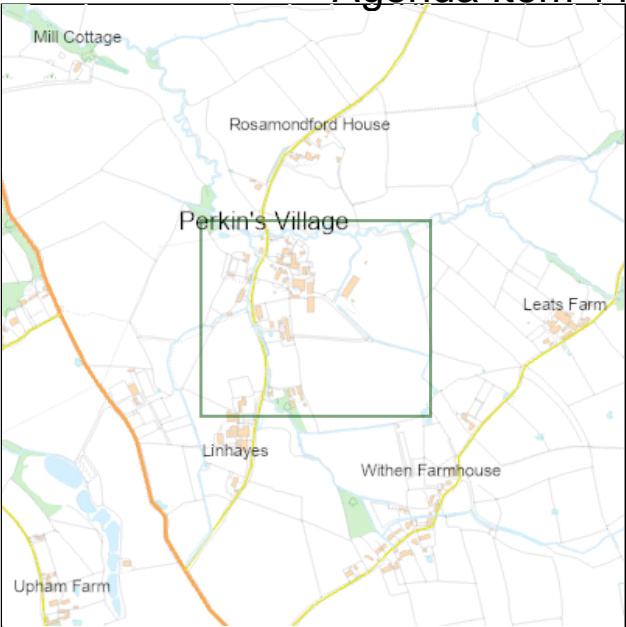
Ward West Hill And Aylesbeare

Reference 24/1203/COU

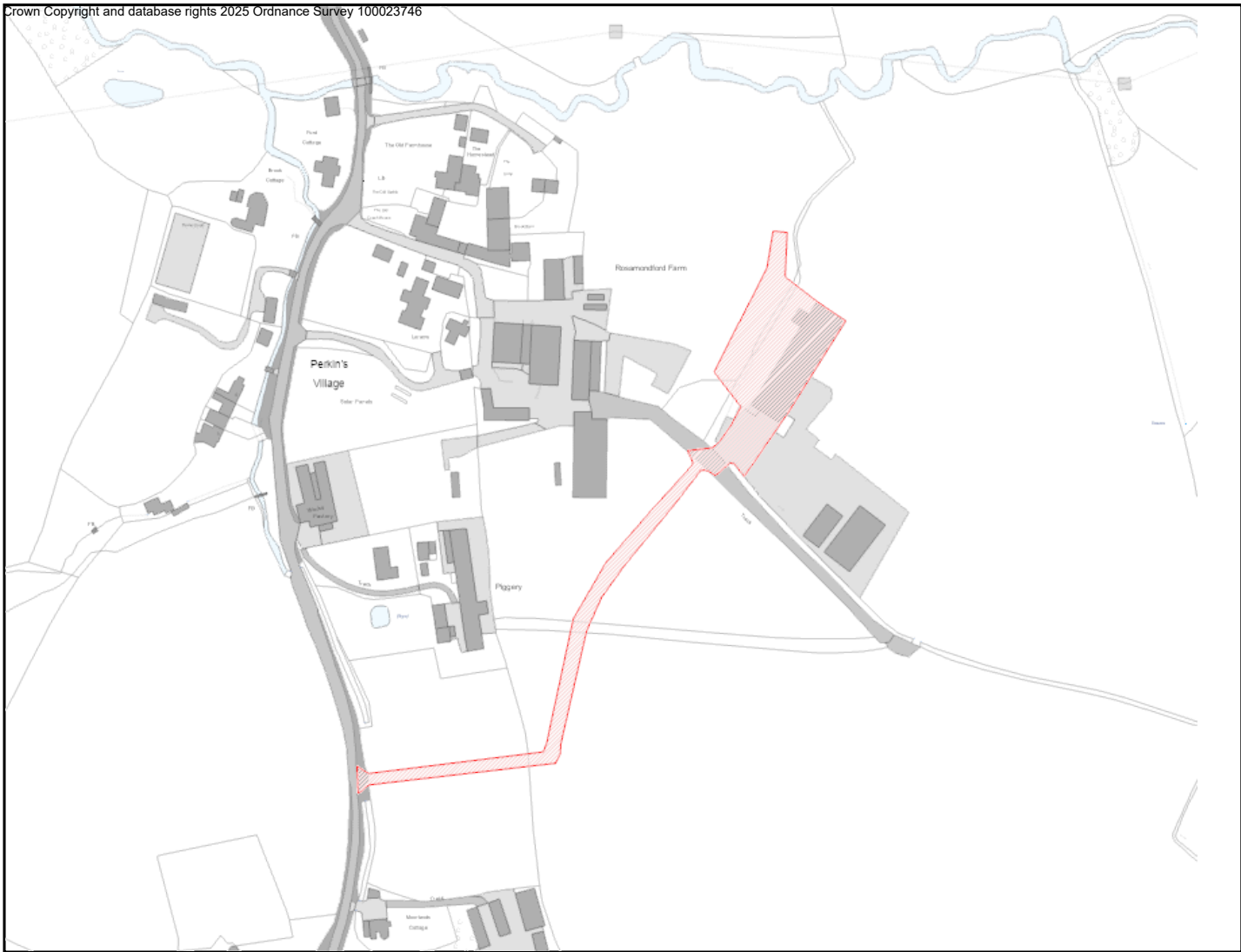
Applicant Mr Sam Slade

Location Vacant Chicken Shed Rosamondford Farm
Perkins Village Exeter EX5 2JG

Proposal Change of use from agricultural to commercial storage (Class B8)



RECOMMENDATION: Approval with conditions



		Committee Date: 28.01.2025
West Hill And Aylesbeare (Aylesbeare)	24/1203/COU	Target Date: 20.08.2024
Applicant:	Mr Sam Slade	
Location:	Vacant Chicken Shed Rosamondford Farm	
Proposal:	Change of use from agricultural to commercial storage use (Class B8)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before members as the Ward Member's view is contrary to that of officers.

The site lies in the open countryside and relates to a former poultry unit on Rosamondford Farm, a large mixed farm complex located within a small settlement known as Perkins Village.

Planning permission is sought to change the use the former poultry unit into six storage units along with a vehicle parking and turning area.

The site lies in the open countryside where special attention is required to protect the character and appearance of the area under Strategy 7 of the EDDC Local Plan, however, that does not represent a bar on all development as where specific policies of the plan support certain developments the proposal is acceptable in principle. The principle of the proposed development is considered to be acceptable in terms of Policies D8- Re-Use of Rural Buildings Outside of Settlements and E5- Small Scale Economic Development in Rural Areas of the East Devon Local Plan.

The proposal is considered to be a modest conversion scheme to a redundant agricultural building that would result in no harm to the character and appearance of the area, residential amenity, ecology or heritage.

Concerns regarding the impact of the proposed uses on the local road network and highway safety have been addressed within this report, however given the size of the units coupled with the nature of the uses proposed (storage), it isn't considered that the proposal would generate a significant increase in traffic movements to and from the site or a significant change in the type and nature of

traffic movements to sustain an objection or where the highway impacts would be severe- a key test within the NPPF. In the absence of any objection from the County Highway Authority, it isn't considered that an objection could be sustained on highway grounds and conditions restricting the use of the units to storage only coupled with preventing amalgamation of the units would help to further reduce any highway impact.

On balance, the proposal is considered to comply with the provisions of policies D8 and EN5 of the Local Plan and would meet the requirements of paragraph 88 of the NPPF by supporting a prosperous rural economy through the conversion and re-use of an existing building.

The proposal complies with the NPPF and Local Plan when taken as a whole and the application is therefore recommended for approval with conditions.

CONSULTATIONS

Local Consultations

West Hill And Aylesbeare - Cllr Jess Bailey

I wish to register my OBJECTION to this planning application. The key policy for the determination of this application is Local Plan policy D8. This application does not comply with policy D8 (Re use of agricultural buildings outside settlement) for numerous reasons.

First, the new use must be sympathetic to and enhance the rural setting and character of the building and surrounding area and be in a location which will not substantively add to the need to travel by car. This proposed commercial flexible use does not enhance the rural setting, it is at odds with it, and will definitely add to the need to travel by car. It will substantially increase car use along the rural lanes in the vicinity.

Second, the proposed use is required not to harm the countryside by way of traffic. In my capacity as both the district and county councillor I believe that the proposed use will harm the countryside by way of traffic.

Finally, it is a requirement that any such proposal does not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function. I am concerned that the applicant has not complied with this part of the policy because there have been repeated applications for replacement agricultural buildings such as 23/2186 "cattle shed".

In addition, I have seen no evidence of either avian flu or blackhead infestation which is presented as justification of this latest application.

Finally, as ward member I am particularly concerned about the industrialisation of the countryside and the cumulative impact that this application (if approved) will have when taken in the context of previous applications including 22/0355 PDQ change of use of poultry rearing shed.

This application should therefore in my view be REFUSED.

Cllr Jess Bailey

Parish/Town Council

Aylesbeare Parish Council supports this application and trusts that the planners will set conditions for storage only and not allow distribution or manufacturing due to the traffic this would generate on the narrow lane to the property.

Parish/Town Council

Farringdon Parish Council have major concerns regarding this application.

There need to be suitable restrictions on the B8 which protects the surrounding roads from heavy traffic and further expansion being allowed on site. Farringdon does not want this to be the start of another Hill Barton Industrial Site.

We note that the original plan for a chicken shed on this site in 2004 was agreed for agricultural use only and if unused for 6 months regulations required it to come down (conditions section 3)

The parish council undertook a site visit for previous applications (22/1678/PDR/22/0355/PDR/21/1719/PDR all deemed unsuitable and refused) and have looked at the size and suitability of the proposed area.

The lane is totally inadequate in size and cannot cope with more large vehicles in addition to the permitted agricultural traffic. The road is a B road classification and is not suitable for large commercial vehicles or an increase in traffic. Both the parish council and Highways currently receive regular complaints regarding congestion on this lane and it is an ongoing frequent problem. The narrowness of the lane is suitable in parts for only single flow vehicles. It is totally unviable for a new transport hub for vehicles.

Farringdon has stated in its recently adopted Farringdon Neighbourhood Plan that no more bad neighbour industries should be permitted. The community already has 3 major industrial sites in the parish, Hill Barton, Greendale and Waldron. Farringdon has suffered enough and is still enduring loss of amenity from the sites already in the parish.

To conclude Farringdon Parish Council cannot support this application and has major concerns. It does not comply with the Farringdon Neighbourhood Plan (below) and should be refused.

Under Policy Farr 6 this clearly states.

All Business /Commercial Development should:-

- a) respect the character of its surroundings by way of its scale and design
- b) not harm the surrounding landscape
- c) not adversely affect any listed building, heritage asset or setting
- d) not have an adverse effect on the living conditions of its neighbours

- e) not have an unacceptable adverse impact on the transport network or parking provision
- f) safeguard residential amenity and road safety
- g) promote access on foot, bicycle, or by public transport
- h) mitigate any adverse effects of noise, air pollution and light pollution
- i) ensure there is no increase in flood risk

Farringdon Parish Council cannot support this application and it should be refused.

Technical Consultations

County Highway Authority

Addendum 03/01/2025

The County Highway Authority (CHA) has received consultation of the document – Transport Statement, cumulative impact of traffic. This is based on the peak hours fitting this type of development, 07:00-08:00 and 17:00-18:00, using TRICS data, which is trip generations from previous similar developments/uses, within a similar location and setting. Using the table from this document, it can be seen that from all the recent completed or approved applications on this site, a peak cumulative trip generation of 12 in the am peak hour and 13 in the pm peak hour is produced. I am therefore satisfied that the cumulative effect from this development will not create a trip generation problem.

Addendum 21/10/2024

Having been re-consulted from East Devon District Council upon this application with the presentation of both the applicants Transport Statement and Callidus Transport and Engineering Transport Statement, the cumulative trip generation numbers from both this proposed change of use and the recent committed and/or approved developments/Change of uses within this vicinity create a predicted 209 daily two way trips, this figure over a 12 hour period still only produces 3 two-way trips within any 10 minute period. I therefore believe this will not create an unacceptable trip generation impact, particularly as this does not account for the currently existing fully permitted agriculture trip generation that both this application site and the recent permitted neighbouring sites could have re-enacted at anytime.

County Highway Authority

Observations:

I have visited the site and reviewed the planning documents.

Further to the previous planning application on this site, 23/0430/FUL, the visibility for the access onto the B3184 has been improved, additionally, this application, in line with the previous two Permitted Development Right (PDR) applications, 21/1719/PDR and 22/1678/PDR, includes a proposal for smaller storage/business start up units, which in turn will result in smaller modes of transport, particular in comparison to its previous permitted agricultural use.

Therefore I have no objection to this planning application.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Officer authorised to
sign on behalf of the County Council 20 August 2024

Environmental Health

I have considered the application and I recommend approval with conditions:

No deliveries shall be accepted or despatched to or from the site except between the hours of 07:00 until 19:00 Monday to Friday, or 07:00 until 17:00 on Saturdays, and not at all on Sundays or Bank Holidays.

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

Contaminated Land Officer

No development approved by this planning permission shall commence until a remediation strategy to deal with any identified risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - I. all previous uses
 - II. potential contaminants associated with those uses
 - III. a conceptual model of the site indicating sources, pathways and receptors
 - IV. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

5. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be

reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 & 2 and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 3. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.

6. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of plans on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency Land Contamination Risk Management (LCRM) guidance.

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

Conservation

On the basis of the information provided through this application, the works as proposed to introduce the change of use, of a vacant chicken shed to a flexible commercial use (Class B). Would, on account of the location of the shed and nature of the works, continue to preserve the setting of The Old Farmhouse and The Homestead, resulting in no harm to the heritage value (significance) of these Grade II listed heritage asset. In this respect conservation do not wish to offer any further comment. Case Officer to assess on planning merit.

12.08.2024 SLG

EDDC Ecology:

The building is surrounded by suitable foraging and commuting habitat for bats and is adjacent to a hedgerow providing a connectivity corridor within the wider landscape. The wooden cladding on the exterior of the building has potential to provide gaps and crevices for roosting bats.

However, given the small scale of the development and only minor changes to the exterior in the form of additional ground floor glazing and access doors on the western elevation, an ecology report would not be necessary.

I would suggest a condition that during removal of exterior wooden cladding a precautionary working method is undertaken and that any external lighting be in accordance with bats and artificial lighting guidance (BCT & ILP, 2023) including any security lighting be motion activated on short timers and directed away from hedgerows and boundary vegetation.

Other Representations

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

- Highway safety from increased traffic, congestion and the type of vehicles
- Increased noise from traffic and commercial uses affecting amenity and wildlife
- Impact on rural character
- Loss of agricultural building
- Danger to pedestrians and cyclists
- Lack of need for commercial units
- Poor sustainability of the site
- Fall back position not proven
- No evidence has been provided that building cannot be re-used for agricultural purposes.

PLANNING HISTORY

Reference	Description	Decision	Date
08/1664/FUL	Erection of poultry house, feed silos and ancillary works	Approval with conditions	13.08.2008
12/0457/AGR	Agricultural building	Agr Notification approval	09.03.2012
20/0911/FUL	Portal framed agricultural building for the storage of straw, hay, feed, agricultural machinery	Approval with conditions	17.07.2020
21/1469/FUL	Erection of portal framed calf rearing agricultural building	Approval with conditions	16.07.2021

21/1719/PDR	Change of use from agricultural to flexible commercial use (class B8)	Prior approval Refused	06.09.2021
21/3140/FUL	Erection of agricultural building (retrospective)	Refusal	18.05.2022
22/0355/PDR	Change of use of the existing poultry rearing agricultural building to flexible commercial use being Class B8 - Storage or distribution.	Decision Quashed by High Court	02.08.2022
22/1678/PDR	Change of use of the existing poultry rearing agricultural building to flexible commercial use being Class B8 - Storage or distribution (subsequent application as decision issued under 22/0355/PDR was quashed by the High Court)	Prior approval granted	06.10.2022
22/1699/FUL	Proposed barn/portal frame structure for the housing of refrigeration unit for the storage of hung fowl	Approval with conditions	25.11.2022
22/2796/PDQ	Conversion of agricultural barn to residential (permitted development rights Q class)	Prior approval granted	14.02.2023
<u>23/2186/FUL</u>	Proposed new Agricultural Building (cattle shed)	<u>Approval with conditions</u>	<u>26.01.2024</u>
23/2743/FUL	Retrospective new agricultural building for storage and workshop	Approval with conditions	12.02.2024

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies Strategy 7 (Development in the Countryside)

E5 (Small Scale Economic Development in Rural Areas)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

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

EN5 (Wildlife Habitats and Features)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Site Location and Description:

The application relates to a former poultry unit on Rosamondford Farm which is a large mixed farm complex located within a small settlement known as Perkins Village. The building in question is single storey with timber clad walls under a corrugated metal roof. It is located to the north east of the farmstead.

The site consists of a number of modern agricultural buildings, one of which has recently been converted to industrial uses under Class R of the General Permitted Development Order.

The site is accessed via a recently constructed access drive which exits onto the Road past Clarendon Farm, an unclassified public highway. The site is surrounded on two sides by existing hard surfacing, agricultural buildings and land.

The site is located within the open countryside and is not the subject of any national or local landscape designations and falls within an area designated as flood zone 1 (low probability of flooding).

Proposed Development:

Planning permission is sought for a change of use of the former poultry unit from agricultural to a storage use (Class B8).

The building would be sub-divided internally to provide, six individual commercial units with an internal floor area of 137 sqm. In total, the conversion would provide a total of 819 sqm of commercial floor space. The proposed units would be used for storage purposes only.

External alterations to the building would consist of the addition of new doors and windows to each of the units.

Vehicular access to the commercial units would be taken from the existing access drive which exits onto an unclassified road.

Issues and Assessment:

The main issues to consider in determining this application are in terms of the following:

- The Policy Context
- The principle of development
- Fallback position
- The impact on the character and appearance of the area
- The impact on highway safety
- The impacts on residential amenity
- Contaminated Land
- The impacts on ecology & BNG
- The impacts on heritage

ANALYSIS

Policy Context:

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The sites does not fall within an area with a made Neighbourhood Plan. For the avoidance of doubt, the site does not fall within the made Farringdon Plan area.

Principle of Development:

NPPF

Paragraph 88 of the NPPF states that planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses.

Paragraph 89 of the NPPF states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

Local Plan:

The site lies in the open countryside where all development must be strictly controlled so that it does not detrimentally impact upon the character and appearance of its surroundings, however, that does not represent a bar on all development, as Strategy 7 of the EDDC Local Plan does allow some development but only where it would be in accordance with a specific policy contained in the plan.

In this instance the conversion of the buildings to alternative uses would fall to be considered under Policy E5 of the Plan which states the following:

In villages and rural areas small scale economic development (not including retail use classes/other uses in Classes A1 - A4) and expansion of existing businesses designed to provide jobs for local people will be permitted where:

- 1. It involves the conversion of existing buildings. Or*
- 2. If new buildings are involved, it is on previously developed land. Or*
- 3. If on a Greenfield site, shall be well related in scale and form and in sustainability terms to the village and surrounding areas.*

Provided that the following criteria are met: a safe highway access, the local highway network is capable of accommodating the forecast increase in traffic established by a Traffic Assessment, no detrimental impact upon the amenities of neighbouring properties, wildlife, landscape or historic interests.

In addition policy support for the proposal is offered by policy D8- Re-use of Rural Buildings Outside of Settlements of the Local Plan which states:

The re-use or conversion of buildings in the countryside outside of Built-up Area Boundaries will be permitted where:

- 1. The new use is sympathetic to, and will enhance the rural setting and character of the building and surrounding area and is in a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality.*
- 2. The building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting;*

- 3. The form, bulk and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials;*
- 4. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures;*
- 5. The proposal will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function*

These matters will be discussed under the relevant material planning considerations within the remainder of this report.

The conversion of the existing farm building to alternative uses is considered to be acceptable in principle, supported by both the NPPF and Local Plan policies providing it meets the criteria within the policy and accords with other policies contained in the development plan.

Fallback Position:

It is pertinent to note that Class R of the General Permitted Development Order does allow for the change of use of agricultural buildings to flexible uses which include Class B8 (Storage and Distribution) for a floor space of up to 1000 sqm within the planning unit.

It is acknowledged that the applicants have already had a Prior Approval granted under 22/1678/PDR for 487 sqm of commercial floor space, it is important to note that the applicants do have a further 513 sqm of floorspace within Class R which could be utilised for further changes of use on the agricultural unit. It is also accepted that for proposals in excess of 150 sqm, the LPA would still have to provide a determination as to whether Prior Approval would be required for the transport and highways impacts of the development, but the fact that the applicants could apply to use a further 513 sqm of floor space on the unit is considered to be a fall-back position that should be afforded some weight as a material planning consideration.

Character and Appearance:

Policy D1- Design and Local Distinctiveness of the Local Plan requires proposals to respect the key characteristics and special qualities of the area and that the scale, massing, density, height, fenestration and materials of buildings to relate well to their context.

Policy D8- Re-use of Rural Buildings Outside of Settlements requires new uses to be sympathetic to and will enhance the rural setting and character of the building and surrounding area and that the form, bulk and general design and its proposed conversion are in keeping with its surroundings, local building styles and materials.

The existing building would be converted into 6 small units using the existing footprint and form with only minor alterations to the building which include the addition of new doors to allow access into the units. Whilst introducing commercial uses to the building would alter its appearance from agricultural, the site itself is set

well back from the public highway and is well screened from public vantage points outside of the site such that the proposed use and external alterations will result in very little impact to the rural character and appearance of the area and its surroundings.

There are existing views of the building and site from the public footpath (Aylesbeare Footpath 2) which runs through the farm to the south west. There would be an increase in the level of activity in and around the building associated with the proposed storage uses, but given the scale of the operations and the limited external alterations proposed, it isn't considered that the proposal would give rise to any significant visual harm from a limited section of the public footpath.

The proposal is therefore considered to be acceptable and would comply with the provisions of policies D1 and D8 of the Local Plan.

Highway Safety:

Considerable local concern has been raised in respect of increase traffic movements to and from the site from the proposed commercial uses and the impacts this would have on the local highway network and highway safety. Both the applicants and the objectors have commissioned Transport Statements which reach different conclusions in respect of the likely impacts on the local road network from increased traffic generation from the proposed uses for the building.

Policy D8 requires that *the proposed use would not harm the countryside by way of traffic, parking, storage.*

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

Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The NPPF does not provide a precise definition of what constitutes a "severe" highway impact. However, case law and planning appeals have helped to interpret this term in practice.

One notable case is **High Court judgment in the case of Mayowa-Emmanuel v. Royal Borough of Greenwich** (2015), where it was determined that "severe" should be understood in the context of the overall impact on the road network, considering factors such as safety, congestion, and the capacity of the network to absorb additional traffic.

Another relevant case is **Barwood Strategic Land II LLP v. East Staffordshire Borough Council** (2017), which emphasized that the assessment of severity should be based on evidence and professional judgment, taking into account the specific circumstances of each case.

These cases illustrate that the interpretation of "severe" is context-dependent and requires an analysis of the potential impacts on the highway network.

The site benefits from a recently approved new vehicular access and access track (ref 23/0430/FUL) onto the unclassified road past Clarendon Farm, a typical rural lane with limited opportunities for passing traffic. The road is approximately 560 metres from the access into Rosamondford Farm where it then leads onto the B class road which travels south to join the A3052 and north towards Exeter Airport.

The report commissioned by the objector predicts traffic from the proposal to lead to an increase of 110 vehicle trip movements each day and that the lane through Perkins Village is already at capacity and is unsuitable for the type and quantity of traffic the proposed use would generate. The report highlights the very few passing places and contends that they would be unsuitable for the type and quantity of traffic generated.

The report commissioned by the applicants concludes that the likely amount of traffic generated by the proposal can be comfortably accommodated on the local highway network without harming road safety, given the low volume of traffic on the approach road which has been evidenced by the lack of any personal injury collisions.

The traffic analysis contained within the report concludes that the volume of traffic generated by the scheme would be very low and not severe and that there is no reason to refuse this application on transport grounds.

The views of the above, comments from the County Highway Authority (CHA) have been sought who have considered both transport statements and concluded that:

Having been re-consulted from East Devon District Council upon this application with the presentation of both the applicants Transport Statement and Callidus Transport and Engineering Transport Statement, the cumulative trip generation numbers from both this proposed change of use and the recent committed and/or approved developments/Change of uses within this vicinity create a predicted 209 daily two way trips, this figure over a 12 hour period still only produces 3 two-way trips within any 10 minute period. I therefore believe this will not create an unacceptable trip generation impact, particularly as this does not account for the currently existing fully permitted agriculture trip generation that both this application site and the recent permitted neighbouring sites could have re-enacted at anytime.

A further Transport statement provided by the applicants which provides an assessment of the cumulative impacts of traffic having regard for PDR and PDQ approvals has also been considered by the CHA who have advised that using the table from this document, it can be seen that from all the recent completed or approved applications on this site, a peak cumulative trip generation of 12 in the am peak hour and 13 in the pm peak hour is produced. I am therefore satisfied that the cumulative effect from this development will not create a trip generation problem.

In the absence of an objection from the County Highway Authority it isn't considered that an objection could reasonably be sustained on highway safety grounds. Furthermore, it is important to pay regard to the fact of the limited size and scale of the proposed units which are intended to be used as storage for start up businesses such as builders or electricians. The nature of the uses and the size of the storage units is likely to influence the type of vehicle and nature of vehicle movements to and from the site. The largest of vehicles is most likely to be a transit van and the proposal is unlikely to attract HGV movements which would be likely to have a greater impact on the local highway network given the limited width of the roads. The applicant has agreed to a condition which restricts the use of the units to storage only and not for distribution which would also reduce the number of vehicular movements onto the classified road (A similar approach was adopted with a recent PDR approval granted for industrial uses of adjacent buildings).

A further condition is also recommended which prevents the amalgamation of any of the units into larger storage units (which otherwise wouldn't require planning permission) which is a further safeguard that can be in place to control the nature and type of traffic movements given the limited size of the storage units.

Having regard for the above, whilst local concerns regarding the impact of increased vehicular movements and the type of vehicles are noted, in the absence of any highway safety objections from the CHA coupled with conditions which prevent the amalgamation of units and which restrict the use to storage only, it isn't considered that the residual cumulative impact of the scheme on the local highway network would be 'severe', which is the test set out in the NPPF (paragraph 116) and it is considered that the proposal would be acceptable in accordance with the provisions of policy TC7 and the highway safety requirements set out in policies D8 and E5 of the Local Plan.

Residential Amenity:

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

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

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

6. Pollution of sites of wildlife value, especially European designated sites or species.
7. Odour

The site is located approximately 135 metres from the nearest residential dwelling to the west between which there is a hedgerow boundary and intervening buildings.

Whilst use of the building and site for storage would intensify the commercial use of the site, given the nature of the uses coupled with the separation from nearest residential dwellings, it isn't considered that there would be any significant harm to residential amenity in respect of noise and disturbance, light and traffic movements to and from the site.

The Council's Environmental Health Officer has considered the application and raised no objections subject to a condition that controls hours of deliveries between 07:00 until 19:00 Monday to Friday or 07:00 until 17:00 on Saturdays, and not at all on Sundays or Bank Holidays to protect the amenities of local residents from noise.

Contaminated Land:

Policy EN16 – Contaminated Land of the Local Plan states where it is anticipated that contamination may be present on or near to a development site, a contaminated land assessment will be required. Whilst no assessment has been provided with this application, the Council's Contaminated Land officer has raised no objections to the subject to a condition that requires the submission of remediation strategy to deal with any identified risks associated with contamination of the site. This is to ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN16 of the Local Plan.

Ecological Impact:

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

The application is not accompanied by a protected species survey and it is acknowledged that the building is surrounded by suitable foraging and commuting habitat for bats and is adjacent to a hedgerow providing a connectivity corridor within the wider landscape. The wooden cladding on the exterior of the building has potential to provide gaps and crevices for roosting bats.

Advice has been sought from the Council's ecologist on this matter who has advised that given the small scale of the development and only minor changes to the exterior

in the form of additional ground floor glazing and access doors on the western elevation, an ecology report would not be necessary.

It is considered necessary and reasonable to impose a condition that to the effect that during removal of exterior wooden cladding a precautionary working method is undertaken and that any external lighting is installed in accordance with bats and artificial lighting guidance (BCT & ILP, 2023) including any security lighting be motion activated on short timers and directed away from hedgerows and boundary vegetation.

Having regard for the advice of the Council's ecologist, it isn't considered that this proposal would give rise to any harm to protected species.

Biodiversity Net Gain:

This proposal is for development that is below a de minimis threshold insofar as it does impact a priority habitat and impacts less than 25 sqm of non-priority on site habitat or 5m for non-priority onsite linear habitats (such as native hedgerows). This exemption is designed to ensure that BNG does not apply to either very small scale development or development which does not impact habitat, through loss or degradation within the red line boundary.

Heritage Impact:

Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy EN9- Development Affecting a Designated Heritage Asset of the Local Plan states

Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm will be weighed against the public benefits of the proposal, including securing its optimum viable use. Favourable consideration will be given for new development within the setting of heritage assets that enhance or better reveal the significance of the asset, subject to compliance with other development plan policies and material considerations

The building and site is located to the south east of The Old Farmhouse and The Homestead, both of which are grade II listed properties. Given the distance between the site and the heritage assets, intervening vegetation and buildings and the modest scale and nature of the proposal, it isn't considered that the proposal would result in any harm to the setting or significance of the buildings.

The Council's Conservation Officer has raised no objections and have advised that on account of the location of the shed, the nature of the works would continue to preserve the setting of The Old Farmhouse and The Homestead, resulting in no

harm to the heritage value (significance) of these Grade II listed heritage assets. In this respect conservation do not wish to offer any further comment.

The proposal would comply with the provisions of policy EN9- Development Affecting a Designated Heritage Asset and policy guidance contained within paragraph 215 of the NPPF.

Other Issues:

Criterion 5 of policy D8 requires that proposals do not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function.

It is understood that the existing Turkey business is at full capacity and that the farm is expanding into cattle. The applicants have suggested that the former poultry unit is not suitable for further agricultural activity due to its contamination with Blackhead Disease 'Histomonas Meleagridis' which can spread rapidly and be harmful to livestock. The LPA have no evidence to dispute this and therefore it isn't considered that this proposal would undermine the viability of the existing agricultural enterprise as it isn't currently in agricultural use. It is noted that there have been a number of recent planning permissions for new agricultural buildings on the farm. A planning application would be required and assessed on its own merits for a future poultry unit and would have to be robustly justified and evidenced.

In respect of foul drainage, it isn't currently known what the arrangements are and what additional demand would be created from use of the building as storage units. A condition is therefore recommended requiring the submission of a foul drainage scheme before it is installed to meet the provisions of policy EN19- Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems of the Local Plan.

Conclusion:

The principle of the proposed development is considered to be acceptable in terms of Policies D8- Re-Use of Rural Buildings Outside of Settlements and E5- Small Scale Economic Development in Rural Areas of the East Devon Local Plan.

The proposal is considered to be a modest conversion scheme to a redundant agricultural building that would result in no significant harm to the character and appearance of the area, residential amenity, ecology or heritage.

Concerns regarding the impact of the proposed uses on the local road network and highway safety have been addressed within this report, however given the size of the units coupled with the nature of the uses proposed (storage), it isn't considered that the proposal would generate a significant increase in traffic movements to and from the site or a significant change in the type and nature of traffic movements to sustain an objection or where the highway impacts would be severe- a key test within the NPPF. In the absence of any objection from the County Highway Authority, it isn't considered that an objection could be sustained on highway grounds and conditions

restricting the use of the units to storage only coupled with preventing amalgamation of the units would help to further reduce any highway impact.

On balance, the proposal is considered to comply with the provisions of policies D8 and EN5 of the Local Plan and would meet the requirements of paragraph 88 of the NPPF by supporting a prosperous rural economy through the conversion and re-use of an existing building.

The proposal complies with the NPPF and Local Plan when taken as a whole and the application is therefore recommended for approval with 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. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 1. A preliminary risk assessment which has identified:
 - I. all previous uses
 - II. potential contaminants associated with those uses
 - III. a conceptual model of the site indicating sources, pathways and receptors
 - IV. potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

5. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 & 2 and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 3. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.

6. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of plans on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency Land Contamination Risk Management (LCRM).

(Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN16- Contaminated Land of the East Devon Local Plan 2013-2031).

4. No part of the development hereby approved shall be brought into its intended use until the access and parking facilities, have been provided as indicated on drawing number 8836-03 C received on 25th October 2024 and shall thereafter be retained and maintained as such in perpetuity.

(Reason: To ensure that appropriate facilities are available for traffic attracted to the site for the commercial use of the building hereby approved in accordance with Policies TC2 (Accessibility of New Development); TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013-2031

5. The premises shall be occupied for storage purposes only, and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
(Reason - To protect adjoining occupiers from noise, disturbance and excessive traffic movements in the interests of highway safety in accordance with the requirements of Policy TC7- Adequacy of Road Network and Site Access of the Adopted East Devon Local Plan 2013-2031)
6. The use of the building shall be as indicated on the approved floorplan reference 8836-04 A received on 25th October 2024, for 6 no. B8 (Storage and Distribution) work units, and at no time shall any of the units be amalgamated with other units in the building to create larger units unless varied by a further grant of planning permission.
(Reason: To ensure that the units remain of a size that is justified by the permission and in accordance with the transport statement submitted with the application which indicates use by smaller commercial vehicles on the rural road network in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031).
7. No deliveries shall be accepted or despatched to or from the site except between the hours of 07:00 until 19:00 Monday to Friday, or 07:00 until 17:00 on Saturdays, and not at all on Sundays or Bank Holidays.
(Reason: To protect the amenities of local residents from noise in accordance with policy D1- Design and Local Distinctiveness and EN14- Control of Pollution of the East Devon Local Plan 2013-2031).
8. No external lighting shall be installed until details of the lighting have been submitted to and approved in writing by the Local Planning Authority. This shall include details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation. External lighting shall be designed to minimize light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK. Thereafter, any lighting shall be carried out and maintained in accordance with the approved details.
(Reason: To control light pollution from the site in the interests of the character and appearance of the area and biodiversity in accordance with Policies D1 - Design and Local Distinctiveness, EN5- Wildlife Habitats and Features and EN14 - Control of Pollution of the East Devon Local Plan 2013-2031).
9. A precautionary working method shall be undertaken during the removal of any exterior wooden cladding to include a visual inspection for the presence of roosting bats prior to the removal of cladding by hand. If any bats are found, work is to stop immediately, and a licenced bat ecologist contacted.
(Reason: In the interests of biodiversity and ecology in accordance with policy EN5- Wildlife Habitats and Features of the East Devon Local Plan 2013-2031).

10. No part of the parking area shown on drawing number 8836-03 C received on 25th October 2024 shall be constructed until details of hard surfacing to include colour and finish have been submitted to and approved in writing by the Local Planning Authority. The surfacing materials shall be porous. The development shall thereafter be carried out in accordance with the approved details.
(Reason: In the interests of the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and EN22 (Surface Water Run Off) of the East Devon Local Plan 2013-2031).
11. 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) Schedule 2, Part 7, Class A, no rooflights shall be installed on the N.W. elevation of the building without the written consent of the Local Planning Authority.
(Reason: To prevent light spill in the interests of the character and appearance of the area and biodiversity in accordance with policies D1- Design and Local Distinctiveness and EN5- Wildlife Habitats and Features of the East Devon Local Plan 2013-2031).
12. Prior to the installation of any toilets, sinks or other equipment which will create foul effluent, a foul drainage scheme shall be submitted to and approved in writing. The foul drainage shall be installed and maintained in perpetuity in accordance with the approved details prior to the equipment being brought into use.
(Reason: To ensure a suitable foul sewage treatment system of adequate capacity and design is available or will be provided in time to serve the development in accordance with policy EN19 - Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems of the East Devon Local Plan 2013-2031).

NOTE FOR APPLICANT

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

Plans relating to this application:

8836-LPA Rev A	Location Plan	09.09.24
8836-04 A	Proposed Combined Plans	25.10.24
8836-03 C	Proposed Site Plan	25.10.24

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.

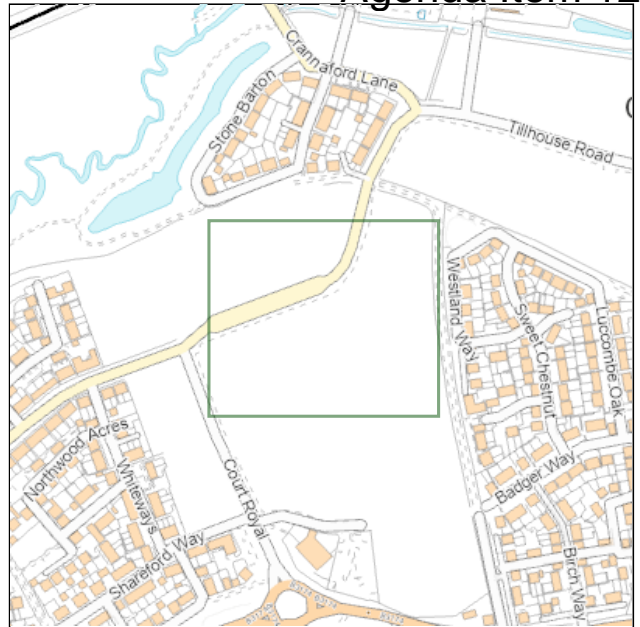
Ward Cranbrook

Reference 24/2250/FUL

Applicant Taylor Wimpey UK Ltd

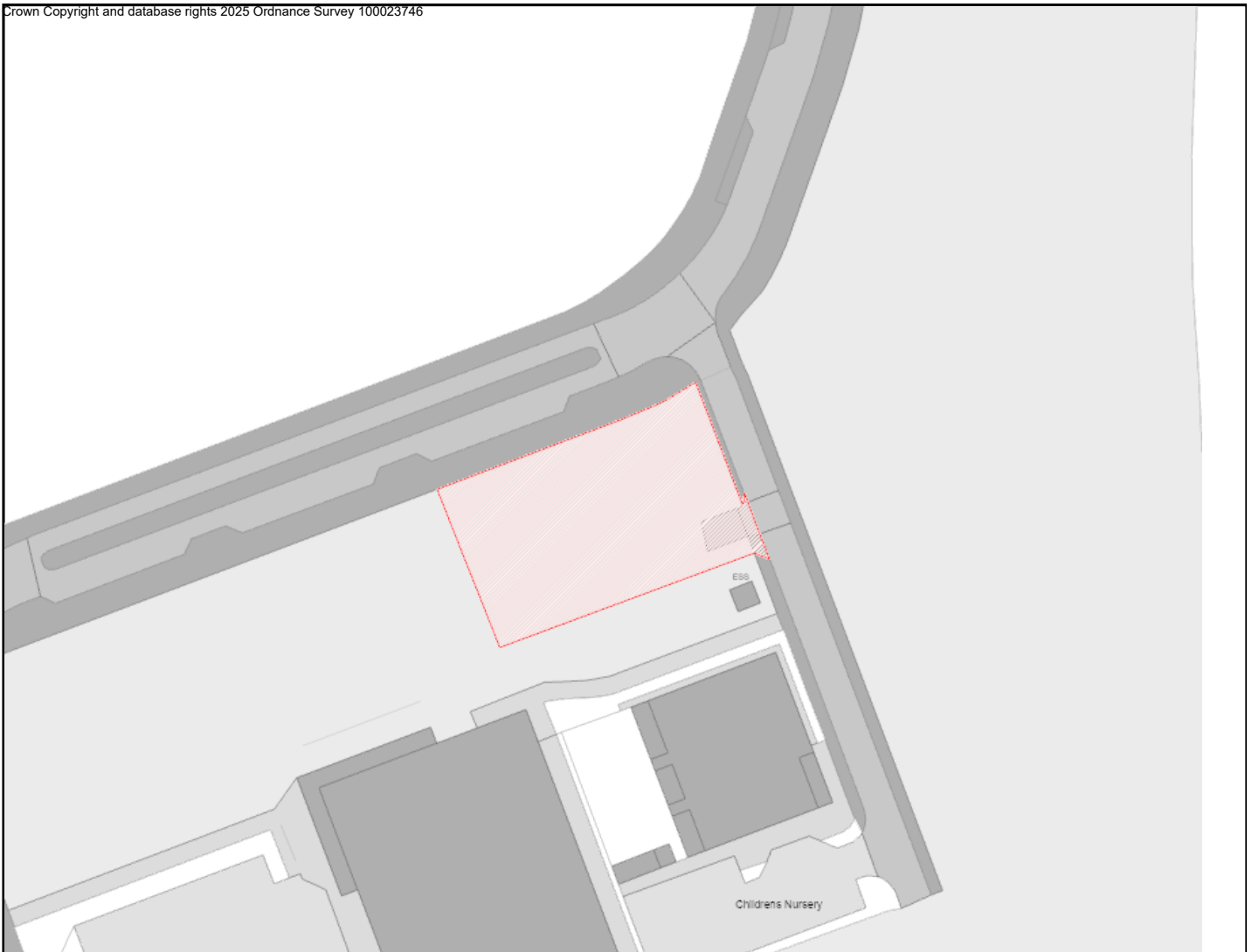
Location Land To The South Of Tillhouse Road
Cranbrook

Proposal Erection of a temporary sales centre with
associated car parking (retrospective)



RECOMMENDATION: Approval with conditions

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		Committee Date: 28.01.2025
Cranbrook (Cranbrook)	24/2250/FUL	Target Date: 31.12.2024
Applicant:	Taylor Wimpey UK Ltd	
Location:	Land To The South Of Tillhouse Road	
Proposal:	Erection of a temporary sales centre with associated car parking (retrospective)	

RECOMMENDATION: Approval subject to conditions.

EXECUTIVE SUMMARY

This application is before members as the recommendation to approve is contrary to the views of the Town Council and Ward Members.

The application site is located to the south of Tillhouse Road within the Town Centre of Cranbrook. The site previously comprised of a broadly rectangular parcel of vacant green space however at present the site is home to the unauthorised sales centre, car parking and landscaping which is the subject of this application.

The application seeks retrospective planning permission for the erection of a temporary sales centre with adjoining toilet and utility block, Temporary Builders Supply (TBS) enclosure for electricity and associated car parking and landscaping. The proposal would be accessed via the existing access and car parking area from Elm Drive that serves the adjacent residential uses above the town centre commercial units. The application originally proposed that the consent would be for a period of 2 years however this was recently amended to request permission until 22 August 2025.

The application site has an existing permission for the construction of the southern side of the high street comprising a mix of retail units and residential dwellings under reserved matters approval 21/2020/MRES. The site is located on Phase 2 of the development and this phase of development was also controlled by Condition 3 of 21/2020/MRES which required further details of boundary treatments and soft landscaping and stated that the measures approved shall only be removed to facilitate the undertaking of the Phase 2 development or unless otherwise agreed in writing by the Local Planning Authority. These measures were removed to facilitate the sales centre.

Policy CB21 of the Cranbrook Plan (2022) recognises that the town centre will take time to develop and proposals for meanwhile uses will be encouraged, however Policy CB21 is clear that any meanwhile uses would need to be laid out so that they do not prejudice the future delivery of permanent development. The development subject of

this application prevents the completion of the Phase 2 permanent development.

The application is retrospective, and the development has been completed. The sales centre and its associated development are the subject of an enforcement notice which the applicants have appealed, and it should be noted that the appeal has not been submitted under Ground A (that planning permission should be granted). At the time of writing, an informal hearing is due to be heard on 25 February 2025. The appealing of an enforcement notice places the notice in abeyance pending the outcome of the appeal. As a result, if the appeal is dismissed and the enforcement notice upheld, then the period for compliance will only begin once the appeal decision is issued. The enforcement notice gave 3 months for compliance. An outcome of the appeal is unlikely to be received before the end of March 2025, meaning that the shortest period that the sales centre will be on-site is around the end of June 2025 but could be longer if changed by the Inspector. It is a result of these material considerations that consideration is given to whether the issuing of a temporary planning permission for a few months longer than the minimum period that the sales centre is likely to be in-situ would significantly prejudice the delivery of Phase 2 of the High Street.

The design of the proposed development is typical of a temporary building and is not something that would be acceptable in this location other than as a short term, temporary building. It would comply with policies in relation to impact on neighbours, access and transport. The proposal would be a meanwhile use which is in principle supported by Policy CB21 however the site has an existing permission for a permanent building and therefore the proposal would actually conflict with Policy CB21. However, as the sales centre would only be required until 22 August 2025 and given the ongoing enforcement appeal and timescales which is a material consideration, it is considered that allowing the sales centre to remain on site until 22 August 2025 is unlikely to significantly prejudice the delivery of Phase 2.

Due to the conflict with Policy CB21 the proposal is not fully in accordance with the development plan but there are material considerations that indicate that a temporary planning permission ought to be approved in this instance.

The application is therefore on balance recommended for approval subject to conditions.

CONSULTATIONS

Local Consultations

Clerk To Cranbrook Town Council – 12 December 2024

The Town Council maintains its objection and makes the following comment. Given the concern that there is every likelihood that occupation of the site will not cease as promised because of the many town centre dwellings that are yet to come forward in three town centre parcels, and the fact that despite the amended timescale the remaining reasons for objection have not been addressed, it is recommended that the Committee maintain its objection in this case and that the Local Planning Authority continue to pursue the enforcement and removal of the unauthorised sales cabin and associated infrastructure.

Clerk To Cranbrook Town Council – 18 November 2024

The Town Council raises objections on the following grounds:

The erection of the sales cabin in this part of the town centre is contrary to policy CB21.

The cabin is business class C3 and does not fall within the desired temporary business class uses;

The location prevents development of the second phase of retail premises and is likely to do so for some time. It does not contribute to the future vitality and viability of the town centre and does prejudice the future delivery of permanent development;

The structures used to accommodate the sales cabin together with its setting, is not of a high quality finish and does not therefore achieve a successful attractive and welcoming environment for the emergent town centre.

The suggestion that the existence of the cabin will encourage people into the area (and increase use of the neighbouring businesses) is not supported;

The sales cabin does not encourage commercial, social and cultural activities and does not contribute to the development of the town centre area;

There is potential for impacts on highway safety and obstruction by the limited parking available on site;

There is ample space for a temporary sales cabin on one of the other sites owned by the developer and it is a rather selfish act that the developer has elected to occupy other land to keep their three housing parcels free for development;

It is understood that other town centre land was available to the developer which would not have had any impact on town centre progress;

The Town Council is very disappointed that the developer has elected to act as it has in this case and cannot support the retrospective application.

Cranbrook - Cllr Sam Hawkins – 18 November 2024

I would like to object to this application based on the following:

The erection of the sales cabin in this part of the town centre is contrary to policy CB21.

The cabin is business class C3 and does not fall within the desired temporary business class uses;

The location prevents development of the second phase of retail premises and is likely to do so for some time. It does not contribute to the future vitality and viability of the town centre and does prejudice the future delivery of permanent development; The structures used to accommodate the sales cabin together with its setting, is not of a high quality finish and does not therefore achieve a successful attractive and welcoming environment for the emergent town centre.

The suggestion that the existence of the cabin will encourage people into the area (and increase use of the neighbouring businesses) is not supported; The sales cabin does not encourage commercial, social and cultural activities and does not contribute to the development of the town centre area; There is potential for impacts on highway safety and obstruction by the limited parking available on site; There is ample space for a temporary sales cabin on one of the other sites owned by the developer and it is a rather selfish act that the developer has elected to occupy other land to keep their three housing parcels free for development; It is understood that other town centre land was available to the developer which would not have had any impact on town centre progress; It is very disappointed that the developer has elected to act as it has in this manner. It appears they have taken a strategic approach of being easier to ask for forgiveness rather than permission.

Cranbrook - Cllr Kevin Blakey – 12 December 2024

As a ward member for Cranbrook I wish to register my objection to this retrospective application for the reason that this unit was constructed without planning consent and in repudiation of advice given to the applicant by EDDC officers that such use would likely obstruct the development of commercial and residential properties on the site. I consider that the applicant has acted in bad faith in this matter and by doing so any expectation of leniency is forfeit.

Technical Consultations

Environmental Health – 25 November 2024

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

South West Water – 13 November 2024

South West Water has no comment.

Exeter & Devon Airport - Airfield Operations + Safeguarding – 13 November 2024

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

Accordingly, Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application.

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

POLICIES

Cranbrook Plan DPD 2022

CB21 (Cranbrook Town Centre)

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

EN14 (Control of Pollution)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC12 (Aerodrome Safeguarded Areas and Public Safety Zones)

Government Planning Documents

OFFICER REPORT

SITE LOCATION

The application site is located to the south of Tillhouse Road within the Town Centre of Cranbrook, East Devon. The site previously comprised of a rectangular parcel of vacant green space with landscaped bund around the perimeter and the site will be home to the future Phase 2 of the High Street. At present the site is home to the unauthorised sales centre, car parking and landscaping which is the subject of this retrospective application.

The application site is not located within a Conservation Area and is not located in close proximity of any Listed Buildings.

The application site is within the built-up area boundary of Cranbrook and within the town centre as identified on the Cranbrook Plan DPD Policies Map (2022).

PLANNING HISTORY

The site has the following relevant planning history:

- 03/P1900 | A new community comprising up to 2,900 residential dwellings; a town centre and a local centre including retail, residential and employment; assembly and leisure uses; non-residential institutions (including two primary schools and one secondary school); sports and recreation facilities; a country park; a railway station; landscaping; engineering works; associated infrastructure; and car parking for all uses | APPROVAL (29 October 2010)
- 21/2020/MRES | Approval of the reserved matters of access, appearance, landscaping, layout and scale for the southern side of the High Street comprising 10 retail units (to comprise A1, A2, A3, A4, A5 uses, in accordance with the outline consent (now recognised as falling within Class E)) and 26 residential dwellings, with associated engineering works, infrastructure, car parking and landscaping. Discharge of conditions 6, 11, 14, 17, 22, 24, 28, 29, and 37 and partial discharge of condition 33 all of planning permission 03/P1900. (This is a subsequent application in respect of permission 03/P1900 which was accompanied by an environmental statement) (Description of Development Amended via NMA 07/06/2024) | APPROVED (12 May 2022)

The following enforcement application is also relevant to this site:

- 24/F0242 | Land To The South Of Tillhouse Road Cranbrook | ENFORCEMENT NOTICE ISSUED (29/10/2024) APPEAL PENDING

APPLICATION

The application seeks retrospective planning permission for the erection of a temporary sales centre with adjoining toilet and utility block, Temporary Builders Supply (TBS) enclosure and associated car parking and landscaping. The proposal would be accessed via the existing access and car parking area from Elm Drive serving Buckthorne House.

The sales centre is approximately 11.4m in depth, 6m in width and between 2.4m and 3.2m in height. The proposal includes 10 car parking spaces of which 1 is an EV charging point as well as shrub planting and landscaping.

The application originally proposed that the consent would be for a period of 2 years however this was amended to 22 August 2025.

NEIGHBOUR CONSULTATION

No comments received.

ASSESSMENT

A) THE PRINCIPLE OF DEVELOPMENT

The application site is within Cranbrook whereby the overarching and fundamental principle is the creation of a town which has positive health and wellbeing outcomes for all its residents.

Policy CB21 (Cranbrook Town Centre) of the adopted Cranbrook Plan DPD (2022) states that the policies map sets out the boundaries of the Cranbrook Town Centre where the heart of the economic, social, cultural and civic activities that support the wider town will take place. The application site is within these boundaries of the town centre.

Policy CB21 also sets out that to support the delivery of the town centre, proposals for meanwhile uses will be encouraged. A meanwhile use is defined in the Plan as the short-term use of land awaiting longer-term development. It allows for the future needs of the community to be accommodated as they emerge and can assist in planning for permanent facilities by testing needs and demands. Policy CB21 explains that such uses would need to demonstrate that they can contribute to the future vitality and viability of the town centre and be laid out so that they do not prejudice the future delivery of permanent development including the delivery of the market square. In addition, the buildings/structures used to accommodate such uses together with their setting, must be of a high-quality finish to ensure that a successful attractive and welcoming environment for the emergent town centre is achieved. Permissions granted under this option will be made temporary and their time period for retention restricted to help facilitate permanent town centre development.

The application site has an existing permission for the construction of the southern side of the high street comprising a mix of retail units and residential dwellings under reserved matters application 21/2020/MRES. When granting reserved matters approval for the southern side of the high street, the development was split into two phases. Phase 1 comprised the entirety of the western development Block A (5 retail/commercial units (now

4) with 12 homes above) and part of the eastern Block B (2 retail/commercial units with 5 homes above) and Phase 2 completes Block B with a further 4 retail/commercial units and 9 homes above. At present, Phase 1 of the development has been constructed with the residential units occupied and the retail/commercial units in the process of being fitted out and occupied. The site is located on Phase 2 of the development and this phase of development was controlled by Condition 3 of 21/2020/MRES which required details of boundary treatments and soft landscaping on the Phase 2 Land. The condition also states that the measures approved shall only be removed to facilitate the undertaking of the Phase 2 development or unless otherwise agreed in writing by the Local Planning Authority.

Whilst it is acknowledged that meanwhile uses are supported in principle, the sales centre being located on a site with an existing permission for a permanent development would conflict with the requirements of Policy CB21. The Phase 2 land represents the only land in the town centre with an extant detailed consent for non-residential uses. It is understood that all the retail/commercial units in Phase 1 have been let. At the time of writing at least two of these units are open and others are in the process of being fitted out. It is therefore clear that there is demand for non-residential floorspace in the town centre.

The Council issued an enforcement notice requiring the removal of the sales centre and associated parking and infrastructure and for the site to be restored to its former condition within 3 months of the notice taking effect (28 days after service). The applicants have appealed this enforcement notice, which at the time of writing is due to be heard at an appeal hearing on 25 February 2025. Whilst the decision date of this appeal is unknown, the earliest the decision is likely to be issued is the end of March 2025 and should the enforcement notice be upheld, the 3 months compliance period would re-start on the date of the decision. This would mean that the applicants if the appeal is upheld would have at least until around the end of June 2025 to remove the sales centre. Should the enforcement notice be quashed, the council would have to re-consider the available options which could be to re-issue an enforcement notice with a further compliance period. As part of the Applicant's Statement of Reasons submitted with the enforcement appeal it stated that the sales centre would not need to be in situ for any longer than 9 months to sell the remaining plots within Cranbrook. As the sales centre was erected in October 2024, this means that by the end of August 2025, there would be no need for the sales centre in this location.

Following discussions with the applicant, the temporary period sought has been changed from two years to 22 August 2025. This time scale gives the applicants sufficient time to sell their remaining houses in the town that already have a detailed consent (c. 22 homes). The presence of a sales centre in this location is likely to exist to the end of June 2025 regardless of the outcome of the appeal and extending this time period until 22 August 2025 is not considered to significantly prejudice the delivery of Phase 2 of the High Street and represents a pragmatic solution to the current situation. At present the exact timetable for the delivery of Phase 2 is not known but officers are aware that at least one offer to purchase the land has been made and therefore it would not be appropriate for the sales centre to remain on-site beyond the period sought.

It is recognised that the Town Council and Ward Members object to the application on the grounds of a conflict with Policy CB21 and concerns that the sales centre will remain beyond the period sought, however the application must be determined based on the submitted information, which only seeks permission until 22 August 2025. The applicants do indeed hope to receive planning permission for additional housing in the town centre, but

these applications are still pending consideration and do not merit retention of the sales centre beyond the date sought.

In summary, whilst this development would be considered a meanwhile use within the town centre, the proposal would result in conflict with Policy CB21 of the Cranbrook Plan and Condition 3 of 21/2020/MRES as it prevents the completion of an extant planning permission for permanent town centre development. The sales centre is likely to be on site until at least the end of June 2025 regardless of the enforcement appeal outcome and an extension of time beyond this would allow the applicant to sell the remaining dwellings in Cranbrook and would not significantly prejudice the delivery of Phase 2 of the High Street. Given these material considerations, officers recommend that subject to a condition requiring the removal of the sales centre on or before 22 August 2025, the principle of the development is acceptable on balance despite the conflict with Policy CB21.

B) DESIGN, SCALE AND LAYOUT

Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) (2024) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

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. 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) seeks to ensure that new development, including the refurbishment of existing buildings to include renewable energy, is of a high-quality design and locally distinctive design.

The application is retrospective and involves the erection of a temporary sales centre with adjoining toilet and utility block, TBS enclosure and associated car parking and landscaping. Some of the car parking installed overlaps with the location of car parking approved under 21/2020/MRES but other spaces are on the site of small garden areas approved under the reserved matters consent. The landscaping installed on the site includes grassed areas with a variety of shrubs and decorative planting.

The sales centre is approximately 11.4m in depth, 6m in width and between 2.4m and 3.2m in height. The sales centre has been finished in galvanised steel with a cedar cladded porch and aluminium windows. The sales centre also includes an overhanging fascia and on the wider site there are advertisement boards, banners and flagpoles but these latter items are not subject of this application as control of these is dealt with under separate Advertisement regulations.

The site is located on Tillhouse Road and is highly visible from the wider town centre. The overall scale of the sales centre is acceptable. As a single storey building it is significantly lower in height than the three storey buildings immediately to the west but the nature of the sales centre and the varying heights of other buildings in the locality mean that it is deemed appropriate for a temporary building in this location. The overall layout is deemed

acceptable although it is noted that the sales centre is single aspect and does not address spaces to the east and west of the unit. The landscaping installed helps softens the development. The overall layout of car parking raised no concerns notwithstanding this is a temporary use and arrangement.

Policy CB21 sets out that any meanwhile uses must be of a high-quality finish to ensure that a successful attractive and welcoming environment. The sales centre has a rectilinear form and is rather simple in appearance with very limited visual interest; it is a 'standard' temporary sales centre unit that is replicated across the country on housing developments, the difference here being that it is on land in a town centre that does not have housing development taking place adjacent to it. Other existing permanent development in the town centre is also simple in appearance but include features of added interest such as projecting elements and tiles on the High Street Buildings and the lime green features on the nursery to the south. The development is functional in its design and appearance, is of no discernible architecture merit, includes limited detailing and includes areas of close boarded fencing to the rear which fails to be high quality. The overall design is not particularly high quality and would fail to meet the requirements of Policy CB21 however as the permission is temporary, the harm as result of the development is limited and on balance the proposal would be acceptable as a temporary building. It is noted that the level of advertising on the site is excessive and some of the signage does require advertisement consent; at the time of writing no such application has been made.

Objections on design grounds have been received from the Town Council and ward member who do not feel that the building is of the high-quality standard expected in this prominent location. For the reasons given, officers are of the view that whilst the design is not that which would be sought for a permanent town centre development, permission for the short period of time requested means that any limited harm is temporary in nature and the application does not merit refusal on the basis of design.

The proposed design and scale are considered to be acceptable in this instance as the proposal would be a temporary building and on balance would comply with Policy CB21 and D1, Strategy 48 and the NPPF.

C) THE AMENITY OF NEIGHBOURING PROPERTIES

Section 12 (Achieving Well-Designed Places) of the NPPF (2024) 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 sales centre is located within the town centre and approximately 20m to the east of Buckthorne House, which has residents living above the ground floor uses; these residents have their parking located in the wider car parking area that is served off the access used by the sales centre. Given the separation distance and scale of the development, the proposal is not considered to result in harm to neighbouring properties in terms of overlooking, overbearing or overshadowing impacts. Furthermore, Phase 2 of the development has been approved for a three-storey building which is significantly larger than the sales centre.

The sales centre also includes a generator which could result in noise and disturbance. The application was reviewed by the District Council's Environmental Health Officer who does not anticipate any environmental health concerns. The Temporary Builders Supply (TBS) enclosure is for temporary electrical connections and whilst this may result in a low level of noise and disturbance, the unit is enclosed and is located a sufficient distance from properties. Existing levels of road noise from Tillhouse Road would also reduce the impact of the enclosure.

The proposed development is considered to comply with Policies D1 and EN14.

D) TRANSPORT AND ACCESS

Policy TC2 (Accessibility of New Development) of the adopted Local Plan (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 TC4 (Footpaths, Bridleways and Cycleways) of the adopted Local Plan (2016) states that development proposals will be required to include measures to provide, improve and extend facilities for pedestrians and cyclists commensurate with the scale of the proposal.

Policy TC7 (Adequacy of Road Network and Site Access) of the adopted Local Plan (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 TC12 (Aerodrome Safeguarded Areas and Public Safety Zones) of the adopted Core Strategy (2016) states that the outer boundary of the aerodrome safeguarded areas and the Public Safety Zones for Exeter International Airport are shown on the Proposals Map. Within these areas planning permission will not be granted for development that would prejudice the safe operation of protected aerodromes or give rise to public safety concerns.

The application site is located adjacent to bus stops on Tillhouse Road and would be within walking and cycling distance of existing and proposed properties and existing facilities. For

pedestrians the site is accessed from Tillhouse Road. Cycle parking is not provided as part of the development however there are public cycle stands within the town centre and given that this is temporary planning permission the conflict with Policy CB20 is minor. In any case, given the site's location is it well connected and accessible by several modes of transport in accordance with TC2.

The proposal is accessed via the existing junction onto Elm Drive as approved under 21/2020/MRES and includes an additional 10 car parking space to the north of the shared drive with one of the spaces including an EV charging point. The number of trips generated by the development is considered to be low and would be significantly lower than the permanent development approved on this site, which includes shops on the ground floor and residential uses above, with no dedicated parking available for shoppers or staff of the commercial/retail units. The proposal would have very limited impact on the road network or highway safety and is considered to be in accordance with TC4 and TC7. The objections of the Town Council on the grounds of limited car parking are noted but for the reasons given, officers do not consider there to be material harm.

Exeter Airport has examined the development from an Aerodrome Safeguarding aspect and the proposal does not appear to conflict with safeguarding criteria.

The proposed development is therefore considered to be acceptable in terms transport and would be in accordance with Policies TC2, TC4, TC7 and TC12.

CONCLUSION

In conclusion, the proposed development is considered to be an acceptable design for a short term, temporary building and would comply with policies in relation to neighbour amenity, access and transport. The proposal would be a meanwhile use which is supported in principle by Policy CB21 however the site has an existing permission for a permanent building, the first phase of which has been constructed. The proposal would therefore conflict with Policy CB21 as the sales centre prejudices the future delivery of permanent development.

The applicants have indicated that the sales centre would only be required for 9 months and given the ongoing enforcement appeal and timescales, it is considered that permitting a temporary approval for the sales centre to remain on site until 22 August 2025 is unlikely to significantly prejudice the Phase 2 delivery. This is a material consideration that indicates in support of approving the application contrary to policy.

The proposal is therefore considered to be acceptable and approval on a temporary basis is recommended.

RECOMMENDATION

Temporary Approval Subject to Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

2. The sales centre including any associated car parking and landscaping hereby permitted shall be removed from the site on or before the 22 August 2025. Within two calendar weeks of the removal of the sales centre, car parking and landscaping, the site shall be restored in accordance with the details approved under Condition 3 of 21/2020/MRES that detailed a bund and landscaping for the site.

(Reason - The permission is only justified for a limited period because the proposed temporary sales centre is to provide a facility for the Applicant to promote sales at Cranbrook for houses being constructed pursuant to outline planning permission 03/P1900. A more lengthy permission than that sought would prejudice the delivery of Phase 2 of the High Street approved under application 21/2020/MRES and therefore a condition is necessary to secure the removal of the development and restoration of the site within an appropriate time scale in accordance with Policy CB21 (Cranbrook Town Centre) of the Cranbrook Plan DPD and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan as well as the NPPF 2024 (National Planning Policy Framework).

NOTE FOR APPLICANT

Biodiversity Net Gain

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that development may not begin unless:

- (a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- (b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case as the application is retrospective, the biodiversity gain condition does not apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
 - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - (i) the application for planning permission was made before 2 April 2024;
 - (ii) planning permission is granted which has effect before 2 April 2024; or
 - (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

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:

0104 C	Location Plan	05.11.24
LGCHA062	Layout	05.11.24
GTC-E-TBS-0001_R1-0 1 OF 1	Proposed Combined Plans	04.11.24
0103-02 REV E : sales cabin	Layout	25.10.24

LGCHA062 WITH PWR WITH TOILET	Layout	25.10.24
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powered toilet (rev 1)	Other Plans	25.10.24
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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.