

Agenda for Planning Committee Tuesday, 25th March, 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



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(or group number 01395 517546)

Issued: Friday, 14 March 2025

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, 18 March 2025 up until 12 noon on Friday, 21 March 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 and revised running order for the applications

Speakers' list removed.

2 Minutes of the previous meeting

Minutes of the Planning Committee meeting held on 25 February 2025 to follow.

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 is one item that officers recommend should be dealt with in this way.

7 Planning appeal statistics (Pages 4 - 21)

Update from the Development Manager

Applications for Determination

8 24/2576/FUL (Minor) OTTERY ST MARY (Pages 22 - 44)

Former school, Yonder Street, Ottery St Mary.

9 23/2385/FUL (Minor) SIDMOUTH SIDFORD (Pages 45 - 82)

87 Sidford High Street, Sidford.

10 24/1849/FUL (Minor) SEATON (Pages 83 - 101)

30 & 32 Queen Street, Seaton, EX12 2RB.

The applications below will not be considered before 1.30pm

11 25/0100/FUL (Minor) WOODBURY & LYMPSTONE (Pages 102 - 126)

Land north east of Grange Close, Lympstone, EX8 5LD.

12 Local Government (Access to Information) Act 1985 - Exclusion of Press and Public

The Chair to move the following:

“That under Section 100(A)(4) of the Local Government Act 1972 the public (including the Press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B)”

PART B

13 22/1910/MFUL (Major) EXMOUTH (Pages 127 - 167)

Devoncourt Hotel, 16 Douglas Avenue, Exmouth

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
LIST OF PLANNING APPEALS LODGED**

Ref: 21/F0311 **Date Received** 11.02.2025

Appellant: Julia Gardiner
Appeal Site: 55 High Street Honiton EX14 1PW
Proposal: Appeal against an enforcement notice served in respect of the installation of a window.
Planning Inspectorate Ref: APP/U1105/C/25/3360742 & APP/U1105/F/25/3360464

Ref: 24/1938/FUL **Date Received** 20.02.2025

Appellant: Mr Ben Smith
Appeal Site: Halls Farm Metcombe Ottery St Mary Devon EX11 1SS
Proposal: Conversion of an agricultural building to two dwellings and associated landscaping, and the demolition of agricultural buildings
Planning Inspectorate Ref: APP/U1105/W/25/3361026

Ref: 23/F0261 **Date Received** 23.02.2025

Appellant: Mr & Mrs Pascale Burton
Appeal Site: Land Between Ridgeway Farm and Penscroft (South East of Penscroft) Wilmington
Proposal: Appeal against an enforcement notice served in respect of unauthorised works.
Planning Inspectorate Ref: APP/U1105/C/25/3361196

Ref: 23/1276/MOUT **Date Received** 26.02.2025

Appellant: Mr R Falle
Appeal Site: Land Adjacent To Hillcrest Awliscombe
Proposal: Outline planning application for construction of 20 no. dwellings, village hall and farm shop and provision of village green and car parking, seeking approval of access only (matters of appearance, landscaping, layout and scale reserved)
Planning Inspectorate Ref: APP/U1105/W/25/3361389

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

Ref: 24/0066/COU **Appeal Ref:** 24/00063/REF
Appellant: Angela Williams
Appeal Site: Oak View East Hill Ottery St Mary EX11 1QH
Proposal: Proposed change of use of agricultural land to garden
(extension of residential curtilage)
Decision: **Appeal Allowed** **Date:** 14.02.2025
(with conditions)
Procedure: Written representations
Remarks: Delegated refusal, countryside and landscape reasons
overruled (EDLP Policy D1, Strategies 7 & 46).

The Inspector considered that the appraisal of the proposal focused on whether it would cause unacceptable intrinsic or visual harm to the rural landscape.

The Inspector concluded that any views of the site from the wider landscape were limited and the proposal would not harm the character and appearance of the countryside and its landscape.

BVPI 204: **Yes**
Planning APP/U1105/W/24/3353191
Inspectorate Ref:

Ref: 24/2152/FUL **Appeal Ref:** 24/00079/HH
Appellant: Mrs Katie Spurway
Appeal Site: 24 Oakbeer Orchard Cranbrook Exeter EX5 7BL
Proposal: First floor extension to the rear of the property.
Decision: **Appeal Dismissed** **Date:** 19.02.2025
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policy D1,
Strategy 48, NP Policy CB8).
BVPI 204: **Yes**
Planning APP/U1105/D/24/3357516
Inspectorate Ref:

Ref:	23/2506/MFUL	Appeal Ref:	24/00054/REF
Appellant:	P Quincey		
Appeal Site:	Winslade Park Clyst St Mary		
Proposal:	Installation of solar array with associated infrastructure, access and landscaping		
Decision:	Appeal Allowed	Date:	21.02.2025
	(with conditions)		
Procedure:	Written representations		
Remarks:	Officer recommendation to approve, Committee refusal. Landscape, amenity and conservation reasons upheld (EDLP Policies D1, EN9, Strategies 7, 39, 48).		

The Inspector considered that the adverse impacts upon the character and appearance of the area would be very localised and limited to a period of twenty-five years. The development would not therefore have a lasting impact upon the qualities of the local environment.

The Inspector also considered that the area of parkland which comprises the appeal site is now mainly hidden in views from Winslade Park and the site makes little meaningful contribution to the significance of this designated heritage asset. The Inspector also noted that the appeal site makes a small contribution to the significance of the setting of the nearby Church of St Mary.

Having regard to public open space provision, the Inspector considered that even with the appeal scheme, plentiful accessible parkland would remain available so as to help meet the recreational/leisure needs of future residents of Winslade Park and those in the wider surroundings.

The Inspector concluded that the public benefits of the proposed development would outweigh the adverse impact upon the character and appearance of the area and the less than substantial harm to the significance / settings of the nearby designated heritage assets.

BVPI 204: **Yes**
Planning APP/U1105/W/24/3350852
Inspectorate Ref:

Ref:	24/1359/FUL	Appeal Ref:	24/00071/HH
Appellant:	Mr Manu Parpia		
Appeal Site:	1 Charles Court Lypstone Exmouth EX8 5EL		
Proposal:	Installation of solar panels to the front (West) elevation.		
Decision:	Appeal Dismissed	Date:	21.02.2025
Procedure:	Written representations		
Remarks:	Delegated refusal, conservation reasons upheld (EDLP Policy EN10, Strategy 39).		
BVPI 204:	Yes		
Planning	APP/U1105/D/24/3355857		
Inspectorate Ref:			

Ref:	23/0571/MFUL	Appeal Ref:	24/00021/REF
Appellant:	Mr Paull (McCarthy and Stone Retirement Lifestyles Ltd)		
Appeal Site:	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		
Decision:	Appeal Allowed	Date:	25.02.2025
	(with conditions)		
Procedure:	Hearing		
Remarks:	Officer recommendation to approve, Committee refusal. Amenity reasons overruled (EDLP Policy D1, Strategies 6, 26, NP Policies S6, S7).		

The Inspector considered that the strong variation in topography within the site and surrounding landscape, combined with the extensive mature vegetation create a high level of visual containment. As a consequence, the site is not particularly prominent in surrounding mid and longer distance views.

Having regard to the living conditions of the occupiers of nearby properties, the Inspector considered that due to the separation distances from those properties, the proposed building would not be overly oppressive to the extent that it would significantly harm the level of outlook for occupiers.

The Inspector concluded that the proposal would successfully assimilate with the built context and would not have a harmful effect on the living conditions of neighbouring occupiers. Accordingly, there was no conflict with Policy D1 and Strategies 6 & 26 of the EDLP, or Policies 6 & 7 of the SVNP.

BVPI 204:	Yes
Planning	APP/U1105/W/24/3341996
Inspectorate Ref:	

Ref: 24/0640/FUL **Appeal Ref:** 24/00068/REF
Appellant: Mr William Pratt
Appeal Site: Lily Farm Vineyard Dalditch Lane Budleigh Salterton EX9 7AH
Proposal: Construction of managers' accommodation and extension to Lily Farm Vineyard business premises
Decision: **Appeal Dismissed** **Date:** 25.02.2025
Procedure: Hearing
Remarks: Delegated refusal, justification, accessibility, landscape and flood risk reasons upheld (EDLP Policies D1, H4, TC2, EN21, Strategies 7, 46, NP Policy NE1).
BVPI 204: **Yes**
Planning APP/U1105/W/24/3354532
Inspectorate Ref:

Ref: 24/0164/FUL **Appeal Ref:** 24/00058/REF
Appellant: Simon Barry
Appeal Site: 15 Harepath Road Seaton EX12 2RP
Proposal: 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.
Decision: **Appeal Dismissed** **Date:** 05.03.2025
Procedure: Written representations
Remarks: Delegated refusal, conservation reasons upheld (EDLP Policies EN9, EN10).
BVPI 204: **Yes**
Planning APP/U1105/W/24/3351943
Inspectorate Ref:

Ref: 24/0165/LBC **Appeal Ref:** 24/00059/LBCREF
Appellant: Simon Barry
Appeal Site: 15 Harepath Road Seaton EX12 2RP
Proposal: 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.
Decision: **Appeal Dismissed** **Date:** 05.03.2025
Procedure: Written representations
Remarks: Delegated refusal, conservation reasons upheld (EDLP Policies EN9, EN10).
BVPI 204: **No**
Planning APP/U1105/Y/24/3351944
Inspectorate Ref:

Ref: 23/1890/FUL **Appeal Ref:** 24/00049/HH
Appellant: Mrs Alison Beresford
Appeal Site: Ratclyffe House Clyst Hydon Cullompton EX15 2NQ
Proposal: Reinstatement of main drive lights and gate pillar lights.
Decision: **Appeal Dismissed** **Date:** 06.03.2025
Procedure: Householder
Remarks: Delegated refusal, conservation reasons upheld (EDLP Policies D1, EN9).
BVPI 204: **Yes**
Planning APP/U1105/D/24/3349359
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: 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: 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: 23/2725/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: 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: 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: 24/0673/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: 24/0892/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: 24/0556/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: 24/0782/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

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: 24/0641/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: 24/0167/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: Pyms 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: Pyms 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

App.No: 23/0939/FUL
Appeal Ref: APP/U1105/W/24/3358074
Appellant: Sir and Mrs John and Lucy Kennaway
Address: Clapperentale Farm Escot Park Ottery St Mary Devon EX11 1LU
Proposal; Demolition of barn and construction of new dwelling.
Start Date: 14 January 2025
Procedure:
Written reps.
Questionnaire Due Date: 21 January 2025
Statement Due Date: 18 February 2025

App.No: 24/1028/FUL
Appeal Ref: APP/U1105/W/24/3358068
Appellant: Mr Stephen Drinkall
Address: 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)
Start Date: 14 January 2025
Procedure:
Written reps.
Questionnaire Due Date: 21 January 2025
Statement Due Date: 18 February 2025

App.No: 24/0385/VAR
Appeal Ref: APP/U1105/W/24/3357889
Appellant: Mr R Giles
Address: 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 a three-bedroom dwelling
Start Date: 21 January 2025
Procedure: Hearing
Questionnaire Due Date: 28 January 2025
Statement Due Date: 25 February 2025
Hearing Date: 15 April 2025

App.No: 24/0431/MOUT
Appeal Ref: APP/U1105/W/24/3357849
Appellant: Taylor Wimpey UK Ltd
Address: 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
Start Date: 21 January 2025
Procedure: Inquiry
Questionnaire Due Date: 28 January 2025
Statement Due Date: 25 February 2025
Inquiry Date: 1 May 2025

App.No: 24/0225/FUL
Appeal Ref: APP/U1105/W/25/3358310
Appellant: F W S Carter & Sons
Address: Greendale Farm Shop Farringdon Devon EX5 2JU
Proposal; Retrospective application for a mud ventures building
Start Date: 21 January 2025
Procedure: Written reps.
Questionnaire Due Date: 28 January 2025
Statement Due Date: 25 February 2025

App.No: 24/1116/OUT
Appeal Ref: APP/U1105/W/25/3359249
Appellant: Mr And Mrs S Steiner
Address: Sandy Way Kerswell Cullompton EX15 2EJ
Proposal; Outline application for a self-build dwelling with all matters reserved apart from access
Start Date: 4 February 2025
Procedure:
Written reps.
Questionnaire Due Date: 11 February 2025
Statement Due Date: 11 March 2025

App.No: 24/0721/FUL
Appeal Ref: APP/U1105/W/25/3359507
Appellant: Mr I White
Address: Land north east of Grange Close Lympstone EX8 5LD
Proposal; The erection of two detached dwellings with integral double garages, to include associated hard and soft landscaping.
Start Date: 6 February 2025
Procedure:
Written reps.
Questionnaire Due Date: 13 February 2025
Statement Due Date: 13 March 2025

App.No: 22/1910/MFUL
Appeal Ref: APP/U1105/W/24/3355976
Appellant: Mr Azim Lalani
Address: Devoncourt Hotel 16 Douglas Avenue Exmouth Devon EX8 2EX
Proposal; Demolition of the existing Devoncourt building and outbuildings, construction of 51 open market and 15 affordable residential apartments and new 65 bed hotel with access via Maer Road car park, associated car parking and landscaping works
Start Date: 11 February 2025
Procedure:
Hearing
Questionnaire Due Date: 18 February 2025
Statement Due Date: 18 March 2025
Hearing Date: 23 April 2025

App.No: 24/1836/PDQ
Appeal Ref: APP/U1105/W/25/3359850
Appellant: Mr Slade (R S Aylesbeare Ltd)
Address: Barton Farm Village Way Aylesbeare
Proposal; Prior approval (Class Q) for a change of use of a building as an agricultural unit to 2no. dwellinghouses (Use Class C3)
Start Date: 11 February 2025
Procedure:
Written reps.
Questionnaire Due Date: 18 February 2025
Statement Due Date: 18 March 2025

App.No: 24/0802/FUL
Appeal Ref: APP/U1105/D/25/3359940
Appellant: Mr & Mrs Jones
Address: Tadpoles Longmeadow Road Lymestone EX8 5LF
Proposal; Construction of new storage building in front of property, 400mm extension to boundary fence and retrospective permission for a small extension to rear garden terrace.
Start Date: 11 February 2025
Procedure:
Householder
Questionnaire Due Date: 18 February 2025

App.No: 23/2121/FUL
Appeal Ref: APP/U1105/W/25/3360422
Appellant: Carolyn Chapman
Address: Land adjacent Shute Farm Fluxton
Proposal; Proposed barn and polytunnels
Start Date: 24 February 2025
Procedure:
Written reps.
Questionnaire Due Date: 3 March 2025
Statement Due Date: 31 March 2025

App.No: 23/1269/MFUL
Appeal Ref: APP/U1105/W/24/3356636
Appellant: 3West Strawberry Hill Ltd
Address: Land South of Meeting Lane Lymptone
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
Start Date: 27 February 2025
Procedure: Hearing
Questionnaire Due Date: 6 March 2025
Statement Due Date: 3 April 2025
Hearing Date: 4 June 2025

App.No: 24/1938/FUL
Appeal Ref: APP/U1105/W/25/3361026
Appellant: Mr Ben Smith
Address: Halls Farm Metcombe Ottery St Mary Devon EX11 1SS
Proposal; Conversion of an agricultural building to two dwellings and associated landscaping, and the demolition of agricultural buildings
Start Date: 3 March 2025
Procedure: Written reps.
Questionnaire Due Date: 10 March 2025
Statement Due Date: 7 April 2025

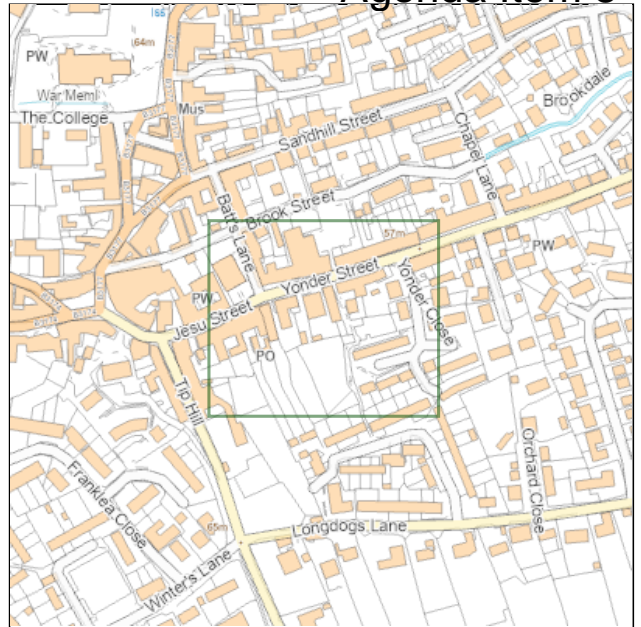
Ward Ottery St Mary

Reference 24/2576/FUL

Applicant Darren Mullin (Broadoak Services SW Ltd)

Location Former School Yonder Street Ottery St Mary

Proposal Conversion of Old Boys School to 3 apartments and retention of community facilities.



RECOMMENDATION: Approval with conditions



		Committee Date: 25.03.2025
Ottery St Mary (Ottery St Mary)	24/2576/FUL	Target Date: 05.03.2025
Applicant:	Darren Mullin (Broadoak Services SW Ltd)	
Location:	Former School Yonder Street	
Proposal:	Conversion of Old Boys School to 3 apartments and retention of community facilities.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is brought before the Planning Committee owing to the officer recommendation being in conflict with comments received from the Ward Councillor and the Parish Council.

The application site is the former Boys School, Yonder Street, a Victorian building within the centre of Ottery St Mary. The building sits within the conservation area and is noted with the Conservation Area Appraisal as a key building of architectural importance which makes a significant contribution to the townscape. The former school is currently in use as a food bank serving the town, and the building is listed within the Ottery St Mary and West Hill Neighbourhood Plan as a Community Facility of Value.

The proposal seeks to retain just over a third of the existing building in communal use, and seeks approval for the conversion of rest of the building into three apartments. In the absence of a 5 year housing land supply, the tilted balance in favour of sustainable development applies. In addition, the NPPF also states that where conflict arises between the presumption of sustainable development and the neighbourhood plan, the adverse impacts of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits where the Neighbourhood plan is over five years old. As such, the principle of development is deemed acceptable, subject to an assessment of the impacts of the proposal in respect of heritage and other considerations.

The scheme proposes a sensitive conversion of the building. It is considered that with conditions in place requiring further detail in respect of finishes, the proposed scheme would preserve the character and appearance of this distinctive building. The proposal would require the insertion of new intermediate floor levels within the building which could lead to overlooking of

adjacent properties from a number of windows, therefore a condition is proposed requiring obscure glazing in a few locations.

The proposed apartments would comply with the Nationally Described Minimum Space standards and would provide centrally located accommodation, with easy access to local facilities on foot. The proposal also includes recommendations in respect of ecology to ensure that there would be no adverse impacts to protected species as a result of the proposal.

The proposed scheme would continue to preserve the character and appearance of the Ottery St Mary conservation area and complies with policies contained within the East Devon Local Plan, the Ottery St Mary and West Hill Neighbourhood Plan, and the Draft East Devon Local Plan and is therefore recommended for approval, subject to conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council

Town Council Comments;

The Town Council do not support this application based on the following;
Residential use would result in significant harm to this Community Facility of Value - Policy NP17 of the Neighbourhood Plan
The building is of special architectural and historic interest and plays an important part of the Towns fabric

Ottery St Mary - Cllr Peter Faithfull

This application includes development in the roof space of the Old Boy's School. There is no indication of how the floor area is impacted by the slope of the roof. As the minimum space standards only includes floor space of 1.5m, can we please have these details included in appropriate plans.

Ottery St Mary – Cllr Bethany Collins 8/3/25

I do not support this application as conversion to residential usage would result in the loss of an asset of community value to Ottery. The building is currently used by The Order Larder who provide significant support to the community, and the space retained for community use will be a detriment to the community the building currently serves. I echo the comments of the Town Council who object to this application.

Technical Consultations

Environmental Health

Support – subject to condition.

Other Representations

Two third party representations have been received, in objection to the proposal.

A summary of grounds for objection are as follows:

- The building is listed as a Community Facility of Value in the Neighbourhood Plan. Its loss would be detrimental to the community and the small community space proposed for retention is inadequately sized and lacks essential facilities.
- The proposed dwellings would be too small with inadequate headroom.
- The proposal could lead to overlooking of surrounding properties as a result of the proposed side windows.
- The applicant has no right of access to the land alongside the building for the creation of new opening windows or for their future maintenance.
- There are no quality external recreational spaces for residents
- Concerns have been expressed about the condition of the retaining wall at the end of the school playground
- The building is occupied by bats, and there are concerns about their protection.

PLANNING HISTORY

Reference	Description	Decision	Date
75/C0745	Change Of Use To And Conversion Into Two Dwellings	Approval with conditions	29.09.1975
76/C1730	Use Class Xiii	Approval with conditions	06.04.1976
82/P1009	Use For Community Activities.	Approval with conditions	12.10.1982
88/P2245	Demolition Of Former School & Construction Of Sheltered Flats With Wardens Flat.	Refusal	28.07.1989
88/P2246	Demolition Of Building	Refusal	28.07.1989

20/1985/FUL	Conversion of hall to 3no. dwellings and construction of 2no. dwellings at the rear, including provision of 6no. parking spaces and demolition of lean-to and outbuilding	Refusal	15.10.2021
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POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries) Adopted
 Strategy 24 (Development at Ottery St Mary) Adopted
 Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) Adopted
 D1 (Design and Local Distinctiveness) Adopted
 EN5 (Wildlife Habitats and Features) Adopted
 EN9 (Development Affecting a Designated Heritage Asset) Adopted
 EN10 (Conservation Areas) Adopted
 EN14 (Control of Pollution) Adopted
 EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System) Adopted
 EN22 (Surface Run-Off Implications of New Development) Adopted
 H3 (Conversion of Existing Dwellings and Other Buildings to Flats) Adopted
 TC2 (Accessibility of New Development) Adopted
 TC7 (Adequacy of Road Network and Site Access) Adopted
 TC9 (Parking Provision in New Development) Adopted

Ottery St Mary and West Hill Neighbourhood (Made)

Policy NP2: Sensitive, High Quality Design
 Policy NP9: Accessible Developments
 Policy NP9: Accessible Developments
 Policy NP12: Appropriate Housing Mix
 Policy NP17: Community Facilities of Value
 Policy NP22: Ottery St Mary Conservation Area
 Policy NP24: Car parking in Ottery St Mary Town Centre

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP05 (Development inside Settlement Boundaries) Draft
 Strategic Policy SD04 (Ottery St Mary and its development allocations) Draft
 Strategic Policy CC02 (Moving toward Net-zero carbon development) Draft
 Strategic Policy AR01 (Flooding) Draft
 Strategic Policy AR02 (Water efficiency) Draft
 Strategic Policy HN01 (Housing to address needs) Draft
 Policy HN04 (Accessible and adaptable Housing) Draft
 Policy HN06 (Sub-dividing or replacing existing buildings and dwellings) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft
Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) Draft
Policy TR04 (Parking standards) Draft
Strategic Policy OL01 (Landscape features) Draft
Policy OL09 (Control of pollution) Draft
Policy PB03 (Protection of irreplaceable habitats and important features) Draft
Strategic Policy PB05 (Biodiversity Net Gain) Draft
Policy PB07 (Ecological enhancement and biodiversity in the built environment) Draft
Policy HE03 (Conservation Areas) Draft
Policy CF02 (Loss of community facilities) Draft

Government Planning Documents

NPPF (National Planning Policy Framework 2025)

Site Location and Description

The application building is the former Boy's School building which sits to the south of Yonder Street on the eastern side of Ottery St Mary town centre. The building is within the Ottery St Mary Conservation Area and although not statutorily listed, the building is noted with the Conservation Area Appraisal as a key building of architectural importance which makes a significant contribution to the townscape.

The building was constructed in the late 1860s and comprises two rooms, comprising a classroom and a school room, with a total area of 207 square metres. This figure also includes a more recently constructed extension to the rear / south of the building.

The building is in the Victorian gothic style and is constructed principally in chert stone, with contrasting dressed buff stonework surrounds to window and door reveals and has buff stonework quoins. The building has ornamental brickwork banding in a red and brick checkerboard pattern and has steeply sloping slate roofs and has stone mullioned windows to the north and south elevations. The building has a single storey porch, with a pointed arch surround to the main entrance door. The porch retains its ornamental red clay tiled roof and red clay cocks comb ridge tiles. The building also has a number of gabled and half hipped dormer windows, which are roofed in red clay plain tiles with the exception of the street facing dormer to the north elevation.

Immediately to the rear of the building is an open hard standing area, formerly the school playground, which is bound on the south and east sides by high stone walls, and a modern concrete block wall to the western boundary.

The building is currently used as a food bank for the community and is open between 2 hours and 4 hours a day, 7 days a week. The building is included within the Ottery St Mary and West Hill Neighbourhood Plan as a Community Facility of Value.

Proposed Development

The application proposes the retention of part of the ground floor of the building for community use, with the rest of the building being converted to provide 3 dwellings.

One of the ground floor rooms would be retained in community use, which would include a utility area and a proposed accessible WC. In total 75 square metres of the building would be retained in community use. The proposal allows for the removal of existing 8.1 metre wide by 2.6 metre deep rear extension, and its replacement with a narrower but deeper extension measuring 5.7 metres wide by 3.3 metres deep, which would have rendered elevations, a slate roof and conversation style rooflights.

Two intermediate floors would be inserted into the building. The scheme proposes a 1 bedroom apartment above the community space, with an area of 60 square metres.

The western wing of the building would be subdivided to form 2 apartments across three floors, both containing three bedrooms. The apartment to the south side of building would have an area of 121 square metres, and the apartment to the north side of the building would have an area of 95 square metres.

The proposal allows for one additional window opening, to the ground floor community space to the east elevation. The proposal indicates that obscure glazing would be used to cover mask the proposed intermediate floors where they cross the large existing window openings to the former school rooms. Existing high level timber louvred grilles are proposed as being replaced with windows to the north and south elevation. The existing dormer windows to the west elevation which are currently blocked up are proposed as being opened up with new casement windows fitted. The roof is proposed as being re-slatted.

A flat roofed storage building is proposed within the rear courtyard, built up against the existing concrete block western boundary wall, which would contain a separate bin store, recycling store and bicycle store for each dwelling. The proposed building measures 8.7 metre long and varying in depth from 1.0 metres to 1.9metres, with an eaves height of 1.0 metres. The outbuilding would have vertical timber clad elevations and a grey single ply membrane roof.

No changes are proposed to the external space to the rear of the building other than the installation of the store. The proposal includes a total of 10 parking spaces for both the apartments and the community use.

Analysis

The principal issues for consideration are the principle of the change of use and the impact of the proposal on the character and appearance of the conservation area.

Principle of Development

The site is within the Built Up Area Boundary (BuaB) of Ottery St Mary, where Strategy 6 (Development Within Built-up Area Boundaries) applies. Its provisions permit growth and development within BuABs subject to various criteria being met.

Ottery St Mary and West Hill Neighbourhood Plan Policy NP12: Appropriate Housing Mix lends support for developments delivering smaller 1, 2 and 3-bedroom homes suitable for occupation by families and/or elderly people. The neighbourhood Plan also recognises that a limited supply of smaller and cheaper homes makes it difficult for young people to get onto the housing ladder in the Neighbourhood Plan Area and could have the impact of forcing young adults and families to move elsewhere, which is detrimental to social balance and vibrancy.

Policy NP17 of the Ottery St Mary and West Hill Neighbourhood Plan states that 'Proposals that will result in either the loss of Community Facilities of Value or significant harm to Community Facilities of Value will be strongly resisted'. Unlike the previously refused 20/1985/FUL scheme for the same building, which proposed the total loss of the community facilities, the current proposed scheme allows for the retention of 75 square metres of the existing community use.

The application also needs to be considered in the light of East Devon's housing land supply position. As a result of the publication of the revised National Planning Policy Framework on 12 December 2024, the housing land supply position now stands at 2.97 years.

As such in the absence of a 5 year housing land supply, the tilted balance (as at NPPF Para 11d) in favour of sustainable development applies and permission for development proposals should be granted unless the application of policies within the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, and securing well-designed places.

The NPPF at Paragraph 14 states: In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).

The Ottery St Mary and West Hill Neighbourhood Plan was 'made' on 21st July 2018 and thus became part of the development plan over five years prior to the decision being made on this application. The Neighbourhood Plan does not contain any specific policies or allocations in respect of the housing requirement.

The proposal would allow for the creation of three new dwellings within an existing settlement, as well as retaining an element of the existing community use. Ottery Larder who currently rent the space have confirmed that they currently only operate out of the hall proposed for retention, and therefore have no objection to the proposal to convert the remaining space to a residential use. The food bank have also

confirmed they would like to stay in the building following completion of the work, as the location is highly accessible for their customers. Subject to an assessment of the proposal against the other relevant criteria including the impact on the character of the site, issues of residential amenity, highways and ecological impacts, the principle of development is considered to be acceptable in line with Local Plan Strategy 6, emerging Local Plan Strategic Policy SP05: Development inside Settlement Boundaries, and Neighbourhood Plan Policy NP12: Appropriate Housing Mix.

Design impact on character of site and the conservation area

This former schoolhouse derives its significance from its distinctive and imposing Victorian architecture, decorative architectural features and high quality materials. The building's historical and communal value, through its former use as a boys' school adds further value to the significance of the Conservation Area.

The principal changes proposed to the building in the course of the change of use of the building are to the existing windows, and the proposed extension to the rear of the building.

The proposed first floor would cut across the large stone mullioned window to the street / north facing elevation of the building. The proposal indicates the use of obscured glazing to screen where new floor levels cross through large windows and the proposed partitions between bedrooms 1 and 2 to apartments 2 and 3 sit inline with the stone mullions.

The drawings do not state the material of the proposed replacement windows and doors therefore further details would be required by condition should the scheme be recommended for approval on respect of the proposed materials.

No details have been submitted with the application in respect of the location of proposed utility meter boxes, flues or extract vents. It is recommended that these are kept to a minimum and sited either inside the building where possible or in discreet locations on the building. Further details in respect of any meters, flues and vents would therefore be required by way of condition, as well as information in respect of proposed rainwater goods and the proposed specification for the re-slating of the building.

The demolition of the existing extension to the rear of the building is supported as the current extension does not add any value to the building. The proposed extension is less wide and better respects the proportions of the existing building, and proposes higher quality materials which would enhance the appearance of the building.

Overall, with the required conditions in place to ensure the quality of the finished proposal, the proposed scheme would continue to preserve the character and appearance of the Ottery St Mary Conservation Area, and would have a positive impact through ensuring the long term viability of the building. The proposal therefore complies with Local Plan policies D1 - Design and Local Distinctiveness, EN10 - Conservation Areas, neighbourhood Policies NP2: Sensitive, High Quality Design,

NP22: Ottery St Mary Conservation Area and draft Local Plan Strategic Policy DS01: Design and local distinctiveness and Policy HE03: Conservation Areas.

Landscape Impact

The scheme does not propose any improvements to the area of hardstanding to the rear of the existing building. A number of neighbour comments received relate to the poor level of residential amenity for future users of the building however at present the local plan does not have any specific requirement in respect of the provision of external amenity space.

Emerging local plan Policy HN06: Sub-dividing or replacing existing buildings and dwellings requires proposals to provide adequate space for bicycle storage; and adequate external area for amenity and private use, car parking, waste/recycling storage and for any shared use area such as outdoor drying of washing.

The external space to the rear of the building is relatively spacious and enjoys a south facing aspect and the existing Chert stone walls to the south and west boundaries of the site which are noted in the conservation area appraisal as a feature of special importance. The space would also have to provide 10 parking spaces.

Further detail would be required by way of condition in respect of a landscaping scheme for the rear playground, detailing delineation between the proposed vehicle parking and amenity areas for residents. As such the proposal would comply with Local Plan policy D2 - Landscape Requirements and draft Local Plan Strategic Policy OL01: Landscape features.

Residential / Neighbour Amenity

The proposed change of use of the building would not change the massing or size of the building but the introduction of intermediate first and second floors within the building does mean that windows within the building that were previously at high levels above floor level now have the potential to lead to overlooking of adjacent properties.

To the west of the building, the two dormer windows to the roof slope are currently 5.7 metres above floor level. However, under the proposed scheme these would become bedroom windows and would sit just 0.15 metres above second floor level. These windows sit approximately 1.5 metres from the property boundary and would lead to overlooking of the neighbouring house and garden at No. 10 Yonder Street. As such it is considered appropriate to impose a condition requiring these windows to be fitted with obscure glazing to prevent overlooking. Both of the bedrooms in question have windows facing south in Unit 2 and north in Unit 3 and therefore will still have a view out either across the rear playground space or across Yonder Street respectively .

In addition, there are a number of windows to the east elevation which sit approximately 2.7 metres from existing dwellings which extend south from Yonder Street to the east of the site. The existing ground floor windows to the east of the

community space are already obscured with the glazing having been painted. The existing large window to the east elevation would become one of two windows from the main living area of Apartment 1. Again, it is considered given the proximity of these existing and proposed rooms to existing habitable rooms adjacent to the site that these windows to be fitted with obscure glazing to prevent overlooking. In all of the instances where obscure glazing is proposed, the rooms have other windows where future residents would have a view out without overlooking adjacent properties.

Other north facing windows within the proposed scheme are at a sufficient distance from properties along the northern edge of Yonder Street so as not to have any adverse impacts upon residential amenity. South facing windows are a minimum of 20 metres away from the site boundary so there would be no overlooking to the south of the site.

The proposed apartments all provide accommodation with areas in excess of those required by the Nationally Described minimum space standards. Ample provision has been made within the rear playground area for refuse, recycling and bicycle storage areas.

The applicant has provided clarity in respect of the headroom and floor area to the proposed second floor of Apartments 2 and 3 in response to a comment received upon the proposal. The second floor bedrooms comply with both the floor space requirements in minimum widths contained within the Nationally Described minimum space standards.

Draft local plan Policy HN04: Accessible and adaptable Housing requires 100% of all new dwellings to meet Building Regulations standards M4 (2) requirements for accessible and adaptable dwellings. Given the constraints of the existing building, the proposal would likely not meet this standard however only limited weight can be given to emerging policy at this stage.

Environmental Health have commented on the application and have requested that the detailed design of the scheme ensures that sound attenuation between party walls and party floors between the residential units and the community facilities are in excess of the requirements under Approved Document E of the Building Regulations, to protect the amenity of future occupiers.

In addition, Environmental Health have requested a condition on any approval to restrict working hours, to protect the amenity of existing residents in the vicinity of the site. They have also requested the applicant consults and follows 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.

With the required conditions in place, the proposal would comply with Local Plan Policy D1 - Design and Local Distinctiveness and draft Local Plan Strategic Policy DS01: Design and local distinctiveness.

Highways, access and parking

No alterations are proposed to the existing vehicular access to the rear of the site, which sits to the east of the building. There are no changes proposed to the overall number of parking spaces provided. The building currently has 10 parking spaces, four of which would be retained for the commercial element and six would be provided for the residential element. 6 cycle spaces are proposed, which is in excess of the requirements of local plan policy TC9 - Parking Provision in New Development which requires one space per dwelling. Emerging local plan policy requires 1 bicycle space per bedroom therefore the proposal falls slightly short of this standard but only limited weight can be given to emerging policy. The site is located centrally within Ottery St Mary such that facilities could be accessed on foot.

As stated previously, a condition would be imposed requiring further details of the proposed parking layout within the rear former playground space, however it is considered that the space is large enough to accommodate the proposed spaces.

With the required condition in place, it is considered that the proposal complies with Local Plan Policies TC2 - Accessibility of New Development, TC7 - Adequacy of Road Network and Site Access and TC9 - Parking Provision in New Development, and with draft Local Plan Strategic Policy TR01: Prioritising walking, wheeling, cycling, and public transport and Policy TR04: Parking standards.

Ecology / biodiversity

The application is supported by an Ecological Impact Assessment. The ecologist had previously undertaken emergence surveys on the building in 2015 and 2020, and on both occasions up to two common pipistrelle bats were seen to emerge from the eaves of the north-east dormer of the main building. Further emergence surveys were undertaken during May 2024 and despite no bats have been seen emerging during the May 2024 surveys, the building is still considered to be a common pipistrelle bat day roost. The outhouse is considered to be of negligible suitability for roosting bats and no nesting birds or signs of nesting birds were found in or around the main building or the outhouse.

Re-roofing the main building could result in bats being disturbed, injured or killed during works and, in the absence of appropriate mitigation, would result in the destruction of a common pipistrelle bat day roost. The proposed re-roofing of the main building would therefore require a European protected species licence (EPSL) from Natural England once planning permission has been granted. The report recommends that the removal of the existing roof covering is undertaken under an ecological watching brief to ensure no bats are killed or injured.

In addition, the report recommends that prior to any work commencing, a bat box suitable for use by crevice dwelling bats is installed on the east elevation of the building in order that any bats found may be safely relocated.

Further provision is made for roosting bats within the roof of the dormer window to the north east elevation, between the slates and the roof lining of the window. The report also makes recommendations in respect of the specification of the proposed re-roofing works such as ensuring type 1 F roofing felt is used in lieu of modern

breather membranes which pose an entanglement risk, and in terms of using a mortar bedding to ridge tiles. Recommendations are also made in respect of internal and external lighting specification to reduce light spill on site.

Draft Local Plan Policy PB07 (Ecological enhancement and biodiversity in the built environment) requires proposals to incorporate ecological enhancements. Alongside the proposed bat box and dormer roof roosting provision, the proposal also includes for three swift nest boxes be fitted to the building at eaves height, therefore the proposal would also comply with emerging local plan policy.

In respect of the required protected species license, 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.

Whilst decision makers should have regard to the 3 tests above it should be noted that the LPA is not expected to duplicate the licensing role of NE. An LPA should only refuse permission if the development is *unlikely* to be licensed pursuant to the derogation powers *and* Article 12 of the Habitats Directive was likely to be infringed.

In terms of public interest this proposal as a matter of principle accords with the national level of significantly boosting housing supply from which some economic and social benefits could accrue. Alternative scenarios are not easily discernible. Given what has been reported for this site (see above), the fact suitable mitigation measures are proposed there is no reason why a license would not be issued (if one would be needed) or why Article 12 would be infringed.

Consequently, there is no reason to suggest that, from the LPA's perspective, the proposal would be likely to offend article 12 of the Habitat Directive or that a licence would be withheld by Natural England as a matter of principle.

The recommendations of the ecology report shall be conditioned as part of any approval to ensure that the works are carried out in accordance with the requirements of the report. With the required condition in place the proposal would be in compliance with policy EN5 of the adopted Local Plan, Policy PB03 Protection of irreplaceable habitats and important features and Policy PB07 Ecological enhancement and biodiversity in the built environment of the emerging draft Local Plan.

Biodiversity Net Gain

The application site consists of the building, the hard surface to the rear courtyard, and the access driveway to the east of the site. The building sits immediately to the rear of the pavement line along Yonder Street. These sealed surfaces would all be assigned a 'zero' score within the statutory biodiversity metric calculations and as

such it would not be possible to achieve a 10% uplift in biodiversity net gain across the site. As such the proposal would be exempt from the provisions of biodiversity net gain.

Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designation is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of the designation. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

Other matters

There are no trees on or near the application site. Foul drainage would be dealt with via mains sewer and as the existing roof area would be unchanged, surface water would also continue to be disposed of via mains sewer. The site is in flood zone 1 therefore there are no concerns in respect of flooding and there are no listed buildings in the vicinity of the site that could be impacted by the proposal.

A neighbour comment has been received in respect of access for the creation of new window openings and for future maintenance. The windows in question are existing dormer windows and the scheme proposes reinstatement of the casement windows to the dormers. As such this would be considered to be maintenance. Access to neighbouring land would not be covered under planning legislation but other legislation exists which would allow the applicant to access their neighbour's land for the purposes of carrying out maintenance, renovation or repair of the building if the deeds do not allow a right of access.

Summary / Conclusion

The proposed development would accord with the development plan in all aspects with the exception of the loss of some of the community use floorspace. The

community use is protected by the Neighbourhood Plan, however that plan is over five years old. Applying the tilted balance, it is considered that as some community floorspace is being retained, the adverse impacts of the development do not significantly and demonstrably outweigh the benefits of delivering additional housing and the proposal would ensure the historic building has a long term viable use.

With the recommended conditions in place to ensure the quality of the finished scheme, the proposal would continue to preserve the character and appearance of the Ottery St Mary conservation area and complies with policies contained within the East Devon Local Plan, the Ottery St Mary and West Hill Neighbourhood Plan, and the Draft East Devon Local Plan and is therefore recommended for approval, subject to conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.

(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

3. Prior to their installation, details of the proposed replacement windows and external doors shall be submitted to and approved in writing by the Local Planning Authority. Details shall include elevation drawings (at 1:20 scale) and section drawings (at 1:5 scale). The works shall be carried out in complete accordance with the approved details and shall be retained thereafter.

(Reason - To ensure materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness), Policy EN9 (Development Affecting a Designated Heritage Asset) and Policy EN10 (Conservation Areas) of the Adopted East Devon Local Plan 2013-2031, Policy NP2 (Sensitive, High Quality Design) and Policy NP22 (Ottery St Mary Conservation Area) of the Ottery St Mary and West Hill Neighbourhood Plan 2017 - 2031 and Strategic Policy DS01 (Design and Local Distinctiveness) and Policy HE03 (Conservation Areas) of the Draft East Devon Local Plan 2020 - 2042.)

4. Before the relevant parts of the works begin on the items specified below the following details and specification shall be submitted to approved in writing by Local Planning Authority:

- New rainwater goods including profiles, materials and finishes.
- External vents, flues and meter boxes.
- Details of proposed natural slates, ridge tiles, and fascia boards to include the method of fixing of the slates.

The works shall be carried out in accordance with the approved details and specification.

(Reason: In the interests of the architectural and historic character of the conservation area in accordance with Policy D1 (Design and Local Distinctiveness), Policy EN9 (Development Affecting a Designated Heritage Asset) and Policy EN10 (Conservation Areas) of the Adopted East Devon Local Plan 2013-2031, Policy NP2(Sensitive, High Quality Design) and Policy NP22 (Ottery St Mary Conservation Area) of the Ottery St Mary and West Hill Neighbourhood Plan 2017 - 2031 and Strategic Policy DS01(Design and Local Distinctiveness) and Policy HE03(Conservation Areas) of the Draft East Devon Local Plan 2020 - 2042.)

5. The development shall be carried out in accordance with the recommendations and mitigation measures contained within the Ecological Impact Assessment carried out by Richard Green Ecology dated August 2024.

(Reason - In the interests of ecology in accordance with Policy EN5- (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031 and Policy PB03 (Protection of irreplaceable habitats and important features) and Policy PB07(Ecological enhancement and biodiversity in the built environment) of the Draft East Devon Local Plan 2020 - 2042.)

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

(Reason -To protect the amenity of future occupiers of the dwellings in accordance with policies D1 (Design and Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013 - 2031 and Strategic Policy DS01(Design and local distinctiveness) and Policy OL09 (Control of pollution) of the Draft East Devon Local Plan 2020 - 2042.)

- 7 Prior to the occupation of the development hereby permitted, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should give details of the proposed hard surfacing, parking layout, provision for an external residential amenity area and turning areas. The landscaping scheme, provision of external residential amenity area and parking areas shall be implemented prior to the occupation of the development and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority. The car parking spaces shall be made available for the occupiers of the flats and users of the community space, and the amenity area shall be made available to occupiers of the flats hereby approved, in accordance with the submitted details prior to the occupation of the development and shall be maintained at all times thereafter for the lifetime of the development.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity, to preserve and enhance the character and appearance of the area and to ensure adequate parking provision in accordance with Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements), Policy EN10 (Conservation Areas), and Policy TC9 (Parking Provision in New Development) of the Adopted East Devon Local Plan 2013-2031 and Strategic Policy DS01 (Design and local distinctiveness), Strategic Policy OL01 (Landscape features), Policy HE03 (Conservation Areas) and Policy TR04 (Parking standards) of the Draft East Devon Local Plan 2020 – 2042.)

- 8 No works for the construction of the development hereby permitted shall be undertaken on Sundays or Public Holidays. On other days no construction work shall be undertaken outside of the following hours: 08:00 hours and 18:00 hours Mondays to Fridays inclusive and 08:00 hours and 13:00 hours on Saturdays. There shall be no burning on site.

(Reason - To protect adjoining occupiers from excessive noise in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031 and Policies DS01 (Design and local distinctiveness) and Policy OL09 (Control of pollution) of the Draft East Devon Local Plan 2020 - 2042.)

- 9 Prior to occupation of the development hereby approved the bin storage shall be provided in accordance with the submitted details. The bin storage shall be maintained at all times thereafter.

(Reason: To provide adequate facilities for refuse, recycling and household waste in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031 and Strategic Policy DS01 (Design and local distinctiveness) of the Draft East Devon Local Plan 2020 - 2042.)

- 10 Prior to occupation of the development hereby approved the bicycle storage shall be provided in accordance with the submitted details. The bicycle storage shall be maintained at all times thereafter.

(Reason: To provide adequate parking for bicycles in accordance with Policy TC9 - Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031 and Strategic Policy TR01: Prioritising walking, wheeling, cycling, and public transport and Policy TR04: Parking standards of the Draft East Devon Local Plan 2020 - 2042.)

- 11 Before the development hereby permitted is occupied the windows to the east and west elevations shall have been glazed with obscure glass to Pilkington level 4 or equivalent standard and the obscure glazing of these windows shall thereafter be retained at all times. If to be opening, the windows shall be permanently fixed with a restrictor preventing opening wider than 10cm.

(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031 and Strategic Policy DS01 (Design and local distinctiveness) of the Draft East Devon Local Plan 2020 - 2042.)

12. The ground floor of the building indicated as 'community facility' on drawing number 3877/01, Ground Floor Plans, hereby approved, shall be retained in perpetuity for the use of the community as a food bank or other community use previously agreed in writing with the Local Planning Authority and shall not be used for any other purpose.

(Reason: In order that the Council may be satisfied about the details of proposal in accordance with Policy NP17: Community Facilities of Value of the Ottery St Mary and West Hill Neighbourhood Plan 2017 - 2031.)

13. The internal alterations and internal finish of the community facility and the extension to provide the utility area and toilet to serve the community facility shall be completed and made available for use in association with the community facility prior to occupation of any dwelling unit hereby approved.

Reason: To ensure the community facility is provided in accordance with the approved plans in accordance with Policy NP17: Community Facilities of Value of the Ottery St Mary and West Hill Neighbourhood Plan 2017 - 2031.)

NOTE FOR APPLICANT

Informative:

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

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 exemption 4.2 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.

Plans relating to this application:

3877/03 rev B: Second floor	Combined Plans	20.02.25
	Location Plan	10.12.24
3877/07: Site Plan and Bin Store	Other Plans	10.12.24
3877/04: Roof plan	Combined Plans	10.12.24
3877/02: First floor	Combined Plans	10.12.24
3877/05: North & East	Combined Plans	10.12.24
3877/06: South & West	Combined Plans	10.12.24

List of Background Papers

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

Technical Consultations

Parish/Town Council

Town Council Comments;

The Town Council do not support this application based on the following;
Residential use would result in significant harm to this Community Facility of Value - Policy NP17 of the Neighbourhood Plan

The building is of special architectural and historic interest and plays an important part of the Towns fabric

Environmental Health

Prior to the commencement of works to create any of the residential units hereby approved a sound insulation scheme shall have been submitted to and approved in writing by the local planning authority. Such a scheme shall be designed to reduce the transmission of noise between the community facilities and the residential

development with the airborne sound insulation performance designed to achieve, as a minimum, a 10dB increase in the minimum requirements of Approved Document E. The standard must be applied to party walls between flats, as well as floors and ceilings shared with the community facilities. The scheme to be submitted shall also provide for post construction testing certification to demonstrate the sound insulation performance has met the required standard and where necessary set out what further mitigation measures will be employed to achieve the required levels. The sound insulation scheme shall be installed and maintained only in accordance with the details approved by the Local Planning Authority.

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

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.

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

Ottery St Mary - Cllr Peter Faithfull

This application includes development in the roof space of the Old Boy's School. There is no indication of how the floor area is impacted by the slope of the roof. As the minimum space standards only includes floor space of 1.5m, can we please have these details included in appropriate plans.

Kind regards
Peter

Statement on Human Rights and Equality Issues

Human Rights Act:

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

Equality Act:

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

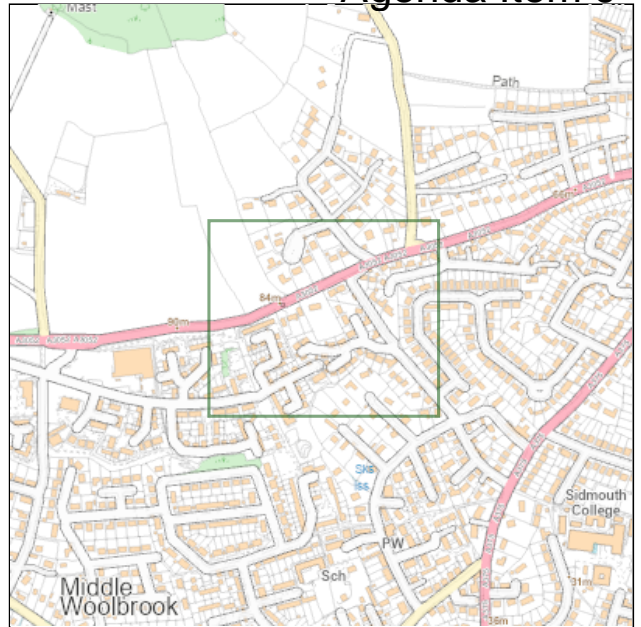
Ward Sidmouth Sidford

Reference 23/2385/FUL

Applicant Mr Aldam

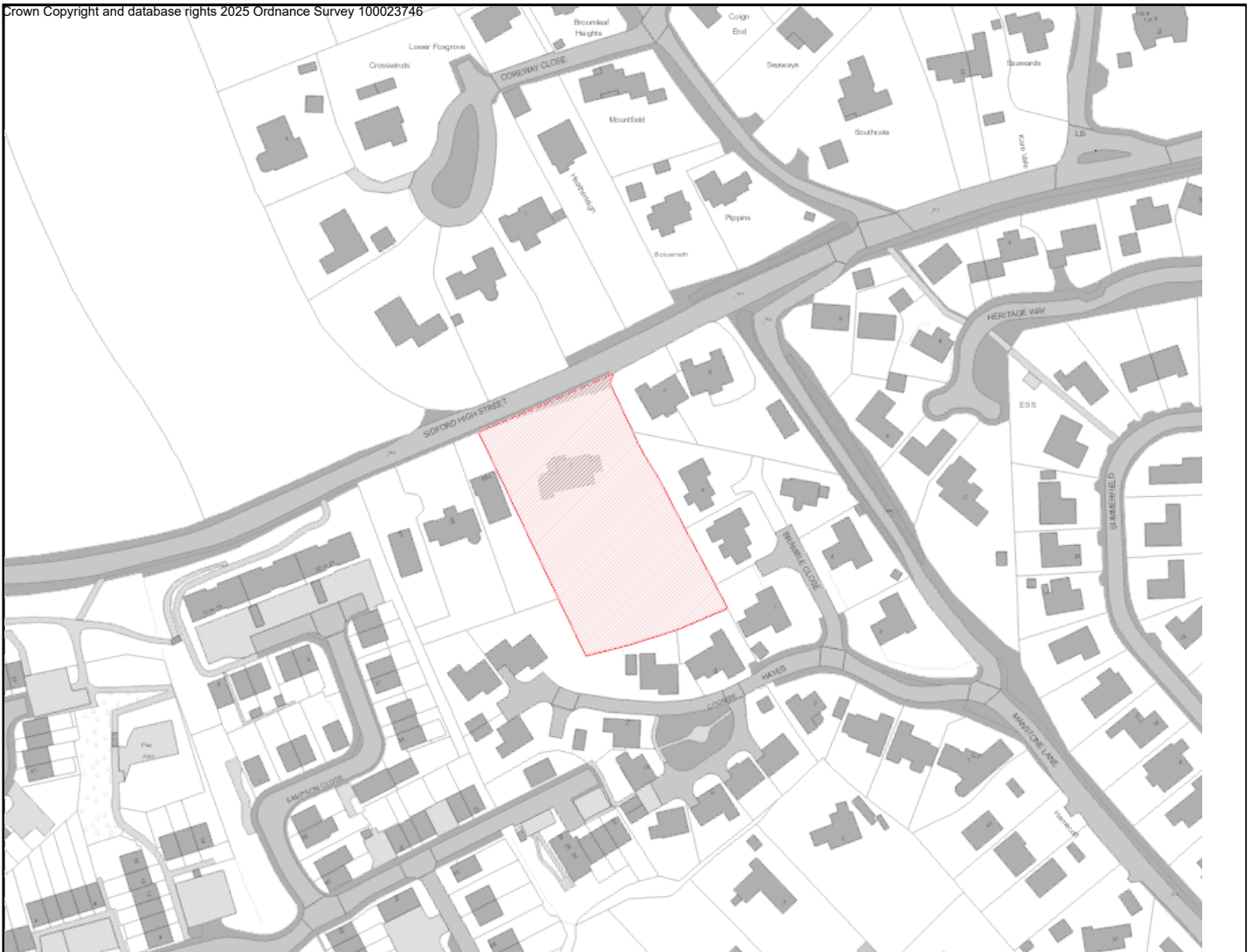
Location 87 Sidford High Street Sidford EX10 9SA

Proposal Demolition of the existing dwelling and redevelopment of the site to provide four dwellings and a new vehicular access



RECOMMENDATION: Approval with conditions

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		Committee Date: 25.03.2025
Sidmouth Sidford (Sidmouth)	23/2385/FUL	Target Date: 12.02.2024
Applicant:	Mr Aldam	
Location:	87 Sidford High Street Sidford	
Proposal:	Demolition of the existing dwelling and redevelopment of the site to provide four dwellings and a new vehicular access	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is brought before the Planning Committee owing to the officer recommendation being in conflict with comments received from the Ward Councillor and the Town Council.

The application site is No. 87 Sidford High Street, which is a spacious site occupying 0.37 hectares on the western edge of Sidford. The site sits immediately adjacent to the A3052 / Sidford High Street and slopes gently down to the south. The site is enclosed by mature hedges and trees, several of which are protected by Tree Preservation Orders.

The proposal involves the demolition of the existing house and its replacement with 2 x 3.5 storey, five bedroom dwellings to the upper part of the site and two smaller dwellings to the lower part of the site. A new driveway is proposed off the High Street for the larger dwellings, and the smaller dwellings would use the existing driveway access.

The Parish Council has expressed concern about the overdevelopment of the site, as well as highways and ecological impacts. The Ward Councillor has also raised concerns regarding the potential overbearing of the two larger houses upon the adjacent bungalows along Bramble Close.

Although the upper houses are proposed as being 3.5 storey, the dwellings have been designed to suit the topography of the site with the lower ground floor storey effectively being below ground level from the street facing aspect therefore it is not considered that the height of these dwellings would be out of character for the area. The proposed design of the buildings includes the use of render and timber cladding and the use of good quality windows and doors, and it is considered that the design of the proposed dwellings would respect the

established character of the area. The plot is large, and the proposed subdivision would not result in development that would be out of character or cramped.

In response to EDDC Ecologist's objection to the scheme, the applicant has undertaken further survey work and the ecologist has confirmed the proposed mitigation is now acceptable, subject to the imposition of a number of conditions to ensure appropriate mitigation across the site.

The proposal has also been accompanied by a detailed arboricultural survey in respect of the protection of the existing trees and hedges on the site, to ensure the protection of these key features. Further enhancement of the site by way of additional tree and hedge planting is also proposed to enhance the biodiversity of the site and to help screen the proposed dwellings.

The Highway Authority have no objections to the proposal, subject to enhancement works to the footpath to the north of the site along the A3052 to ensure safe pedestrian access from the site.

The proposal respects the characteristics of the area, and complies with policies contained within the East Devon Local Plan and the Sid Vale Neighbourhood Plan. On this basis the scheme is recommended for approval, subject to conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council

DO NOT SUPPORT:

Members felt that this would be overdevelopment of the site. They were concerned with access issues and the potential volume of traffic from the proposed dwellings together with the welfare of dormice and slow worms on the site.

Sidmouth Sidford - Cllr Marianne Rixson

(NB. Comments subsequently rescinded on account of planning and appeal history of site)

Comments: Objections have been raised by several residents of Bramble Close including:

Martin Kemp who objects to two four storey town houses due to overlooking and the fact that these dwellings would not be in keeping with the existing area

Colin and Gwynneth Davis have also objected on the grounds of the dominating and overbearing dwellings proposed for Plots 1 and 2, together with concerns about the safety of two exits onto the busy A3052. I agree with this assessment, despite there being no objection raised by the Highways Authority. The speed limit seems to be optional for some drivers and is an 'accident waiting to happen'.

Mr Maynard criticised the adequacy of the footpath as it is narrow and unsafe due to the proximity of fast moving traffic. NB the footpath was also a concern for the Highways Authority.

Douglas and Jayne Smith also have concerns about overlooking by Plots 1 and 2, together with the proposed balcony. In addition, due to ash dieback, screening currently provided by trees will be much reduced as these trees are diseased and will have to be felled. They further commented on an existing agreement to replace felled trees but this has not taken place.

Therefore, the replacement of both the trees already felled and ash dieback trees should be made a condition of development whether or not planning consent is granted and a site inspection arranged to ensure it is carried out.

Comments from other consultees include:

Sidmouth Town Council which does not support this application as it represents overdevelopment. They were also concerned with access issues and the volume of traffic, together with the impact on protected species such as dormice and slow-worms (mentioned in the reports submitted by Encompass Ecology Ltd).

DCC Historic Environment Officer who stated that no development should take place until implementation of a programme of archaeological work had been submitted and approved in writing by the LPA - to accord with Policy EN6 (Local Plan) and paragraph 205 (NPPF, 2023).

In conclusion, I concur with the objections raised by local residents due to the overbearing nature of the proposed development, notably Plots 1 and 2. It appears that the owner is trying to maximize the development at the expense of amenity.

This site should be REFUSED on the grounds of overlooking, road safety, pedestrian safety and ecological grounds.

Sidmouth Sidford - Cllr Stuart Hughes

I agree with the representations of the Town Council re overdevelopment of the site. Also access on to the A3052 which is the primary route through east Devon carrying over 20,000 daily vehicle movements. The impact on protected species such as dormice and slow worms.

Therefore the application should be refused.

Technical Consultations

EDDC District Ecologist

15/05/2024. Objection – insufficient information.

EDDC District Ecologist

26/02/2025. Proposal acceptable subject to conditions.

South West Water

Proposal unacceptable. To be overcome by condition

County Highway Authority

Proposal acceptable subject to conditions.

DCC Historic Environment Officer

Proposal acceptable subject to conditions.

Other Representations

7 third party representations have been received, with 5 representations in objection to the proposal and 2 neutral representations.

A summary of grounds for objection are as follows:

- The current footpath is dangerous and too narrow, requiring pedestrians to step into the road. The footpath should be widened to ensure public safety.
- The 4-storey properties on Plots 1 and 2 are overbearing compared to the single-storey properties nearby.
- The house on Plot 1 should be moved further from the eastern boundary.
- Concerns about the safety of exits onto the busy A3052 road.
- The proposed 4-storey townhouses overlook existing properties, compromising privacy.
- The design should be more in keeping with the surrounding buildings.
- Concerns about the omission of a protected 30ft Holly tree in the latest tree survey.
- The Ecological Assessment has errors due to limited site access and the presence of slow worms, newts, and dormice are not fully accounted for.
- The proposed buildings are too close and high, compromising privacy.
- The development should be more in keeping with the existing single-storey bungalows.

A summary of Neutral Representations are as follows:

- The footpath on the south side of the A3052 is narrow and unsafe and should be widened to accommodate pedestrians, prams, buggies, and mobility scooters.
- The proposal for a bungalow in Plot 4 is appreciated as it reduces overlooking.
- Plot 3 should also be a bungalow to match the surrounding single-storey properties.
- The hedge along the southern and western boundaries should be reinstated to protect privacy and support wildlife

PLANNING HISTORY

Reference	Description	Decision	Date
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12/0899/OUT	Demolition of existing dwelling and construction of 4 no. single storey dwellings (outline proposal with details of appearance and landscaping reserved)	Approval with conditions	10.12.2012
16/1659/FUL	Demolition of dwelling and construction of two detached houses, a detached garage and new access to the highway.	Approval with conditions	04.10.2017
14/2058/FUL	Demolition of dwelling and construction of two detached houses with two detached garages and new access to the highway.	Withdrawn	19.02.2015
18/0792/TRE	T620 - T623, Monterey pine - dismantle and fell to as near ground level as possible. Reason: T620 has many cracked limbs and large diameter dead wood which if removed / shortened back will leave the tree with a large gap in the crown increasing the likelihood of further breakage in high winds. The remaining trees have asymmetric crowns having been suppressed and protected by T620.	Split Decision	04.07.2018

18/2023/FUL	Demolition of dwelling and construction of detached house and access to highway (revisions to upper house approved under reference 16/1659/FUL, including alterations to dormer and window configuration, enlarged rear bays and terrace, enlarged front porch and garage and alterations to the driveway)	Approval with conditions	05.12.2018
18/2544/TRE	Monterey Pine (621, 622 & 623) - fell and replace	Refusal	14.12.2018
18/2545/TRE	Monterey Pine (621, 622 & 623) - Remove deadwood; crown lift to 5m; crown reduce by 1.5m and reduce extended branches to match neighbouring crowns	Split Decision	14.12.2018
20/0567/TRE	T1 Field Maple: Prune to boundary. Reason: Growing against building. T2 Monterey Pine: Remove low branch to the west at 4m making a 250mm diameter pruning cut. Reason: Low branch is heavily extended over garden of 89a. Remove 2 x 75mm diameter branches on western side of tree at 12m. Reason: The two branches are chlorotic and declining. Remove significant dead wood over garden.	Approval with conditions	04.05.2020
20/2653/FUL	Demolition of the existing dwelling and redevelopment of the site to provide four dwellings and a new vehicular access.	Refusal	23.12.2021

APP/U1105/W/22/33 00692	Demolition of the existing dwelling and redevelopment of the site to provide four dwellings and a new vehicular access.	Dismissed	14.11.2022
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22/1041/TRE	Field maple on the western aspect of the site at 87 on the boundary with 89a. Identified as T8 on plan; propose coppicing the tree to prevent squirrels gaining access to the roof; no plan to replant tree in this location as coppicing will allow ongoing survival of the tree; squirrels have caused extensive damage to the property with the cost mounting into thousands of pounds and causing a fire hazard; whilst the squirrels can still access the roof space there is risk of ongoing damage despite having fitted rodent/bird protection to solar panels.	Approval with conditions	23.06.2022
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POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

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

Strategy 26 (Development at Sidmouth) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

EN5 (Wildlife Habitats and Features) Adopted

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

EN14 (Control of Pollution) Adopted

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

EN22 (Surface Run-Off Implications of New Development) Adopted

TC2 (Accessibility of New Development) Adopted
TC7 (Adequacy of Road Network and Site Access) Adopted
TC9 (Parking Provision in New Development) Adopted

Sid Valley Neighbourhood Plan (Made)

Policy 1 Sid Valley Development Principles
Policy 6 Infill Development, Extensions and Trees
Policy 7 Local Distinctiveness
Policy 9 Residential Development
Policy 21 A Safe Town

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP05 (Development inside Settlement Boundaries) Draft
Strategic Policy CC02 (Moving toward Net-zero carbon development) Draft
Strategic Policy AR01 (Flooding) Draft
Strategic Policy AR02 (Water efficiency) Draft
Policy HN04 (Accessible and adaptable Housing) Draft
Strategic Policy DS01 (Design and local distinctiveness) Draft
Policy DS02 (Housing density and efficient use of land) Draft
Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) Draft
Policy TR04 (Parking standards) Draft
Strategic Policy OL01 (Landscape features) Draft
Policy OL09 (Control of pollution) Draft
Policy PB03 (Protection of irreplaceable habitats and important features) Draft
Strategic Policy PB04 (Habitats Regulations Assessment) Draft
Policy PB07 (Ecological enhancement and biodiversity in the built environment) Draft
Policy PB08 (Tree, hedges and woodland on development sites) Draft
Policy PB09 (Monitoring requirements for new planting scheme) Draft
Policy HE04 (Archaeology and Scheduled Monuments) Draft

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

Site Location and Description

The application site is 87 Sidford High Street, which lies on the western edge of Sidford, and sits immediately to the south of the A3052. The site occupies an area of 0.37 hectares, and slopes gently down to the south away from the A3052. Access to the site is in the north west corner directly off the A3052. The existing house, which sits on the upper part of the site, is set back from the road by just under 20 metres.

There are some significant trees in the west and north of the site, as well as along the north eastern boundary, some of which are protected by a Tree Preservation Order. The house is unoccupied and the garden is now significantly overgrown. The surrounding area is largely residential in nature. To the east of the site, 4 bungalows along Bramble Close share the eastern boundary of the site. To the south and south west there is a development of bungalows and houses, known as Coombe

Hayes and immediately to the west is a relatively new dwelling which sits slightly further forward of the existing house at No. 87.

The site is within the Built-up Area Boundary of Sidford. No other landscape designations apply to the site, but the site is within 20 metres of the boundary of the East Devon National Landscape.

Proposed Development

The application seeks approval for the demolition of the existing dwelling, and its replacement with 4 dwellings on the plot. The application is the same as the earlier 20/2653/FUL, which was refused on the grounds of insufficient information in respect of loss of habitat for protected species. The proposal was also dismissed at appeal for the same reason and this application seeks to overcome the previous reason for refusal.

The proposal includes two no. five bed 3.5 storey dwellings, with area 270 of square metres each, which includes an integral double garage to each dwelling. These dwellings would be sited on approximately the footprint of the existing house and a new access would be created off the A3052 in the middle of the highway frontage.

Two smaller dwellings are proposed on the lower part of the plot which would be accessed via the existing driveway which would be extended down the eastern edge of the site. These would sit perpendicular to the two larger dwellings at the top of the site. A 3 bed 2 storey dwelling with an area of 90 square metres is proposed for the northern of the two dwellings, and a 2 bedroomed bungalow with an area of 70 square metres would occupy the most southerly portion of the site.

The proposed dwellings would have tiled roofs, and a mixture of render and timber cladding to the elevations. Windows and doors are proposed in polyester powder coated aluminium. New hedge and tree planting is proposed to supplement to existing trees on site.

Analysis

The main issues to consider in the determination of this application are; the principle of replacing one dwelling with four in this location, the impact on the character and appearance of the area, the impact on the living conditions of the occupants of surrounding properties, the impact on the retained trees, the level of amenity to be provided for future occupiers and the impact on wildlife habitats.

It is relevant to note that the previous refused application was identical to this proposal except that now ecological information is provided. Previously the Council and planning inspector deemed the proposal was acceptable in all respects except with regard to impact on protected species. There have been no material changes in circumstances since the appeal decision except the Council has a reduced housing land supply and the emerging local plan is further advanced.

Principle of Development

The site is located within the Built-up Area Boundary (BuAB) of Sidmouth and as such Local Plan Strategy 6 applies. Its provisions permit development within BuABs where, among other things it would be compatible with the character of the site and its surroundings; would not lead to unacceptable pressure on services and would not adversely affect flood risk; would not damage and, where practical, support promotion of wildlife or townscape interests, and would not impair highway safety or traffic flows.

The application also needs to be considered in the light of East Devon's housing land supply position. As a result of the publication of the revised National Planning Policy Framework on 12 December 2024, the housing land supply position now stands at 2.97 years. As such in the absence of a 5 year housing land supply, the tilted balance (as at NPPF Para 11d) in favour of sustainable development applies and permission for development proposals should be granted unless the application of policies within the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, and securing well-designed places. In addition, Policy 9 of the Neighbourhood Plan for the Sid Valley lends support to residential development on land within the BuAB, subject to the scale and design of the development being compatible with the characteristics of the character area as described in the Place Analysis and subject to compliance with other policies in this neighbourhood plan.

Emerging Local Plan Strategic Policy SP05: Development inside Settlement Boundaries also states that development within settlement boundaries will be supported in principle.

As such, the principle of development is acceptable and in line with Local Plan Strategy 6, Neighbourhood Plan Policy 9, and Emerging Local Plan Strategic Policy SP05, subject to an assessment of the other impacts of the proposal.

Design impact on character of site

The proposed two detached dwellings to the upper portion of the site have been designed to be at a similar ridge height to the house approved under the earlier 18/2023/FUL application, and the proposed ridge reflects the height of the neighbouring house to the west of the site at 89A Sidford High street. Although they are 3.5 storeys, the proposed dwellings have been designed to take advantage of the topography of the site, with the street facing elevation being two storeys within an additional storey of accommodation within the roof space. The lower ground storey effectively sits below street level but would be level with the rear gardens of the two northerly dwellings.

There is a significant difference in height between the two dwellings to the front of the site and the bungalows to the north of Bramble Close to the east of the proposed

dwelling. Beyond the bungalows there are further two storey dwellings further to the east of Bramble Close therefore the proposed dwelling would not be out of context with the height of other dwellings which face the A3052.

Turning to the development on the lower part of the site, rear garden development is not a characteristic feature of the area but the site at no. 87 is considerably larger than any of the neighbouring plots and each of the four new plots would still be comparable to those in the surrounding area. The subdivision of the site into four smaller plots would not therefore result in an uncharacteristically cramped form of development. The relatively modest dwellings have been designed to reduce any potential overbearing of the dwellings on the houses along Combe Hayes to the south of the site, steeping down from a two storey dwelling in the middle of the site to a bungalow at the very south end of the site. The roof of the bungalow is designed to slope away from the southern boundary to further reduce the visual impact of this house and any potential for overbearing.

The proposed elevational treatment of the upper street facing houses, of render, timber cladding and tiled roofs, reflect the characteristics of the area and the scheme proposes good quality windows and doors. The smaller houses to the south of the site are relatively bland in their elevational treatment but the proposed finishes of render for the two storey house and timber cladding for the bungalow would also not be out of keeping with the materiality surrounding the site.

In terms of the new access to the two upper houses, there are few properties accessed from the A3052 in the immediate area but an additional access would not significantly change the character of the road in this location. This element of the scheme is therefore considered acceptable.

The existing trees and hedges, which are discussed in more detail later in the report, are proposed as being retained, which would also help to screen the development and retain the character of the site. Further details would be required by way of condition in respect of the proposed external materials of the dwelling should the scheme be recommended for approval.

As such it is considered that the proposal would conserve the established character of the street scene and would not have any adverse impacts to the setting of the National Landscape close to the site, and therefore complies with Local Plan Strategy 6, Policy D1, Neighbourhood Plan Policy 9 and emerging Local Plan Strategic Policy DS01.

Heritage

There are no listed buildings anywhere near the site therefore the proposal would not lead to any adverse impacts upon any listed buildings.

In terms of below ground heritage, Devon County's Historic Environment Officer has commented that the proposed development site lies in an area where previous archaeological work undertaken in advance of other housing developments has revealed evidence of prehistoric settlements as well as associated artefacts such as flint tools and potsherds. Given the proximity of this proposed new development to

the sites of known prehistoric settlement, the groundworks associated with the construction of the four new dwellings have the potential to expose and destroy archaeological and artefactual material derived from the prehistoric settlement in the vicinity. It is recommended therefore that the impact of development upon the archaeological resource should be mitigated by a programme of archaeological work to investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

A written scheme of investigation would be required by way of condition upon any approval to ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

In addition, the Historic Environment Team have also recommended the imposition of a second condition in respect of the required post-excavation works to ensure these are undertaken and completed to an agreed timeframe and that the record becomes publicly accessible.

With the required conditions in place, the proposal would comply with local plan policy EN6 and draft local plan policy Policy HE04.

Landscape Impact

The site has a number of significant trees, some of which are protected by Tree Preservation Orders. The proposal allows for the retention of all significant trees on site which is discussed in more detail later in the report.

As well as retaining key trees, the scheme allows for improvements to the existing banked hedgerows along the north western boundary with Sidford High Street, to the north eastern boundary to the rear of Bramble Close and to the south eastern boundary to the rear of Combe Hayes. These existing boundary hedges would be restored to include hedge laying, coppicing and gapping up with new hedge planting, subject to the agreement of joint boundary owners. New tree planting is also proposed along the south western boundary of the existing drive, and along the north eastern and south western boundary of the site. New hedges are proposed on the site to provide delineation between the upper and lower plots, and between plots 3 and 4.

Further detail would be required by way of condition in respect of the detailed landscaping scheme to include species of hedging plants, boundary treatments, details of materials of proposed hard landscaping including paths, driveways, proposed external gates and external steps.

The scheme proposes the retention and enhancement of the existing landscape features on the site. With the required condition in place therefore, the proposal would comply with Local Plan Policy D2, and draft Local Plan Strategic Policy OL01.

Residential / Neighbour Amenities

The existing house sits just over approximately 11 metres from the north eastern site boundary and between 18 and 17 metres from the north western boundary from Sidbury High Street. The proposed dwelling would sit slightly further back from the

road, at between 19 - 18 metres away from the High Street but would come closer to the north eastern boundary, being just under eight metres away. The side elevation of Plot 1 would be aligned with the side/rear garden of no. 5 and the front/side garden of no. 7. No. 7 Bramble Close is orientated with its principal rooms facing north west and south east, and only has a small en-suite bathroom window facing the application site. Plot 1 has no windows to its side elevation so there are no concerns in respect of overlooking of adjacent plots. The proposed dwelling is significantly taller than No. 7 Bramble Close, with a ridge height of approximately 90.2m AOD, the same as the ridge height of previously approved applications 16/1659/FUL and 18/2023/FUL, which is slightly above the existing ridge height of 89.24 at its highest. The previously approved schemes had hipped roofs whereas the proposal is for a gable roof. However the minimum distance between the flank elevations of proposed Plot 1 and No. 7 Bramble Close is 10.8 metres, therefore it is not considered that the dwelling would dominate the gardens of No. 5 and No. 7 Bramble Close owing to the separation distances between the dwelling and the existing and proposed soft landscaping which would screen the new dwelling. There would be no windows in the side elevations of plots 1 and 2 and although there would be rear balconies, they are not sufficient wide enough to be used for seating purposes and would be used as access to the steps and rear garden only. Any views from the rear windows to the windows in properties surrounding the site would be at an oblique angle and a distance of at least 20m. Similarly views to the north towards properties on the north side of the A3052 would be at a distance of about 27m to the boundary. Given these characteristics, the relationship between plot 1 and the neighbouring properties is acceptable.

On the other side, plot 2 would be a similar distance from the western boundary but would be in line with and a similar height to the neighbouring house at 89A. The relationship between these properties would be typical of what would be expected in an urban area and would not give rise to an adverse amenity impact.

The two lower dwellings, plots 3 and 4, would be smaller and oriented east to west rather than north to south. Both would have their main outlook to the front and rear, with the front facing the rear elevations of 1, 3 and 5 Bramble Close. Again, there is no comparison between the height of the new dwellings and those in Bramble Close but the difference would be much less stark and would not create an unacceptable relationship. Window to window distances would be around 24-25 metres and therefore would provide acceptable privacy.

The rear elevations of the lower dwellings would face the lower part of the garden of 89A Sidford High Street and the side garden of 17 Coombe Hayes but the separation distance of 20-21 metres to the boundary would avoid any intrusive impact. With regard to 18 and 19 Coombe Hayes which are situated to the south, the reduced scale of plot 4 means it would not appear overbearing or give rise to a loss of privacy.

Within the site, the four dwellings would have a close relationship with each other but for the most part the level of mutual overlooking would be within the tolerances that are typical of an urban area. However, the rear garden of plot 3 would have four storeys of accommodation looking down on it from plot 2. To mitigate this a hedge at the bottom of the gardens of plots 1 and 2 is shown on the site plan and the section

drawing indicates that it would be about 3.6m high, which is necessary to achieve a good level of privacy. This would be on top of a bank that would be around 2m higher than the garden at the rear plot 3. Although the combined height of the bank and hedge would be 5.6 metres, it would be on the north side of the garden of plot 3 and therefore would not cast a shadow. Moreover, it would not appear overbearing given that there would be a more open outlook to the south and west. In contrast, the hedge is likely to shade the garden of plot 2 but given that the house itself would be elevated and would have a raised balcony, there would be sufficient good quality amenity space.

In respect of noise, the intensification of use would be likely to add to existing levels of noise but there would be no material impact on any surrounding properties. In addition, subject to an appropriate surface treatment, the new driveway following the eastern boundary would not give rise to unacceptable levels of noise.

For the above reasons it is considered that the four new dwellings would have an acceptable relationship with the neighbouring properties and with each other.

All of the dwellings, including the smaller dwellings to the south of the site would comply with the National Described minimum space standards and it is considered that the dwellings would provide a good standard of amenity for future occupiers.

Given the above, the proposal would comply with Local Plan Policy D1 and draft Local Plan Strategic Policy DS01.

Highways, access and parking

Highways have commented that the proposed redevelopment would not create an unacceptable trip generation impact upon the local highway network, and that the proposed driveway access to Plots 1 and 2 can achieve the required visibility in both directions. The existing driveway visibility is also acceptable in both directions, and the proposed layout allows for vehicles to park and turn-off carriageway to re-enter the carriageway in a forward facing motion.

It is noted that the current footpath link to this site is very narrow and highways have recommended widening this into the verge of the A3052 to achieve a minimum standard of at least 1.5m, which would avoid the re-construction of the kerbline. Widening the existing footway would prioritise walking from the site, which is encouraged through both the local plan and draft local plan. Whilst it is acknowledged that the proposed widening would be of benefit to the site, this would only occur across the frontage of the site and the rest of the footway along the A3052 would be unaltered. The widening also needs to be balanced against the loss or partial loss of the hedgerow boundary to the site. The limited benefits of the proposed widening or therefore not considered to outweigh the harm to the loss of the hedgerow or the harm to the character of the site through the loss of the hedgerow. It is also of note that Highways considered the previous application for the same scheme acceptable, and did not request the widening of the footpath.

Highways have also recommended a Construction and Environment Management Plan (CEMP) be required by way of condition to help mitigate the effects of construction upon the local highway network.

The proposal contains 9 parking spaces, which is sufficient for the number of dwellings proposed. In addition, the local plan requires at least one bicycle parking space per dwelling therefore a condition would be imposed upon any approval requiring details of secure bicycle parking for plots 3 and 4. Draft local plan policy TR04 requires 1 bicycle space per bedroom but only limited weight can be given to emerging policy presently.

With the required conditions in place, the proposal would comply with Local Plan policy TC2, TC7 and TC9.

Ecology / biodiversity

The application is supported by protected species survey reports in respect of reptiles, dormice and bats. In response to a request for further information from EDDC's ecologist, a further Ecological Impact Assessment has also been submitted in respect of the scheme.

It is noted within the report that the site is overrun with bramble, but there is no evidence of Japanese knotweed or any other invasive weed species. The application is supported by an updated bat survey including three emergence surveys, which indicate that the building on site supports a day roost for common pipistrelle bats and low numbers of brown long-eared bats. A Protected Species Licence will therefore be required for the demolition of the existing house.

Mitigation, compensation and enhancement measures for bats include the provision of external bat boxes on two dwellings and boundary trees, and a dedicated bat loft within the roof space of plot 4. Bat mitigation guidelines recommends that compensatory long-eared bat lofts should be 5 m x 5 m x 2.8 m (loft floor to ridge), with a minimum ridge void no smaller than 2 m, therefore the loft void above Plot 4 is sufficiently sized to accommodate a suitable bat loft. Details of both internal and external lighting would be required by way of condition to ensure lighting levels on the site do not deter bats from accessing bat roosting features.

The development of the site would require a European Protected Species Licence (EPSL) for dormice. There is limited scope to provide suitable habitat for nesting dormice on a constrained residential site. Habitat clearance would need to be supervised by suitably licenced ecologist.

The site also supports an 'exceptional' population of slow worms on site and the mitigation strategy proposed includes a translocation exercise and supervised destructive search. This is considered acceptable subject to satisfactory detail being provided including details of a suitable site for translocation of the slow worms.

The proposal is considered to be acceptable, subject to a number of conditions to ensure that the works are undertaken in strict accordance with the submitted

Ecological Impact Assessment report, and to ensure that the mitigation and enhancement measures are in place prior to occupation of the site. A Landscape and Ecological Management Plan (LEMP) is also required prior to commencement on site to include full details of biodiversity measures referred to in the Ecological Impact Assessment. In addition to this a Construction and Ecological Management Plan (CECoMP) is also required prior to the commencement of any works on site, which would include details of the timings of proposed works and details of the proposed reptile translocation receptor site. A condition is also recommended in respect of lighting.

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.

Whilst decision makers should have regard to the 3 tests above it should be noted that the LPA is not expected to duplicate the licensing role of NE. An LPA should only refuse permission if the development is *unlikely* to be licensed pursuant to the derogation powers *and* Article 12 of the Habitats Directive was likely to be infringed.

In terms of public interest this proposal as a matter of principle accords with the national level of significantly boosting housing supply from which some economic and social benefits could accrue. Alternative scenarios are not easily discernible. Given what has been reported for this site (see above), the fact suitable mitigation measures are proposed and these elements have been found acceptable by the council's ecologist, there is no reason why a license would not be issued or why Article 12 would be infringed.

Consequently, there is no reason to suggest that, from the LPA's perspective, the proposal would be likely to offend Article 12 of the Habitat Directive or that a licence would be withheld by Natural England as a matter of principle.

With the required conditions in place, the proposal would comply with Local Plan Policy Strategy 47, Policy EN5, and Policy EN14 and Draft local Plan Policy PB03 and Policy PB07.

The application is exempt from the provisions of Biodiversity Net Gain owing to the application having been received prior to April 2024.

Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designation is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District

Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of the designation. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

Trees

The application is accompanied by an arboricultural appraisal and the report notes that the site hosts a significant number of trees, though many of these are largely inaccessible due to the dense bramble growth that proliferates across the lower, south-eastern half of the site.

The most important trees from a landscape perspective are those on the Sidford High Street frontage, with the key specimens comprising a Copper Beech, a Cedar and an Oak. The Cedar is protected under a Tree Preservation Order (TPO). Smaller specimens of Monterey Cypress, Sycamore and Field Maple sit between the larger specimens but have limited future potential due to the larger dominant trees therefore a number of these smaller trees are proposed for removal.

These trees sit within a banked hedgerow containing several species. The north eastern hedgerow boundary is also banked and contains hazel, ash, holly, elm and ferns on the hedgebank. The north eastern boundary contains one Ash and one Hawthorn tree which may be in third party ownership. These are covered by a TPO and are both retained within the scheme.

There are three large Monterey Pines to the upper lawn of the existing dwelling, which are under TPOs, and are noted as having a limited safe useful life expectancy and the report states that their removal will be almost inevitable in the next ten years. They have been retained within the scheme. The report states that space has been left within the layout to accommodate the unconstrained growth of a new tree to the south-east of the Monterey Pines, with this effectively forming the replacement under the Tree Preservation Order legislation for the recently felled fourth Monterey Pine.

There is also a significant Eucalyptus tree just beyond the south west boundary of the site, also protected by a TPO, which is a large and dominant specimen which may need to be managed by reduction in due course in order to maintain it at an appropriate size for its host garden.

Within the residential garden area itself, a Lombardy Poplar will be retained on plot 4, whilst an existing Willow tree would be retained on Plot 1. An area of overgrown apple trees to the south west of the site, which would form the rear garden of plot 4, would be removed due to their poor-quality.

'No dig' surfaces are proposed in places, including the driveway incursion into the root protection area of Cedar T3 and the driveway incursion into the root protection area of Ash T15.

Overall, the proposals allow for the retention of all of the key trees with a manageable risk of any harm as a consequence of construction activities. Any hard landscaping within the root protection area of any retained trees which includes changes in ground levels (cut or fill), new walls or new paths will require further arboricultural review to ensure that any detrimental impact is limited. As such it is considered appropriate to remove permitted development rights of the houses in respect of hard surfaces to safeguard the existing trees on site.

EDDC's tree officer has not commented upon the application, however the proposed scheme is the same as the previously submitted 20/2653/FUL application. The arboricultural appraisal has been re-undertaken for this application with the Arboricultural Method Statement and Tree Protection Plan having been revised to account for growth in the time between the submission of the two applications. The tree officer previously considered the proposal to be acceptable, subject to a condition to ensure appropriate tree retention and protection.

As such, should the scheme be recommended for approval a condition should be imposed in respect of the protection of the existing trees on site requiring compliance with the submitted Arboricultural Method Statement and Tree Protection Plan. With the required condition in place, the proposal would comply with Local Plan policy D3, draft Local Plan Policy PB08 and Sid Valley Neighbourhood Plan Policy 6.

Drainage

The application indicates that both foul and surface water drainage would be via mains drainage. Surface water disposal via mains drainage would not be acceptable in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted. A condition would therefore be imposed upon any approval requiring surface water to be drained via soakaways unless otherwise agreed with the LPA.

With the appropriate condition in place the proposal would comply with Local Plan Policy EN22 and Draft Local Plan Strategic Policy AR01.

Other matters

The site is not within flood zones 2 or 3 therefore there are no concerns in respect of flooding. The application site sits within the Airport Safeguarding Area, however as the proposal is for housing rather than for any form of development that would attract bird life such as waste disposal sites, reservoirs, sewage works, major landscaping schemes, areas of water and bird sanctuaries, there are no concerns that the proposal would lead to an increase in bird activity on the site.

Conclusion

The proposed subdivision of the existing site would provide four dwellings on plot sizes that would not be out of character with the overall characteristics of adjacent development. Concerns have been raised that the houses to the upper portion of the plot would be overbearing and could result in overlooking of adjacent houses. The proposed heights of these houses is similar to that approved under earlier applications on the site, and the proposed location of windows together with the distance from neighbouring plot boundaries together with existing and proposed tree and hedge screening means that opportunities for overlooking would be minimised. The proposal respects the characteristics of the area and with the proposed conditions in place in respect of ecology, highways improvements to ensure improved pedestrian access to the site, and adequate tree protection, the proposal is considered to comply with policies contained within the East Devon Local Plan and the Sid Vale Neighbourhood Plan. On this basis the scheme is recommended for approval, subject to conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.

(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

3. 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: A pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan 2013-2031, Policy HE04 (Archaeology and Scheduled Monuments) of the Draft East Devon Local Plan 2020 - 2042, and paragraph 205 of the National Planning Policy Framework, 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. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.

(Reason - To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.)

5. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), the following tree protection measures as identified in the submitted Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) dated 29th day of November 2023 will have been completed:

- a) The tree protection fencing shall be in place and in accordance with the agreed specification.
- b) The installed tree protection will have been inspected by an appropriately experience and qualified Arboricultural Consultant commissioned to act as the project Arboricultural Supervisor.
- c) The findings of the Arboricultural Supervisors initial site inspection shall be forwarded to Local planning Authority prior to the commencement of works on site.

During the development hereby approved, the following tree protections measures identified in the above AMS and TPP will be undertaken:

- d) The AMS and TPP dated 29th day of November 2023 shall be strictly followed.
- e) Ad-hock monthly site inspections shall be undertaken by a suitably qualified tree specialist and the finding recorded in the site monitoring log.
- f) Any departures from the approved TPP and AMS shall be reported to the Local Planning Authority in writing within five working days of the site inspection.

On completion of the development hereby approved:

- g) A completed site monitoring log shall be submitted to the Planning Authority for approval and final discharge of the tree protection condition.

(Reason: A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031, and Policy PB08 (Tree, hedges and woodland on development sites) of the Draft East Devon Local Plan 2020 - 2042, Policy 6 (Infill Development, Extensions And Trees) of the Sid Valley Neighbourhood Plan 2018-2032 and pursuant to section 197 of the Town and Country Planning Act 1990.)

6. Prior to the commencement of the development hereby approved, details of the construction of the access including details of the hedgerow to be removed shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. All other elements of the hedgerow are to be retained for the lifetime of the development.

(Reason – A pre-commencement condition is required to ensure that the access works are planned and provided in good time in the interests of highway safety for construction and other vehicles, and to preserve the character of the area in accordance with the requirements of Policy D1 (Design and Local Distinctiveness), Policy D3 (Trees and Development Sites) and Policy TC7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan 2013-2031 and Strategic Policy DS01 (Design and Local Distinctiveness) and Policy PB08 (Tree, hedges and woodland on development sites) of the Draft East Devon Local Plan 2020 - 2042.)

7. No development shall take place on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include the following:
 - (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.

(Reason: A pre-commencement condition is required to ensure that adequate facilities are available for construction and other traffic attracted to the site in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan 2013-2031.)

8. 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. The LEMP shall include biodiversity measures as referred to in the Ecological Impact Assessment (Encompass Ecology, December 2024), Proposed Biodiversity Enhancement Plan (Figure 7) and shall also include the following:
- Description and evaluation of features to be managed.
 - Ecological trends and constraints on site that might influence management.
 - Aims and objectives of management.
 - Appropriate management options for achieving aims and objectives.
 - Prescriptions for management actions.
 - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum 10-year period).
 - Details of the body or organization responsible for implementation of the plan.
 - 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: A pre-commencement condition is required to ensure that suitable mitigation is in place prior to commencement on site 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), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031 and Policy OL09 (Control of pollution) and Policy PB03 (Protection of irreplaceable habitats and important features) of the Draft East Devon Local Plan 2020 - 2042.)

9. No development shall take place (including ground works) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the local planning authority. The CECoMP shall include the following.
- Risk assessment of potentially damaging construction activities.

- Identification of "biodiversity protection zones".
- 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).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
- The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements, i.e., for reptiles, dormice and bats.
- Use of protective fences, exclusion barriers and warning signs.

For the avoidance of doubt, the CEcoMP shall include a detailed reptile mitigation strategy including a site clearance methodology (including reptile fencing), and details of a secured reptile translocation receptor site in accordance with .GOV standing advice.

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: A pre-commencement condition is required to ensure that suitable mitigation is in place prior to commencement on site 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), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031 and Policy OL09 (Control of pollution) and Policy PB03 (Protection of irreplaceable habitats and important features) of the Draft East Devon Local Plan 2020 - 2042.)

10. The development hereby approved shall proceed strictly in accordance with the Ecological Impact Assessment report (Encompass Ecology Ltd, December 2024), in particular the ecological mitigation and enhancement measures detailed in Section 5, the Summary Impact Table in Section 5.18, and the Proposed Biodiversity Enhancement Plan (Figure 7). Prior to occupation, a written record shall be submitted to the local planning authority including a toolbox talk sheets detailing the results of reptile translocation and compliance with other licenced works (bats and dormice). The record shall also include photographs of the installed ecological mitigation and enhancement measures, including bat loft, bat and bird boxes, integrated bee bricks, hedgehog highways, and enhanced hedgerow planting.

(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), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031 and Policy OL09

(Control of pollution) and Policy PB03 (Protection of irreplaceable habitats and important features)
of the Draft East Devon Local Plan 2020 - 2042.)

11. Prior to the occupation of the development hereby approved, a sensitive lighting plan in accordance with BCT/ILP Guidance Note 08/2023 and Section 5.28 of the EclA (Encompass Ecology Ltd, December 2024), including a lux contour plan (considering internal and external lighting), shall be provided and agreed in writing by the Local Planning Authority. Under no circumstances should any additional (to the approved lighting plan) 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), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031 and Policy OL09 (Control of pollution) and Policy PB03 (Protection of irreplaceable habitats and important features) of the Draft East Devon Local Plan 2020 - 2042.)

12. Prior to their installation details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. This should include the colour and finish of the roofing tiles, eaves and soffits, timber cladding, render, dormer roof and cheek finish, rainwater goods, and external doors, windows and cills and balcony details including deck, balustrade and external steps. The development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031 and Strategic Policy DS01 (Design and Local Distinctiveness) of the Draft East Devon Local Plan 2020 - 2042 and Policy 7 (Local Distinctiveness) of the Sid Valley Neighbourhood Plan 2018-2032.)

13. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any hard landscaped areas including driveway / turning areas and paved / patio area and external steps, as well as proposed boundary treatments and external gates to the site and adjacent proposed driveway. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1(Design and Local Distinctiveness) D2 (Landscape Requirements) and D3 (Trees and Development Sites) of the Adopted East Devon Local Plan 2013-2031 and Strategic Policy OL01 (Landscape features) and Policy PB08 (Tree, hedges and woodland on development sites) of the Draft East Devon Local Plan 2020 - 2042.)

14. Plots 3 and 4 hereby approved shall not be occupied until provision for secure bicycle parking has been installed on site in accordance with details that have previously be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

(Reason - To ensure that adequate cycle parking is available in accordance with Policy TC9 (Parking Provision in New Development) of the Adopted East Devon Local Plan 2013-2031 and Policy TR04 (Parking standards) of the Draft East Devon Local Plan 2020 - 2042.)

15. Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 45% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to installation. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations. The development hereby approved shall not be occupied or brought into use until the agreed drainage scheme has been provided and it shall be retained and maintained for the lifetime of the development.

(Reason - In the interests of adapting to climate change and managing flood risk, and to accord with Policy EN22 - Surface Run-Off Implications of New Development of the East Devon Local Plan 2013 to 2031 and Strategic Policy AR01 (Flooding) of the Draft East Devon Local Plan 2020 - 2042.)

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule 2 Part 1 Classes E (the provision of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse) or F (provision of hard surfaces) or within Schedule 2 Part 2 Class A (gates, fences, walls).

(Reason - To prevent damage to retained trees in the site and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D1 (Design and Distinctiveness) and Policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031, and Strategic Policy DS01 (Design and local distinctiveness), and Policy PB08 (Tree, hedges

and woodland on development sites) of the Draft East Devon Local Plan 2020 - 2042.)

NOTE FOR APPLICANT

Informative:

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

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 exemption 4.1(i) 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.

Plans relating to this application:

PP(02)-00 Rev B	Proposed Combined Plans	08.11.23
PP(02)-10 Rev A	Proposed Elevation	08.11.23
PP-20 Rev A A-A	Sections	08.11.23
PP-21 Rev B B-B	Sections	08.11.23
PP-22 Rev B C-C	Sections	08.11.23
PP-SLP Rev B	Combined Plans	08.11.23
PP-SP Rev E	Proposed Site Plan	08.11.23
	Location Plan	05.12.23
PP(01)-00	Proposed Floor Plans	08.11.23
PP(01)-01	Proposed Combined Plans	08.11.23
PP(01)-10	Proposed Elevation	08.11.23
PP(01)-11	Proposed Elevation	08.11.23

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.

Key consultation responses appended in full:

EDDC District Ecologist

15/05/2024

1 Introduction

This report forms the EDDC's Ecology response to the full application for the above site.

The report provides a review of ecology related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 Review of submitted details

The application is supported by a Bat Survey Assessment letter report (Encompass Ecology, December 2023), Reptile Assessment report (Encompass Ecology, November 2023a), and Dormouse Assessment report (Encompass Ecology, November 2023b).

The current survey reports indicated the site supports an 'Exceptional' population of slow worms and nesting dormice, a European protected species. The bat

assessment letter report considers that bats are no longer roosting in the building on the site.

Dormice

The development of the site will require a European protected species licence (EPSL) for dormice. There is limited scope to provide suitable habitat for nesting dormice on a constrained residential site including the proposed measures of new hedging, hedge management, and nest boxes. Habitat clearance would need to be supervised by suitably licenced ecologist.

Reptiles

The reptile report is sufficiently detailed, and a reptile mitigation strategy will be required as a planning condition and to inform the clearance of the site. Reptiles will need to be translocated to a suitably secured receptor site.

As well as providing sufficient details regarding clearance methods, any mitigation strategy will also be required to provide details regarding any receptor site proposed. Translocation of reptiles is considered as a last resort and any translocation site will need to be suitable to support the 'Exceptional' population of reptiles and not be at the detriment to an existing wild population. It is expected that any mitigation strategy will be fully in accordance with .GOV standing advice on reptile translocations, including the receptor sites suitability and provisions for its long-term retention and future management.

Bats - roosts

The 2023 bat report considered that the building does not support roosting bats and the proposed demolition of the building would be unlikely to adversely impact roosting bats. This is based on a single bat emergence survey undertaken in late-August 2023 and a daytime survey. The report also references several other site visits between 2012-2020.

The report considers the building has deteriorated significantly since a previous bat emergence survey on 08/09/2020, when no bats were seen to emerge. The letter report also references 2016 and 2018 surveys, which from a review of previous planning applications only consisted of daytime surveys.

In 2014 the hanging tiles on the site supported a day roost used by at least two common pipistrelle bats and states that a European protected species licence will be required for the demolition of the house, as it would result in the destruction of a bat roost. This is reiterated in the 2016 and 2018 applications.

The 2014 report also states the further deterioration of the house would increase the 'potential for bat occupation'. The planning inspectorate comments (ref: APP/U1105/W/22/3300692) also allude to the site becoming more suitable for protected species, as the habitats develop into more semi-natural habitat.

In 2023, the house is noted have several missing hanging tiles and broken windows, offering multiple potential bat access points into the building. The survey did not include an inspection for bat droppings in the internal areas of the house (including the loft).

Insufficient details regarding the bat emergence surveys have been provided, such as number and location of surveyors, use of night vision aids (NVAs), as required for dusk emergence surveys in accordance with Bat Conservation Trust Interim Guidance (May 2022). Only two surveyors were used during the 2014 surveys and no details provided regarding subsequent surveys. The large house has multiple pitched roofs, with several valleys, and is surrounded by dense vegetation, such as trees. Therefore, there is also some concern over whether sufficient coverage of the building was provided for the surveys.

Bats - foraging and commuting habitats / Beer Quarry and Caves SAC

The 2023 letter report indicates some occasional use of the site by pipistrelle and serotine bats. Previous surveys of the site also recorded light adverse myotis bats, and barbastelle bat, an Annex II species.

The site is also located within a bat consultation zone associated with Beer Quarry and Caves Special Area of Conservation (SAC), and no mention of this or measures to reduce impacts on foraging and commuting bats are made.

Other protected and notable species

The site has been subject to several planning applications and number of ecological survey visits. Previous reports submitted to the various planning applications have identified the presence of legally protected and notable species including nesting birds, foraging badgers, and hedgehog, none of which are addressed in this planning submission.

3 Summary

The planning applications lacks sufficient details regarding ecological matters, in particular ecological impacts, mitigation, compensation, and enhancement measures provided for designated sites, legally protected and notable species including bats (roosts, foraging and commuting habitat), nesting birds, badgers, and hedgehogs.

The submitted reptile and dormouse reports are considered sufficiently detailed.

The application should be supported by an Ecological Impact Assessment (EclA) report in accordance with CIEEM (2018) guidance and .GOV standing advice for protected species. The EclA should cover the points raised above and refer to the most up to date survey guidance and policy including Devon County Council, e.g., dark skies, and East Devon Beer Quarry and Caves HRA guidance, and other best practice including the provision of integral nest boxes in accordance with BS42021:2022.

The EclA should refer to previous survey data, but the mitigation, compensation, and enhancement measures must be detailed in the report, cross referenced in plans, and be specific to this planning application.

Until such information is provided, I would object to the proposals.

Reason

ODPM Circular 06/2005 states: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

The application lacks sufficient information to determine that impacts on designated sites, legally protected and notable species are suitably mitigated and compensated for and lacks details of how the development will deliver ecological enhancement.

Therefore, the current submission would not be in accordance with National Planning Policy Framework Para 180(d), Strategy 47 - Nature Conservation and Geology, Policy EN5 - Wildlife Habitats and Features and Policy EN14 - Control of Pollution of the adopted East Devon Local Plan 2013-2031.

William Dommett MSc MCIEEM
District Ecologist

EDDC District Ecologist
26/02/2024

1 Introduction

This report forms the EDDC's Ecology response to the full application for the above site. It should be read in conjunction with the previous consultation response from 15/05/2024.

The report provides a review of the updated ecology related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 Review of submitted details

Ecological Impact Assessment (EcIA)

The updated EcIA (Encompass Ecology Ltd, December 2024) addresses some of the comments raised by the District Ecologist in May 2024. Further information regarding ecological impacts, mitigation and enhancement measures for badgers, nesting birds and hedgehogs have been provided and are considered acceptable. Additional enhancement measures for invertebrates are welcome.

There is likely to be a minor negative impact on habitats on the site, rather than neutral (Table 5.28 of the EcIA), however, as the application was made prior to the introduction of mandatory biodiversity net gain (BNG) this cannot be quantified.

Bats

The application is supported by an updated bat survey including three emergence surveys undertaken in the optimal survey period in 2024. Survey methodology deviates from current guidelines (BCT Bat Conservation Trust's Bat Surveys for

Professional Ecologists Good Practice Guidelines (Collins (ed.), 2023), which recommends surveys are spaced at least three weeks apart for structures with high roost suitability.

The report considers the building supports a day roost for common pipistrelle and brown long-eared bats (low numbers). No DNA test has been undertaken to determine whether the long-eared bats are grey or brown long-eared bats. An EPSL will be required for the demolition works.

Mitigation, compensation and enhancement measures for bats include the provision of external bat boxes on two dwellings and boundary trees. Section 5.27 and the Biodiversity Enhancement Plan (Figure 7) notes that '*a dedicated loft provision to mitigate loss of long-eared bat roost*' will be provided in the loft of House Type 2 within Plot 4. The EclA describes the bat loft as,

This bat loft is proposed to be at least 5 metres in length, will be full height and lined with a traditional type 1F bitumen felt rather than a modern breathable modern roof membrane. The bat loft will be accessed through the gable end wall of the house via a Schwegler 1FE bat box located at the top of the western gable end wall.

Bat mitigation guidelines recommends that compensatory long-eared bat lofts should be 5 m x 5 m x 2.8 m (loft floor to ridge), with a minimum ridge void no smaller than 2 m. The loft void above Plot 4 has sufficient size to accommodate a suitable bat loft. As indicated in the EclA a lighting plan will be required to demonstrate that lighting levels on the site do not deter bats from accessing bat roosting features on the site, including the bat loft. Any lighting plan will need to encompass all buildings (both internal and external lighting) on the site especially given the amount of glazing proposed on the east elevations of Plot 1 and 2 and glazing on the south elevation of Plot 4.

Beer Quarry and Caves SAC

The site is within a landscape connectivity zone (LCZ) for all three qualifying species (greater horseshoe bat, lesser horseshoe bat and Bechstein's bat) associated with Beer Quarry and Caves Special Area of Conservation (BQ&C SAC). Given the small scale of the proposed development, it is considered the development is unlikely to result in a Likely Significant Effect (LSE) on the qualifying features of the BQ&C SAC. Therefore, it is considered that the proposal could be screened out of an appropriate assessment under the HRA process.

Dormice

The development of the site will require a European protected species licence (EPSL) for dormice. There is limited scope to provide suitable habitat for nesting dormice on a constrained residential site including the proposed measures of new hedging, hedge management, and nest boxes. Habitat clearance would need to be supervised by suitably licenced ecologist.

Reptiles

The site supports an 'exceptional' population of slow worms on site and a mitigation strategy proposed includes a translocation exercise and supervised destructive search. This is considered acceptable subject to a satisfactory detail being provided and a translocation site being secured in accordance with .GOV standing advice on reptiles which advises (summary below):

If translocating reptiles, the proposal needs a receptor site:

- close to the development site, and within the same LPA if possible*
- that is at least the same size as the habitat that will be lost, and larger if the lost habitat is of high quality*
- that will serve the same function as the habitat to be lost, for example it has hibernation features*
- with similar habitat to the area that will be lost, including water bodies*
- that does not currently support the same species, but can be improved to make it suitable*
- that will be safe from future development and managed in the long term*

3 Recommendations

If minded for approval, the following conditions are recommended:

-Works shall proceed strictly in accordance with the Ecological Impact Assessment report (Encompass Ecology Ltd, December 2024), in particular the ecological mitigation and enhancement measures detailed in Section 5, the Summary Impact Table in Section 5.18, and the Proposed Biodiversity Enhancement Plan (Figure 7). Prior to occupation, a written record shall be submitted to the local planning authority including a toolbox talk sheets detailing the results of reptile translocation and compliance with other licenced works (bats and dormice). The record shall also include photographs of the installed ecological mitigation and enhancement measures, including bat loft, bat and bird boxes, integrated bee bricks, hedgehog highways, and enhanced hedgerow planting.

-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. The LEMP shall include biodiversity measures as referred to in the Ecological Impact Assessment (Encompass Ecology, December 2024), Proposed Biodiversity Enhancement Plan (Figure 7) and shall also include the following:

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

- No development shall take place (including ground works) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the local planning authority. The CECoMP shall include the following.

- Risk assessment of potentially damaging construction activities.

- Identification of “biodiversity protection zones”.

- 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).

- The location and timing of sensitive works to avoid harm to biodiversity features.

- The times during construction when specialist ecologists need to be present on site to oversee works.

- Responsible persons and lines of communication, including reporting compliance of actions to the LPA.

- The role and responsibilities on site of an ecological clerk of works (ECow), including any licence requirements, i.e., for reptiles, dormice and bats.

- Use of protective fences, exclusion barriers and warning signs.

For the avoidance of doubt, the CECoMP shall include a detailed reptile mitigation strategy including a site clearance methodology (including reptile fencing), and details of a secured reptile translocation receptor site in accordance with .GOV standing advice.

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.

- A sensitive lighting plan in accordance with BCT/ILP Guidance Note 08/2023 and Section 5.28 of the EclA (Encompass Ecology Ltd, December 2024), including a lux contour plan (considering internal and external lighting), shall be provided prior to occupation. Under no circumstances should any additional (to the approved lighting plan) 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), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

Therese Goodwin MA
Ecology Officer

South West Water

Proposal: Demolition of the existing dwelling and redevelopment of the site to provide four dwellings and a new vehicular access

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Surface Water Services

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

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development (domestic roof and driveway run off only) Please note that discharging to the public combined sewerage network is not an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

For Highway run off please contact the Highway Authority to agree disposal method. I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk

County Highway Authority

Observations:

I have visited the site and reviewed the planning documents.

The demolition of the existing dwelling and re-development of the site of four dwellings will result in a net gain of three dwellings, of which I am satisfied will not create an unacceptable trip generation impact upon the local highway network.

The Sidford House driveway access can achieve visibility to standard in both the north and south direction, The existing, Garden House visibility is also acceptable in both the north and south direction. The site layout allows for vehicles to park and turn-off carriageway to re-enter the carriageway in a forward facing motion.

The site would be in a short walking distance to the facilities at Waitrose, however the current footpath link to this site, is of a narrow width and sub-standard. This footway could be widened into the verge of A3052 to achieve a minimum standard of at least 1.5m and would avoid the re-construction of the kerbline.

Should the application be approved, I would also recommend the provision of a Construction and Environment Management Plan (CEMP) to help mitigate the effects of construction upon the local highway network. Together with secure cycle storage to encourage sustainable travel.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. Off-Site Highway Works No development shall take place on site until the off-site highway works as shown on drawing no. **** have been constructed and made available for use.

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 Seaton

Reference 24/1849/FUL

Applicant Kerri-Ann Betty

Location 30 And 32 Queen Street Seaton EX12 2RB

Proposal Proposed demolition of existing upvc conservatory and construction of single storey rear extension with roof terrace above



RECOMMENDATION: Refusal



		Committee Date: 25.03.2025
Seaton (Seaton)	24/1849/FUL	Target Date: 30.10.2024
Applicant:	Kerri-Ann Betty	
Location:	30 And 32 Queen Street Seaton	
Proposal:	Proposed demolition of existing upvc conservatory and construction of single storey rear extension with roof terrace above	

RECOMMENDATION: REFUSE

EXECUTIVE SUMMARY

This application is before Committee as the officer recommendation is for refusal, contrary to the view of a Ward Member supporting the proposal.

The application relates to a proposed ground floor rear extension of a shop at 30 Queen Street within the town centre of Seaton. The external walls of the extension would extend vertically above its roof level, with a vertical obscure glazed screen on the top of the walls, to create an enclosed first floor terrace to serve the existing flat located above the shop (32 Queen Street). The site area is currently a garden serving 32 Queen Street. The site is located within an area of dense development containing a mixture of residential and commercial uses. The buildings attached to the north and south of the site are each used for a mixture of residential and commercial uses, with several residential dwellings being adjacent to the site to the northwest through to the south.

The erection of an extension is acceptable in principle as it is within the Built Up Area Boundary of the town. The extension and walled roof terrace would however be located close to neighbouring dwellings, particularly 12 and 13 Woodbine Place to the south. Due to its height, form and proximity it would potentially have an overbearing impact on those dwellings and cause a loss of outlook and loss of daylight/sunlight to them. From the submitted plans the relationship with these dwellings is difficult to understand and whilst the Local Planning Authority requested further scaled section plans to address this, these have not been provided. Whilst a sunlight/daylight assessment was submitted during the course of the application, some of the assumptions made in this assessment are unclear and it omits assessment of potentially affected indoor and outdoor areas neighbouring dwellings. In addition, due to its scale, form and design, the proposed extension would fill most of the space at the rear of 30 Queen Street (which is currently a garden serving the 32 Queen Street) and it

would have a stark block-like appearance of excessive visual mass in relation to its plot, such that it fails to take into account the surrounding architectural character. For similar reasons it is considered, on the Conservation Officer's advice, that the proposal fails to conserve and enhance the conservation area. The proposal is therefore considered to be harmful to residential amenity and of poor design and to conflict with Policy D1 and EN10 of the Local Plan.

The proposal also lacks justification for the proposed surface water drainage to the main sewer and information as to reliable arrangements for storage of commercial waste, contrary to Policies EN22 and E2 of the Local Plan.

Although the proposal would support a small business, the local economy and make a positive contribution to the vitality of Seaton (as identified by a number of supporters of the application) the identified harms are considered to be significant and to outweigh these benefits. As such the application is recommended for refusal.

CONSULTATIONS

Local Consultations

Seaton- Cllr Derek Haggerty

23/12/2024

I would be happy to agree to this application,
However if it comes before committee, I'm would have an open mind to discuss,
debate, to make a full decision

Town Council

13/2/25

Having studied the amended plans and the additional information submitted for this application which clearly shows that the proposed development sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties and the scale, massing, density, height, fenestration and materials of the extension relate well to their context and would not affect the amenities of occupiers of adjoining residential properties Seaton Town Council has no objections to the amended plans submitted for this application.

8/1/25

Seaton Town Council object to the amended plans for this application.

Reasons for the objection:

Seaton Town Council object to the amended plans submitted for this application which relate to amended existing and proposed floor/elevations and amended plan: P200-D proposed floor plan and elevations.

The Town Council cannot support this application due to the impact the proposed roof terrace and height of the proposed new walls for the roof terrace will have on the amenities of occupiers of adjoining residential properties by way of noise and

disturbance, overlooking, loss of privacy and overshadowing. Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan states that proposals will only be permitted where they do not adversely affect the amenity of occupiers of adjoining residential properties.

The courtyard area at the rear of 30 & 32 Queen Street is an enclosed space and the proposed height of the walls for the rear extension and roof terrace will encroach on the amenities of occupiers of adjoining residential properties due to loss of light, loss of privacy and noise associated with the use of the roof terrace during the day and night.

Therefore, this application does not adhere to Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan and could also be considered as overdevelopment of the small rear courtyard.

16/10/24

Seaton Town Council have no objections to this application.

Technical Consultations

Environmental Health

30/1/25

The submitted Daylight and Sunlight Assessment shows that window 10 of 12 Woodbine Place is the most affected window in terms of impact from the proposed development. This window leads directly onto a habitable room, living room (as shown on Rightmove) but I cannot see the results of the Daylight Distribution test on window 10 or any justification for not doing a sunlight to window test for windows 10 & 11 of this property. This information is required before any recommendation can be made.

10/12/24

To assess the level of adverse impact from the development on the daylight, sunlight and overshadowing on surrounding sensitive properties, a Daylight and Sunlight Assessment must be carried out and submitted to the Local Planning Authority. This information is required before I can make any recommendation.

Conservation

24/2/25

(The below is a summary of responses received, full comments are at Appendix 1)

Amendments received 28.01.2025

The amendments reduce the solid balcony wall by approx. 1.5m and include a 0.5m frosted glazed screen mounted on the now reduced solid wall, however concerns remain that the built form continues to present itself as a dominant and uncharacteristic utilitarian addition, in its setting which on account of scale (height) and design, fails to preserve the setting of Seaton Conservation Area.
Recommendation: Amendments recommendation: Not support.

17/1/25

The terrace row of which the site is part contributes to the built evolution of Seaton's conservation area since at least the late 19th century. The rear of Queen Street is characterised by ad-hoc additions typical of what would be expected at the rear of commercial or retail units, which have evolved over time. The proposed new build would be seen in glimpsed views from the rear of Queen Street which contribute to how the historic and architectural interest of the conservation area is experienced. The proposed design, due to its solid balcony walls terminating at the top floor window lintels, would result in the uncharacteristic addition of a solid block to the rear of the terrace which would fail to preserve the setting result in less than substantial harm to the significance of the conservation area as a designated heritage asset. Recommendation: Not support.

Other Representations

Objections were raised by 2 parties raising the following concerns:

- The proposal does not include drawings of the closest neighbouring property, 12 Woodbine Close, making it necessary to estimate impacts;
- The mass of the extension is excessive given the surrounding context of closely spaced dwellings;
- The proposal conflicts with the guidance contained within the Council's Design Guide in relation to the scale of extensions close to a shared boundary;
- Impact on light/sunlight reaching neighbouring properties such that a lighting survey is required, and has not been provided;
- The lighting survey (which was subsequently submitted) contains discrepancies including not including certain windows, a courtyard and living space;
- Impact on outlook of a neighbouring property;
- Noise and odours from the use of the roof terrace;
- Loss of privacy to neighbouring property;
- Neighbouring roof terraces do not set a precedent as that of neighbouring 34/26 Queen Street is lower and other roof terraces in the area do not have facing properties to the side, as in this case;
- There is no existing rendered wall for the proposed render to match with, as proposed;
- The application refers to harmonising with Belmont House but this is some distance from the site and has no connection with it;
- The Heritage Statement does not take into account the glazed screen, which is unsympathetic to the area;
- Proposal has a box like appearance, causing harm to the conservation area;
- No 30 Queen Street would lose its entire outside space;
- The extension would have limited light;
- The amended drawings P200 rev E do not overcome the concerns raised;
- Structural damage could occur to footings and drainage system of neighbouring property;

Some points relating to matters of procedure were also raised, as follows:

- No existing floor plans were submitted;
- South elevations are missing;

- The application form has been incorrectly completed in relation to residential units;
- Separate planning applications should have been made for 30 and 32 Queen Street;
- Not all the application documents refer to both 30 and 32 Queen Street;

Support was expressed by 33 parties who made the following points:

- The expansion of the shop would:
 - o bring more visitors to the area, with associated benefits to the local economy;
 - o enable an independent family business to grow;
 - o would support increased employment;
 - o would support high street vitality.
- The proposal supports the business which serves as a community hub, provides access to disabled people and provides services related to well-being;
- Neighbouring properties have undergone similar extensions and as such that the proposal would be in keeping with the character of the area;
- The rooftop terrace would provide necessary outdoor space for dwelling occupants;
- There will be no impact on neighbouring dwellings;
- Construction disturbance would be temporary.

PLANNING HISTORY

Reference	Description	Decision	Date
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None available

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies (LP)

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

Strategy 31 (Future Job and Employment Land Provision) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

D1 (Design and Local Distinctiveness) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN9 (Development Affecting a Designated Heritage Asset) Adopted

EN10 (Conservation Areas) Adopted

E2 (Employment Generating Development in Built-Up Areas) Adopted

E9 (Town Centre Vitality and Shopping Areas) Adopted

EN22 (Surface Run-Off Implications of New Development) Adopted

Draft East Devon Local Plan 2020-2042 Policies (emerging Local Plan – eLP)

The following policies of the emerging local plan are relevant to the proposal but currently have limited weight in planning decision making:

Strategic Policy SP05 (Development inside Settlement Boundaries) Draft

Strategic Policy CC02 (Moving toward Net-zero carbon development) Draft

Strategic Policy CC06 (Embodied carbon) Draft

Policy SE01 (Employment development within settlement boundaries) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Strategic Policy PB01 (Protection of internationally and nationally important wildlife sites) Draft

Strategic Policy HE01 (Historic environment) Draft

Policy HE03 (Conservation Areas) Draft

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

National Planning Practice Guidance

Other Documents

Beer Quarry & Caves Special Area of Conservation (SAC) Habitats Regulations Assessment Guidance

BRE Guide (Building Research Establishment) ‘Site layout planning for daylight and sunlight – a guide to good practice’ (2022/3rd edition)

Site Location and Description

The site is a 2.5-storey mid terrace building comprising a shop at the ground floor (number 30) and a flat above (number 32). It fronts onto Queen Street and is located within Seaton’s town centre, the Built Up Area boundary of Seaton and within a Conservation Area. The application building is attached to 34 and 36 Queen Street to the north and 26 and 28 Queen Street to the south. The attached buildings are similarly in commercial use at the ground floor and have flats above. To the rear of the application building lies a small garden which is currently in use ancillary to the occupation of number 32. There is no vehicular access into the site. A small conservatory is attached to the rear (west) façade of number 30. At the front of the building (on its eastern façade) a door to the north of the shop frontage leads into a covered hallway, which emerges into an alleyway, from which the rear garden can

be accessed via a gate. The rear garden is at a lower level than the adjoining ground level to the west and south and is fully enclosed by the rear of the building on its eastern side and tall timber fencing on top of block retaining walls on the other 3 sides. To the northwest and southwest of the site lie some of the dwellings of Woodbine Place, which are attached 2-storey dwellings arranged in small blocks. A private pedestrian path serving 10 of the dwellings of Woodbine Place runs immediately alongside the western and southern boundary of the site. Of the Woodbine Place dwellings, numbers 11, 12 and 13 are the closest to the site. Number 11 has a side elevation which is parallel to rear boundary of the site, offset to the north. Its rear garden flanks the path which running alongside the rear boundary of the application site, approximately 1.7 m away. Numbers 12 and 13 abut a different section of the path bounding the rear garden of the application site. Their principle elevations face directly towards the rear garden at the site, their distance from the site's southern boundary being approximately 1.3 m and 1.5 m respectively.

The surrounding context of the site is an intimate network of town centre streets and paths, dense mixed commercial and residential development with small pockets of open space. There is a public car park approximately 36 m to the west of the site and a public footpath, Seaton Footpath 25, runs approximately north-south through that car park. There are four Grade II listed buildings in the area around the site though they are separated from it by several intervening buildings.

The site also lies within the bat consultation area of the Beer Quarries and Caves Special Area of Conservation.

Proposal

It is proposed to demolish the conservatory at the rear of the site and construct a single storey extension to the shop, almost completely filling the rear garden area. At the same time, it is proposed to create a terrace on the roof of the extension, which would be accessed from the first floor flat, number 32, via a new external door and step (the terrace being at a lower level than the internal first floor). Minor changes to the fenestration at the rear of the flat are also proposed. The new extension would have ground floor windows on its northern façade, facing towards the alleyway but no windows in other facades. The external wall of the development would have a render surface, which it is stated would match existing walls. The side walls of the extension would extend upwards to form a wall around the edge of the roof terrace, which is intended to provide safety and privacy. The depth of the extension from the rear of the existing building would be approximately 6.5 m, and it would be approximately 6.1m wide. Following the initial submission of the application the proposal has been revised with the height of the solid part of the external walls enclosing the terrace being lowered from approximately 2.4 m above the terrace floor level to approximately 1.4m above it, with a resulting total height of 4.1 m above the ground level of the extension. As part of the revised proposal a 0.5 m high obscure glazed vertical screen would be installed on top of the walls, extending to approximately 1.9 m above the terrace floor level, with the top of the screen being approximately 4.6m above the ground level of the extension.

Since the application was initially submitted a missing south elevation drawing has been provided with annotation added to indicate the floor levels of the terrace and first floor flat.

The applicant has confirmed that the proposed use of the terrace would be ancillary to the residential occupation of number 32 Queen Street. It has also been confirmed that the existing timber fence around the garden would remain and that the extension would be built between the existing retaining walls within the garden.

The application is supported by a Heritage Statement and during the course of the determination a Sunlight and Daylight assessment was submitted in response to concerns raised.

ANALYSIS

The main issues for consideration include the principle of the proposal, heritage and visual impacts, impact on residential amenity and drainage.

Principle

The location being within the Built-Up Area Boundary of Seaton the development is acceptable in principle in accordance with LP Strategy 6 and eLP Strategic Policy SP05. The proposal would extend an existing commercial premises which would support the expansion of a business, in turn supporting the local economy and the provision of employment. Given that the site is within a mixed residential and commercial area the proposal is supported in principle by LP Policy Strategy 31, given that this policy provides general support for the provision of employment close to where people live. LP Policy E2 supports the expansion of existing businesses in principle and sets out certain criteria to be met, which are discussed under the headings below. eLP Policy SE01 sets out similar requirements.

Heritage and Visual Impact

LP Policy D1 requires that proposals respect the key characteristics and special qualities of the area in which a development is proposed, that the scale, massing, density height and materials relate well to their context and that proposals do not adversely affect the historical character of the area. eLP Strategic Policy DS01 imposes similar requirements. Given that the site is within a conservation area LP Policy EN10 and eLP Policy HE03 are also relevant, with both policies requiring that development would preserve or enhance the appearance and character of a Conservation area. LP Policy E2 requires that an extension to a business blends into the townscape in terms of design, siting and materials and that it would not harm the character or setting of settlements or any building of historic interest. In considering whether to grant consent for any works the Council also has a statutory duty under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving and or enhancing the significance of a heritage asset. Paragraph 212 of the National Planning Policy Framework [NPPF] explains that great weight should be given to the conservation of designated heritage assets and paragraph 215 states that any less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal.

The proposed extension, with its vertically extended walls around the roof terrace above, would have a large visual mass relative to the scale of the plot. It would have expansive blank external facades facing south and west, due to both its scale and the lack of windows, detailing or articulation on these facades. Although neighbouring properties to the north have been extended at the ground floor (permission having been granted for a rear extension at 34 Queen Street on 28/6/93 and 38/40 Queen Street on 8/12/99), the extensions are not of the same scale as the extension proposed in this application and neither do they have the same relationship of mass to plot size as the proposed extension (as an aside, it is noted that the proposed site plan showing the layout of rear extensions of neighbouring properties to the north appears to be inaccurate, depicting them as extending closer to their rear boundaries than appears to be the case in reality). It is therefore considered that the proposal would have an excessively massive, stark, utilitarian and block-like appearance, which fails to respect the architectural character of its surroundings.

Whilst not indicated on the proposed scaled elevation plans, the applicant has indicated that the existing timber fence around the perimeter of the rear garden would remain in place. It is acknowledged that this would be likely to partially screen the blank walls of the extension and could help to visually reduce the expanse of its blank walls, however the height of the fence to be retained has not been indicated on the scaled elevation plans and nor have surrounding ground levels been shown relative to the base of the extension, so the degree of screening which the fence would provide is unclear. Notwithstanding that the retained timber fence would have a partial screening effect, the proposal would nevertheless introduce a solid, built form with blank walls (on the most visible western and southern elevations) which would be close to and project above the top existing fence, such that it would appear excessively massive and stark within its context. It is therefore considered that the proposal does not represent high quality design and that it fails to accord with the requirements of LP Policy D1.

With regard to materials, it is noted that an objector raises a concern that the proposed rendered wall surface would not match the existing building. Whilst the planning authority could have sought further details regarding the proposed external material to ensure that it would match or complement the existing building (or could impose a condition on any grant of permission to ensure that the surface material would be suitable) as the proposal was considered unacceptable for other reasons this has not been done.

Given that the site is located within the Conservation Area the conservation officer has been consulted on both the original and revised proposal. In her comments she describes that the terraced row, in which 30 - 32 Queen Street is located, forms part of and makes a contribution to the built evolution of Seaton's Conservation Area since at least the late 19th century, forming part of the historic core of the area representing much of the pre-resort settlement. She acknowledges that the modern signage to the shopfronts along this part of Queen Street have to some extent compromised the character of these unlisted historic buildings although it is understood that the shopfronts below the signage probably date from the 1930's or possibly earlier. With regard to the rear of Queen Street, she notes that this is characterised by ad-hoc additions typical of what would be expected at the rear of

commercial or retail units, which have evolved over time to accommodate their use, including the introduction of single storey roof extensions. The officer notes that when utilised as first floor balconies, the addition of open railings and domestic vegetation goes towards softening the rear aspect of the terrace and how this is experienced in immediate views. It is noted that glimpsed views of the rear of the application site are available from the public car park and area of later development forming the boundary of the conservation area and that these contribute to how the historic and architectural interest of the conservation area is experienced.

The conservation officer considered that the original proposal would have resulted in a solid block at the rear of the terrace, which would be an uncharacteristic addition failing to preserve the setting and resulting in less than substantial harm to the significance of the conservation area. Having considered the proposed amendments to the proposal she notes that the solid balcony wall is reduced in height by and that there is now an obscure glazed screen on top of the wall, terminating at the mid-point of the main window addressing the balcony. Notwithstanding these amendments, however, she remains concerned that the proposal would be a dominant and uncharacteristic utilitarian addition which, due to its height and design would fail to would fail to preserve the setting of Seaton Conservation Area.

Overall, the proposal is considered to be of an inappropriate design within its context which fails to conserve or enhance the character and appearance of the conservation area, contrary to the requirements of LP Policies D1, EN10 and E2 and eLP Policies DS01 and HE03.

Residential Amenity

LP Policy E2 01 requires that the expansion of an existing business does not harm the amenity of nearby residents and similarly eLP Policy SE01 requires that land uses do not give rise to adverse amenity impacts. LP Policy D1 and eLP Policy DS01 also require that development does not adversely affect the amenity of occupiers of adjoining residential properties.

The existing ground floor use is as a shop (within use class E) and no adverse amenity impacts are anticipated to arise in relation to the expansion of that use. The proposed ground floor side windows of the extension would not overlook neighbouring windows or a private garden area of neighbouring property. The proposed height and mass of the overall built form of the extension, with its vertically extended roof terrace walls, does however have the potential to impact on the amenity of the neighbouring dwellings in close proximity to it, in several ways. Whilst the roof terrace wall and glazed screen would prevent views from the terrace into the windows of neighbouring properties, thus protecting the privacy of adjoining dwellings, due to the height the development and its proximity to the front windows of numbers 12 and 13 Woodbine Place the development has the potential to have an adverse impact in terms of being overbearing and causing a loss of outlook and light to these properties (though the extent of potential impact on number 13 is likely to be less than at number 12, given that its frontage is slightly offset relative to the development). From the submitted plans it is difficult to understand the precise relationship of the proposed extension/terrace with these neighbouring dwellings, as neighbouring dwellings are not illustrated on the elevation drawings and no scaled section drawings through the development and have been provided either. To

enable this relationship to be more clearly understood, on 12/11/24 the planning authority requested that specific section drawings be provided, however no such plans have been provided. A perspective drawing of the development and neighbouring dwellings, P900, has been provided, however this is not to scale and neither does it show the parts of the neighbouring dwellings which are potentially the most impacted in relation to overbearing impact and loss of outlook and light, namely the frontage of 12 and 13 Woodbine Place. This drawing is therefore of limited use in assessing these potential impacts. Whilst other 3 dimensional drawings using different viewing angles are included within a sunlight/daylight assessment report (which was submitted during the course of the determination), these are similarly not to scale, their 3 dimensional nature and lack of certain details makes it difficult to understand some features of in relation to each other and they do not include the glazed screen. These 3 dimensional drawings are therefore also of limited use in assessing the amenity impacts of the proposal, particularly given that the glazed screen is part of the built overall form and would need to be taken into account in assessing those impacts.

Having assessed the revised plans and sunlight/daylight report the environmental health officer has noted that the report does not provide a daylight distribution assessment of the most affected window of 12 Woodbine place which serves a habitable room (a ground floor living room), which should be taken into account¹. He also considers that not all potentially affected windows been assessed in relation to sunlight, however the consultant who produced the report has pointed out that all windows for which a sunlight assessment is relevant (in accordance with relevant guidance²) have been assessed and this point is accepted. It is also unclear from the report whether the assessment has taken into account the potential shading effect of the obscure glazing (it is noted that the glazing is not shown on the drawings included in the report nor does the report specifically state whether or not the glazing has been discounted from the assessment). If the effect of glazing has been discounted it is considered that this should have been explained and justified, with reference to the extent to which such glazing would block light transmission, particularly given that the glazing panels would be installed along the entirety of the top of the terrace wall and that they add approximately 0.5 m to its height.

An objector points out that daylight distribution assessment was missed out for windows referenced 8 and 9 in the report, however in accordance with the guidance² on which the assessment was based, given that those windows serve a hallway (which constitutes a 'circulation area') a daylight distribution test for them was not necessary. An objector also points out that the front courtyard of 12 Woodbine Place (to the north of that property) has also not been taken into account in assessing the overshadowing of gardens and open spaces. Although this courtyard space is very small, it is nevertheless a private open space, as is the small adjacent courtyard to

¹ Paragraph 3.4.9 of the sunlight/daylight report indicates that additional daylight distribution data could be provided at the request of the Local Planning Authority if room layout information is confirmed, however all the information the Council possesses relating to room layouts of neighbouring dwellings is published by the Council on its website. If any further survey work is necessary in order to enable a comprehensive daylight/sunlight assessment to be completed, it would be the responsibility of the applicant/their appointed consultees, not the Local Planning Authority, to undertake that survey work.

² Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice, 3rd Edition' by P J Littlefair 2022

the front (north) of 13 Woodbine Place (in fact, these small courtyards are the only external spaces associated with those properties). It is therefore considered that these courtyards should have been taken into account in the assessment. Considering all the above points, there is doubt that the submitted daylight/sunlight assessment is complete and doubt that its conclusion (that the proposal would have no adverse impact in relation to daylight/sunlight) can be relied upon. Consequently, on the basis of the information provided it is considered that that application would potentially have an adverse impact on the amenity of neighbouring dwellings in relation to daylight/shading.

Turning to the amenity of the application dwelling itself (32 Queen Street) the internal space of the flat would be unchanged through the proposal. The provision of a terrace would compensate for the loss of outdoor space resulting from building over the garden area, but as this dwelling has convenient access to public open spaces nearby, the provision of compensatory outdoor space would not be considered essential, in planning terms. An objector suggests that the shop extension would have limited natural light however it is not considered that this would harm the amenity of the rear of a shop, given that a shop does not have a reasonable need for daylight.

An objector raises concerns that the domestic use of the terrace would give rise to impacts on the amenity of neighbours in relation to noise and/or odour however it is not considered that the reasonable domestic use of the terrace would give rise to noise and odour to a significantly greater degree than could already arise from that use within the existing garden. An objector also raises a concern that through replacing the garden, the proposed build would remove ground floor storage space for bins. It is considered that the flat could store domestic bins on the roof terrace (without necessarily causing either odour or pest nuisances) however no external space is indicated on the plans for the storage of bins associated with the ground floor commercial use. The applicant has indicated that bin storage arrangements would remain as existing, with bins being stored in the alleyway to the north of the site, however, a plan included in a current planning application for the premises on the northern side of that alleyway, 34 and 36 Queen Street (planning application reference 24/2715/FUL) indicates that alleyway is not within the ownership of the applicant (for the application subject to this report). It is therefore unclear whether this arrangement can be relied upon. Whilst the Local Planning authority could have sought further information on this issue, this has not been done as the proposal is considered unacceptable on other grounds. On the basis of the information submitted it is considered that inadequate provision is made through the proposal for the storage of waste from the commercial premises, and the storage of such refuse would potentially impact on the residential amenity of the neighbouring dwelling to the north, 36 Queen Street.

Overall, on the basis of the information submitted it is considered that the proposal would potentially have an adverse impact on neighbouring residential amenity in relation to outlook, being overbearing and impact on daylight and that the proposed development would itself have inadequate amenity in relation to storage of commercial waste, in conflict with the requirements of LP Policies D1 and E2 and eLP policies DS01 and SE01.

Drainage

The erection of the proposed extension and roof terrace would involve the creation of a impermeable roof/terrace surface. Whilst the existing garden is noted to be partly surfaced with impermeable concrete it is estimated that the new roof surface would be slightly larger than this area and that some degree of additional surface water drainage is likely to be generated. LP Policy EN22 requires that the surface water implications of new development be fully considered and the pre-amble to that policy states that sustainable urban drainage systems should be the first consideration when designing for surface water run off. The application proposes disposal of surface water to the mains sewer without reference to considerations of sustainable urban drainage systems or any explanation as to why this would be impractical. In the case that the application were to be approved, it is recommended that a condition be imposed to require details of sustainable drainage measures, or, if these are considered to be impractical, details explaining why this is the case and justification for the discharge of surface water to the main sewer , in order to comply with the requirements of LP Policy EN22.

Other issues

Given that the expansion of the shop is relatively small scale it is not considered that it would generate a significant increase in vehicular traffic in the area. The shop is well located in relation to customer access via sustainable modes of transport. The proposal is therefore considered to be compliant with LP Policy E2 with regard to accessibility and traffic,

The demolition of the conservatory and the building works to construct the extension are considered unlikely to impact on bats or other protected species. Whilst the site is within the bat consultation zone of Beer Quarries and Caves SAC, the proposal would take place within a small, largely hard-surfaced courtyard within a lit urban area and as such, the development would be unlikely to impact on bat foraging or commuting habitat. For these reasons an Appropriate Assessment under the Habitats Regulations has not been carried out in relation to this proposal. The development is exempt from Biodiversity Net Gain requirements. Overall, no adverse impacts are anticipated in relation to ecological issues such that the proposal is compliant with LP Policies EN5 and EN9 and eLP Policy PB01.

An objector raises a concern with regard to the impact of the proposal on adjacent private drainage infrastructure and buildings in relation to structural stability, however as liability for damage impacts on private structures is a civil matter, this issue is not considered further in this report.

Procedural matters

An objector raises concern as to whether the correct planning procedure was followed in making this application as it relates to two different addresses/planning units, however it is acceptable for a planning application to cover more than one address or planning unit. With regard to other concerns relating to the plans and application form it is confirmed that the application form has been correctly completed in terms of residential units (the number of which would be unchanged through the proposal) and that existing floor plans have been provided. Whilst a

southern elevation drawing was initially missing from the application this was subsequently provided. In response to an objector's concern that the submitted documents only refer to one of the two addresses comprising the site it is considered that it is sufficiently clear that the supporting documents relate to the entirety of the application and that this covers both addresses.

The Local Planning Authority note that the site plan P100 may not accurately depict the layout of the rear extensions of the two neighbouring properties to the north, as other information available suggests that these extensions do not extend as far west towards their rear boundaries as shown on that plan. This possible discrepancy has been borne in mind in assessing the application, particularly in relation to how the proposal relates to the character of adjoining development. It is also noted that the west elevation of the proposed extension is wrongly labelled as the east elevation. Given that the application is recommended for refusal the applicant has not been requested to review/correct these plans. It is not considered that the incorrectly labelled elevation has affected the interpretation of the proposed development.

Conclusion

The proposed shop extension would support the expansion of an existing small business and make a contribution to the local economy, employment and town centre vitality. Due to the design, form, siting and scale of the extension in conjunction with the proposed roof terrace, however, and in the absence of information demonstrating otherwise, the proposed development would have an adverse impact on the amenity of neighbouring dwellings in relation to the outlook of those dwellings, having an overbearing impact and causing loss of daylight. In addition, due to its form, design and scale the proposal is considered to be out of keeping with the surrounding area and to fail to conserve and enhance the character and appearance of the conservation area. The proposal is also considered to be unacceptable due to the lack of detail of reliable arrangements for the storage of commercial waste. On balance, the harms of the proposal are not considered to outweigh its benefits and it is not considered that it represents sustainable development.

RECOMMENDATION

REFUSE for the following reasons

1. The proposed extension and roof terrace is situated close to 12 and 13 Woodbine Place and due its form, siting and scale, in the absence of information demonstrating otherwise, the extension it would have an overbearing impact on those dwellings, would harmfully reduce their outlook and would cause harmful loss to daylight to them. Due to these adverse impacts on amenity the proposal conflicts with Paragraph 135 of the National Planning Policy Framework and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.
2. Due to its form, design and scale the massing of the proposed extension and roof terrace is excessive in relation to its plot and has a stark utilitarian appearance, which is out of keeping with the character of the surrounding area and fails to conserve and enhance the character and appearance of the conservation area. The proposal therefore conflicts with Paragraph 212 of the

National Planning Policy Framework [NPPF] and Strategy 6 (Development within Built Up Area Boundaries), Policy D1 (Design and Local Distinctiveness) and Policy EN10 (Conservation Areas) and E2 Employment Generating Development in Built-Up Areas) of the East Devon Local Plan.

3. In the absence of information pertaining to arrangements for the storage of commercial waste on land within the applicant's ownership (or information as to why other land can be reasonably used for that purpose by the applicant) the storage of commercial waste is considered to harm the amenity of nearby residents in conflict with the requirements of LP Policy E2 (Employment Generating Development in Built-Up Areas) of the East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Location Plan	04.09.24
P-200 Rev E	Proposed Floor Plans	28.01.25
P100	Proposed Site Plan	04.09.24

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.

Appendix 1

Conservation Officer Comments

24/2/25

Amendments received 28.01.2025 - to be read in conjunction with conservation comments provided on 17.01.2025

24/1849/FUL

30 And 32 Queen Street, Seaton, EX12 2RB

Proposed demolition of existing upvc conservatory and construction of single storey rear extension with roof terrace above

The amendments to this proposal have gone towards addressing previous comments, by reducing the solid balcony wall by approx. 1.5m. These amendments include a 0.5m frosted glazed screen mounted on the now reduced solid wall, the overall height of the balcony terminating midpoint of the main window and/ or door addressing the balcony.

Whilst these amendments are welcomed, concerns remain that the built form continues to present itself as a dominant and uncharacteristic utilitarian addition, in its setting.

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant consent for any works to have special regard to the desirability of preserving the setting of Seaton Conservation Area.

In line with the National Planning Policy Framework Section 16 para. 219 it is considered that the proposed development, on account of scale (height) and design, fails to preserve the setting of Seaton Conservation Area.

With respect to any buildings or other land in a conservation area there is a duty placed on the Council under 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 that conservation area.

Recommendation: Amendments not support.

17/1/25

CONSERVATION CONSULTATION ON PLANNING APPLICATION AFFECTING A CONSERVATION AREA.

24/1849/FUL

30 And 32 Queen Street, Seaton, EX12 2RB

Proposed demolition of existing upvc conservatory and construction of single storey rear extension with roof terrace above

Significance - Seaton Conservation Area

The terraced row comprising 30 - 32 Queen forms part of, and makes a contribution to, the built evolution of Seaton's Conservation Area since at least the late 19th century. Centring around Fore Street, Queen Street and Manor Road, which forms the historic core of the area and represents much of the pre-resort settlement.

In context, no 30-32 Queen Street is typical of the terraces within the commercial core including shopfronts at ground floor and residential above. Whilst acknowledging the modern signage to the shopfronts along this part of the street has to some extent compromised the character of these unlisted historic buildings, the shopfronts below the signage, it is understood probably date from the 1930's but could be earlier.

In respect to the value attributed to the rear of No's 30-32 Queen Street, this is characterised by ad-hoc additions typical of what would be expected at the rear of commercial or retail units, which have evolved over time to accommodate their use. Including the introduction of ground floor flat roof extensions, utilised as first floor balconies including open railings and domestic vegetation, which goes towards softening the rear aspect of the terrace and how this is experienced in immediate views. Which includes a later 6 residential unit development orientated on a west-east axis within the former rear plot of the terraced houses.

The orientation of the new build is such that it allows glimpsed views of the rear of No 30 - 32 Queen Street, from the public carpark and later development which forms the boundary of the of the conservation and in turn contributes to how the historic and architectural interest of the conservation area is experienced.

Impact of proposed works

It is proposed through this application to introduce a rear flat roof extension with balcony above, whilst this approach is characteristic of the rear of an urban mixed use terrace, the design detail adopted through this application, which includes solid balcony walls that terminate at the top floor windows lintels, would result in a solid block, an uncharacteristic addition that fails to preserve the setting and to a lesser

extent result in less than substantial harm to the significance of the conservation area as a designated heritage asset.

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant consent for any works to have special regard to the desirability of preserving and or enhancing the significance of a heritage asset.

Paragraph 212 of the National Planning Policy Framework [NPPF] explains that great weight should be given to the conservation of designated heritage assets. Paragraph 215 states that any less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal. In this respect the proposed development fails to preserve the setting and to a lesser extent result in less than substantial harm to the significance of the conservation area as a designated heritage asset.

Recommendation: Not support.

Sarah Leete-Groves

17.01.2025

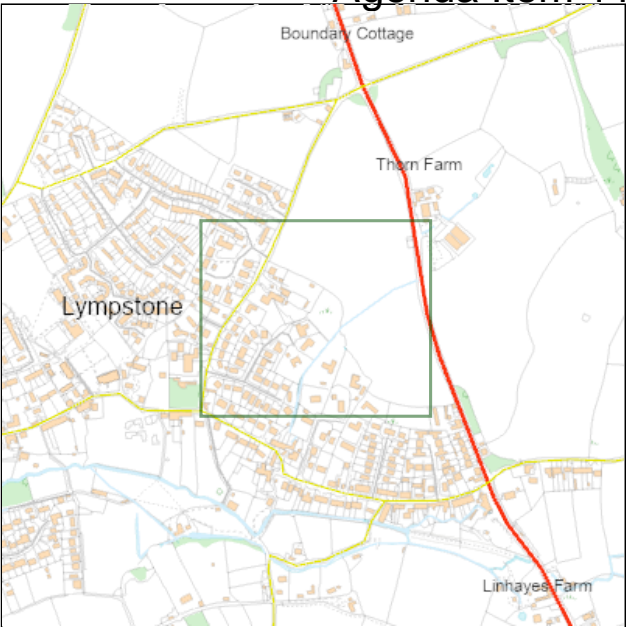
Ward Woodbury And Lymestone

Reference 25/0100/FUL

Applicant Mr I White

Location Land North East Of Grange Close Lymestone EX8 5LD

Proposal The erection of two detached dwellings with integral double garages, to include associated hard and soft landscaping.



RECOMMENDATION: Adopt the Appropriate Assessment and approve with conditions.



		Committee Date: 25.03.2025
Woodbury And Lympstone (Lympstone)	25/0100/FUL	Target Date: 25.03.2025
Applicant:	Mr I White	
Location:	Land North East Of Grange Close, Lympstone	
Proposal:	The erection of two detached dwellings with integral double garages, to include associated hard and soft landscaping.	

RECOMMENDATION: Adopt the Appropriate Assessment and approve with conditions.

EXECUTIVE SUMMARY

This application is before members of the Planning Committee because it is a departure from the East Devon Local Plan and the Lympstone Neighbourhood Plan.

The application seeks planning permission for the construction of two detached dwellings. Access shall be provided via the existing private driveway that stems from Grange Close to the west, a short internal road shall extend past the principal elevation of Plot 1 to Plot 2. The proposed dwellings shall have integral garaging and be finished in brick, cladding and artificial slate.

This application is a duplicate of planning application 24/0721/FUL which was refused planning permission in December 2024 due to the design, orientation, scale and massing being contrary to the character of the surrounding area. It is necessary to consider if there has been any material change in circumstances that would now justify approving this development.

The proposal represents a departure from the strategic approach regarding residential development within the East Devon Local Plan and the Lympstone Neighbourhood Plan. Notwithstanding the current policy position, the site already benefits from outline consent for the construction of the single dwelling and is considered to be in a sustainable location on the northern edge of the village where there would be safe and easy access to the wide variety of services and facilities and public transport on offer within Lympstone.

Furthermore, in the absence of a five year land supply, there is a clear need for more housing, both market and affordable within the district. The current and

projected levels of housing delivery do not meet this need in the long term under the current policy climate. This unmet need is a significant factor for decision-makers in planning applications and appeals, particularly pertinent for otherwise sustainable sites outside current settlement boundaries.

Due to the lack of a five year land supply, the provisions of paragraph 11d) are engaged and development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Reiterated concerns expressed by the Parish Council and former concerns raised at Planning Committee in determining 24/0721/FUL with regards to the development's scale, design and impact on the character of the area are again acknowledged. Whilst it is the position the Council that the scale, orientation and development is considered contrary to the provisions of Policy D1 (Design and Local Distinctiveness) of the Local Plan and Policy 7 of the Neighbourhood Plan. However, whilst the application is for two large properties, any visual impact is screened by either existing urban development along Grange Close or hedgerows and mature trees that characterise the site's boundaries.

Having also considered the proposal's impact on the ecological value of the site, existing trees, surface water implications, impact on neighbours and foul drainage, the proposals are policy compliant.

As such, having engaged the tilted balance as required by 11d), the identified conflict with D1 and Policy 7, bearing in mind the limited wider visual harm that would arise from the scheme, would not significantly and demonstrably, outweigh the benefits of securing two open market houses to the districts housing supply. In conclusion, the planning balance tips in favour of approval and therefore the application is recommended for approval subject to adopting the appropriate assessment and compliance with the schedule of conditions listed below.

CONSULTATIONS

Parish/Town Council

Lympstone Parish Council (LPC) previously objected to this application because it was outside the BUAB, outside the approved outline planning application and there was a lack of detail addressing biodiversity concerns.

The application now has a detailed ecological report evidencing the valuable habitat and wildlife on this small site (29 bird and 7 bat species, species-rich hedgerow, and a valuable line of native trees). As these are self-build homes, it is unlikely they will be constructed simultaneously, and the extended construction time will be detrimental to wildlife. This is contrary to the environmental objective of achieving sustainable development outlined in the NPPF paragraph 8c ("to protect and enhance our natural environment; including making effective use of land, improving biodiversity").

In addition, LPC feels that despite the current NP not carrying weight because of the tilted balance, the village preference for smaller more affordable family homes remains.

LPC accepts that outline permission for one dwelling exists, and therefore some development will take place on this site.

In summary, Lympstone Parish Council objects to this planning application for the following reasons:

' Previous Parish Council concerns remain.

' Two dwellings on the site are overdevelopment (LPC accepts one dwelling as permission for this site exists).

' Given the valuable wildlife and habitat present, two large self-build homes on this small site would be contrary to the environmental objective of the NPPF (ref 8C. Achieving sustainable development).

County Highway Authority

I have looked at the CEMP and am satisfied that it would meet our requirements.

Environmental Health

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

South West Water

Surface Water Services

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

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

Woodbury And Lympstone - Cllr Geoff Jung

have viewed the planning application documents for 25/0100/FUL for the erection of two detached dwellings with integral double garages, to include associated hard and soft landscaping at land North East off Grange Close Lympstone.

This is resubmission of a planning application that I originally did not support.

However, the officers report provided me with information that satisfied my earlier concerns, and therefore supported the officer's recommendation.

The planning committee however did not support the application because 'the dwellings by virtue of their design, orientation, scale and massing would result in development that is out of character with the surrounding area contrary to Policy D1

(Design and Local Distinctiveness) of the East Devon Local Plan 2013 to 2031 and Policies 6 and 7 of the Lympstone Neighbourhood Plan and paragraph 135 of the NPPF'

As I agreed to support the previous application and I do not consider the proposal was out of character to the Parish, where there are various examples of different design and massing, I support this application.

However, I reserve my views on this application until I am in full possession of all the relevant arguments for and against.

EDDC Trees

Comments as per previous application.

EDDC District Ecologist

I've had a look at the CEoMP and is suitable for the scale of development. Therefore happy for the previously recommended compliance condition.

Environment Agency

Overall, we have no objections in-principle to this proposal based on the information submitted with the planning application. Whilst the flood map indicates that an area of flood zone 3 encroaches within the red line boundary there does not appear to be any development taking place within that area. However, if there is to be any development or land raising within the area at risk of flooding please reconsult us for further comments.

Other Representations

At the time of publication of this report. 2 objections have been received.

Of those objecting, the main concerns:

- Concerns regarding surface water run-off into the nearby watercourse.
- Permission was granted for a single dwelling only.
- Sewage flowing into the River Exe.
- Construction noise and traffic.
- Increase in flood risk to Harefield Stream.
- Need for more detailed CEMP.
- Need for long term maintenance Surface Water Drainage Scheme.

PLANNING HISTORY

98/P0223 – Erection of a single dwelling. Refusal. 23/04/1998

23/1079/OUT – Outline consent for the construction of a single dwelling.
Approval.01/09/2023

24/0721/FUL - The erection of two detached dwellings with integral double garages, to include associated hard and soft landscaping. Pending appeal (including costs).

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

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

EN22 (Surface Run-Off Implications of New Development)

Strategy 5B (Sustainable Transport)

Lympstone Neighbourhood Plan (Made)

Policy 4 - Need

Policy 5 – Density & Scale

Policy 6 – Density & Scale

Policy 7 – Design

Policy 11 – Parking

Policy 14 – Flood Risk

Draft East Devon Local Plan 2020-2042 (Policies carry limited weight at present)

SP06- Development Beyond Settlement Boundaries

DS01- Design and Local Distinctiveness

PB08- Trees, Hedges and Woodland on Development Sites

PB01- Protection of Internationally and Nationally Important Wildlife Sites

PB04- Habitats Regulations Assessment

PB05- Biodiversity Net Gain

PB07- Ecological Enhancement and Biodiversity in the Built Environment

HN06- Sub-Dividing or Replacing Existing Buildings and Dwellings

TR04- Parking Standards

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

OFFICER REPORT

Site Location and Description

The site refers to land to the north east of Grange Close, an undeveloped paddock extending to approximately 0.3 ha in area which is accessed off a private drive off

Grange Close. The site is bordered by residential properties on its south western boundary and agricultural land to the north, east and north west.

The majority of the site is located outside of the built-up area boundary (BUAB) of Lympstone as defined by the East Devon Local Plan and the 'made' Lympstone Neighbourhood Plan. A small portion of the south west of the site does however fall within the BUAB as defined by the Lympstone Neighbourhood Plan. The site is not the subject of any national or local landscape designations and falls within an area designated as flood zone 1 (at lowest risk of flooding).

Proposed Development

The application seeks planning permission for the construction of two detached dwellings. Access is to be provided via the existing private driveway that stems from Grange Close to the west, a short internal road would extend past the principal elevation of Plot 1 to Plot 2. The proposed dwellings are proposed with integral garaging finished in brick, cladding and artificial slate.

Due to the sloping nature of the ground level, which falls away to the south east, a degree of cut and fill would be required to facilitate the development. The application is supported by a fully detailed landscaping scheme and Surface Water Drainage Strategy that propose two detention basins towards the north eastern corner of the site.

Background

Application reference 24/0721/FUL, for the erection of 2 detached dwellings with integral garages, to include associated hard and soft landscaping, was refused planning permission on 3 December 2024 for the following reason:

The dwellings by virtue of their design, orientation, scale and massing would result in development that is out of character with the surrounding area contrary to Policy D1 (Design and Local Distinctiveness) of the East Devon Local plan 2013 to 2031 and Policies 6 and 7 of the Lympstone Neighbourhood Plan and paragraph 135 of the NPPF.

This current application is for the identical form of development. It is necessary to assess therefore if there has been any material change in circumstances since this refusal was issued that would now justify approving this proposal.

There has been one material change in circumstance in that when the decision to refuse this application was made the Council was only required to demonstrate a 4 year housing land supply and at the time had a 4.5 year supply. The tilted balance in favour of sustainable development was therefore not engaged.

On 12 December 2024, the NPPF was updated, reverting to the more usual position whereby the Council is required to demonstrate a 5-year housing land supply. Changes to how this is to be calculated mean that the Council can now only demonstrate 2.97 years of supply. As such, and as explained in more detail below, the tilted balance is now engaged. This is a material change in circumstances.

The site was dismissed as an allocation at Strategic Planning Committee 03.09.24 as part of the HELAA to inform the emerging East Devon Local Plan. Reasons for not allocating the site for residential development were based on ecological impact and access. In order to provide a scale of development likely to be more compatible with the site's constraints, the proposed allocation was reduced to three houses. However, this fell below the threshold (five dwellings) to be considered for allocating as part of the HELAA process. As such, residential development of the site has come forward as a windfall scheme.

Principle of Development

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council formally adopted the East Devon Local Plan 2013-2031 on 28th January 2016 and the policies contained within it are those against which applications are being determined. The Draft East Devon Local Plan 2020-2042 is out for Regulation 19 Consultation such that limited weight can now be attributed to emerging policies referenced under the policy section of this report.

Strategies 1 and 2 of the currently adopted East Devon Local Plan set out the scale and distribution of residential development in the district for the period 2013-2031. The main focus is on the West End and the seven main towns. Development in the smaller towns, villages and other rural areas is geared to meet local needs and represents a much smaller proportion of the planned housing development.

The proposed development proposes new build residential development outside of the defined settlement boundary of Lymington, thereby conflicting with Strategy 7 of the local plan. Consequently, the site would not offer an appropriate location for the development proposed having regard to the development plan's overall settlement strategy and expectation for such development to be contained within a designated built up area boundary.

In strategic policy terms therefore, the site is within the 'countryside' as defined in Local Plan Strategy 7 (Development in the Countryside), the provisions of which would not ordinarily facilitate new build housing in the absence of any other local or neighbourhood plan policy that would explicitly permit such development.

Housing Supply within East Devon

The need for housing over the next five years is a crucial consideration in planning decisions. According to the National Planning Policy Framework (NPPF) 2024, local planning authorities must identify specific sites for housing for the next five years and broader areas for growth for the subsequent 10-15 years.

If the Council cannot demonstrate a five-year housing supply when adopting a new local plan, it would conflict with paragraph 69(a) of the NPPF. Without an adequate supply of housing an Inspector would likely find such an emerging plan unsound and inconsistent with the requirements of the NPPF.

Appeal decisions have shown that even if a site is not allocated in the current plan or is outside development boundaries, it can still nevertheless be considered for 'sustainable development' if there is no identified contextual conflict, would not unbalance communities and is within reasonable reach of an appropriate level of services and facilities.

East Devon can currently demonstrate a housing land supply of 2.97 years, falling significantly short of the five-year requirement.

Anticipated housing completions over the next five years suggest continued underperformance against statutory requirements. Projections indicate an accumulating deficit unless swift action is taken to accelerate delivery. Adjustments to policies encouraging smaller and garden land windfall developments may provide incremental supply boosts.

The council must address the housing supply deficit to align with NPPF standards and support the adoption of the emerging Local Plan by 2026. The latest Annual Housing Monitoring Report underscored the urgent need for strategic action to enhance housing delivery and mitigate risks associated with supply shortfalls. Proactive planning and policy adjustments are critical to meeting future housing demands and regulatory requirements.

There is a clear need for more housing, both market and affordable, within the district. The current and projected levels of housing delivery do not meet this need in the long term under the current policy climate. This unmet need is a significant factor for decision-makers in planning applications and appeals, particularly pertinent for otherwise sustainable sites outside current settlement boundaries.

The Council must boost its supply of market and affordable housing and develop a local plan that ensures the realistic delivery of sufficient homes over the plan period. A robust approach in this regard would mean the adoption of a local plan which both expresses and reflects the needs of the district, provides the ability to defend unsustainable sites for development at appeal, prevent speculative planning applications afflicting local communities and meet the social elements at a national scale by delivering the right type of housing at the right time. Accordingly, the need to boost the supply of housing is a material consideration that can be attributed great weight given the strategic importance maintaining a healthy supply of housing means to the council and its ability to retain control over key planning decisions.

The 2024 National Planning Policy Framework, as a material consideration

The National Planning Policy Framework (NPPF) published in December 2024 is a material consideration in the determination of planning applications. The NPPF states that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 11 of the Framework, in the decision-taking section states:

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; 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 (footnote 8), granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance (footnote 7) 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.

As above paragraph makes clear that where the policies of the Local Plan are out of date, which is the case here, in the absence of a 5 year housing land supply, then the so called 'tilted balance' is applied, i.e. to grant consent unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Paragraph 14 of the NPPF states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply: a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

Given the above it can be ascertained that the council have a significant shortfall in the supply of required housing and that the tilted balance within the presumption of favourable development is engaged.

Location and Accessibility

Strategy 5B (Sustainable Transport) of the Local Plan states that development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport. Development will need to be of a form, incorporate proposals for and be at locations where it will encourage and allow for efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport. These objectives are further echoed within policy TC2 (Accessibility of New Development) of the Local Plan which 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.

The site is located on the northern edge of the settlement and is considered to be well related to existing dwellings, facilities and services within the village. These include the Pre-School, Parish Church, Redwing Inn and a number of other facilities located along The Strand. The village also has a train station and a number of bus stops in walking distance from the site. Whilst the majority of the site is located outside of the BUAB of Lympstone, it does immediately adjoin its northern boundary where it would be possible to safely access these services, facilities and public transport links on foot or by cycling and thus reducing any over reliance on the use of the private car.

It is therefore the position of officer's that the application site is well related to services and facilities within Lympstone and therefore accords with the provisions of Strategy 5B and policy TC2 of the Local Plan.

Impact on Character and Appearance

The application site is well related to the built form of Lympstone. The north eastern boundary is characterised by a number of mature trees which form a natural boundary to the village and open countryside. The land falls away relatively quickly from east to west towards a watercourse that borders the site to the south east. Despite the lawful use of the site being considered agricultural, it does not appear that the land has been used for agricultural purposes for at least 20 years. Whilst the Agricultural Land Classification indicates the site has 'good to moderate' value, the sloping character and limited size of the site does not make it an attractive parcel to actively farm.

The proposals seek to construct two large four-bedroom properties with integral garages. The dwellings are to be two storey with the garaging within a flat, sedum roof. External walls are to be finished in a mix of brick and oak cladding with aluminium framed openings. Artificial slate is proposed for the pitched roofs with black lindab guttering along the eaves line and downpipes.

In determining application ref 24/0721/FUL the Council resolved that the design, orientation, scale and massing of the development was out of character with the surrounding area.

The character of Grange Close consists of detached bungalows constructed of brick, render and tiles. The character of Grange Close is predominantly low density albeit No. 10, 12 and 14 are larger bungalows with larger gardens. The scale of the proposal buildings are larger, two storey builds and, as a result of the limited space available within the site, display a much more intimate spatial relationship compared to the surrounding established pattern of development.

In addition to the overall scale of the proposal buildings, the use of oak cladding and artificial slate doesn't conform to the character of Grange Close which is underpinned by pitched roof bungalows with gable ends, constructed of brick and tile that immediately front the highway. Each dwelling varies in its form, a characteristic that Policy 7 of the Neighbourhood seeks to preserve.

Due to the scale, similar form, orientation and size of their footprint respective of plot size, the proposals are considered contrary to the character of the area and therefore

some conflict arises with Policy D1 (LP) and 7 (NP). Notwithstanding this, the site is self-contained and well screened by existing vegetation and trees which would minimise any longer distance views from outside of the site, particularly from the north east along the A376. In the event that glimpsed views are available, the proposals would still be read against the back drop of the village edge. As such, whilst there is considered conflict with the aforementioned policies, the level of perceivable harm is low. This shall be weighed into the planning balance at the end of the report.

Impact on Neighbouring Amenity

The sloping topography of the site and wider area would result in the internal floor levels being above the level of The Acorns and Harefield of Harefield Drive. Comments received from the occupants of The Acorns have requested that appropriate landscaping details are secured along southeastern boundary to ensure any overlooking is adequately mitigated. DRWG 1016/02 REV E communicates the construction of a hedgebank along this boundary alongside additional hedgerow planting and retention of a mature oak (T6). Implementation and retention of the landscaping scheme will go some distance to screen outlook from the first floor wrap around window that serves bedroom 1 of Plot 1.

Notwithstanding this, despite the changes in levels, the most southern part of Plot 1 is approximately 28 metres from the boundary shared with The Acorns, it is then another 35 metres to the northernmost part of their property. These separation distances are significant and, even if line of sight is possible from first floor windows, the resulting impact would not result in a significant loss of privacy at The Acorns.

A number of first floor windows that serve Plot 1 on the south western elevation would also have outlook towards 10 Grange Close. The two closest windows serve two ensuites, would therefore be obscured, and appear on the submitted elevations (DRWG 326:4:01 REV D) as high-level windows. Two windows serving bedroom 1 and the landing area of Plot 1 have outlook towards No.10. The distance between these windows and the boundary shared with No.10 is approximately 18 metres, with line of sight being largely screened by the mixed species hedge.

There are a handful of properties that back onto the site located on Strawberry Hill to the northwest. However, these properties are elevated above the application site and benefit from large external amenity areas that provide spatial relief between these areas and the proposal buildings.

Some local comments have raised concern over the impact of the construction phase on the amenity of local residents. The proposals are supported by a Construction Environment Management Plan which has modelled the anticipated frequency and type of construction traffic that shall be accessing the site and operating hours of construction. The County Highway Authority and Environmental Health Team have raised no objections to this document.

The proposals include the provision of Air Source Heat Pumps, one for each property. Further information has been provided as requested by the Local Planning Authority's

Environmental Health Officer by way of manufacturer details in order to assess the impact of ASHP on adjacent properties. These have been provided and considered acceptable.

Having considered the development's impact on adjacent neighbours and the amenity afforded to prospective occupants of the proposal dwellings, the development is considered to meet the objectives of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

Surface Water Attenuation and Flood Risk

The application site is located in Flood Zone 1 and is at a 'very low' risk of surface water flooding. The site is not at risk from reservoir flooding or groundwater flooding. However, land either side of an adjacent watercourse, known as Harefield Stream, is located within flood zones 2 and 3.

The application is supported by a Foul and Surface Water Drainage Strategy prepared by Aqua-Tech Consultancy that states results from percolation testing show that the provision of soakaways would not be viable. As such, the application details the construction of two detention basins to attenuate and disperse surface water generated by the development into the adjacent watercourse that borders the application site to the southeast. The technical report states that the greenfield run off rate is 0.1 l/s unless during a 1 in 100 year flooding event in which this figure would rise to 0.2l/s.

Surface water run-off from each plot drains to a dedicated detention basins which are landscaped depressions. The technical report states that a vortex control unit shall restrict the discharge rate to 1.5 l/s which is the anticipated run off rate for a 1 in 100 year event plus 40% for climate change. The report states that this is in accordance with the Environment Agency's Policy Document SC030219 and the Water UK Publication Sewer Adoption Guidance.

Several third party comments have raised concerns over the proposed detention basins and the potential for the development to cause flooding elsewhere within the village. The Local Lead Flood Authority were consulted but declined to comment. South West Water have commented on the application where, in the absence of soakaways being appropriate, the proposed detention basins and discharge into the nearby local watercourse is deemed acceptable.

Furthermore, the Environment Agency were approached to advise whether the development could, bearing in mind the proposals to discharge surface water into the ordinary watercourse, potentially cause flooding elsewhere in the village. The EA responded that they have no concern that the proposals would cause flooding elsewhere.

As such, despite concerns raised by local residents, it is the position of officers that the application cannot be refused on flood risk grounds. The proposals therefore meet the provisions of EN21 (River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development of the Local Plan).

Foul Sewage

Policy EN19 - Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems of the Local Plan states that new development will not be permitted unless a suitable foul sewage treatment system of adequate capacity and design is available or will be provided in time to serve the development.

Development where private sewage treatment systems are proposed will not be permitted unless ground conditions are satisfactory and the plot is of sufficient size to provide an adequate subsoil drainage system or an alternative treatment system. Foul drainage is proposed to be via the existing mains in the road via a sewage pump solution. It is understood that the foul drainage would connect with the main sewer at the east end of Birch Road or Grange Close. This would accord with the provisions of policy EN19 of the Local Plan.

Some concerns have been expressed by the Local Ward Member and third parties regarding the capacity of the Maer Lane Waste Water Treatment Works. South West Water are in the process of investing and upgrading several treatment plants within the district. However, South West Water have not objected to the proposal to connect to the existing foul sewer. Furthermore, whilst the LPA has sought to impose grampion conditions on other residential schemes in the district to restrict occupation of dwellings until upgrading works are completed, this would not apply to a scheme of this scale.

The proposals are therefore considered to be compliant with Policy EN19 of the Local Plan.

Arboricultural Impact

Policy D3 (Trees and Development Sites) of the Local Plan states that permission will only be granted for development, where appropriate tree retention and/or planting is proposed in conjunction with the proposed nearby construction. The council will seek to ensure, subject to detailed design considerations, that there is no net loss in the quality of trees or hedgerows resulting from an approved development. The development should deliver a harmonious and sustainable relationship between structures and trees. The recommendations of British Standard 5837:2012 (or the current revision) will be taken fully into account in addressing development proposals.

The LPA's Tree Officer has observed some pre-emptive tree felling during the assessment of the former outline permission and there are a number of Category A individuals, primarily oak, that characterise the site's South and Eastern boundaries. Initial concerns raised by the LPA's Tree Officer with regards to the proximity of the detention basins to the RPA of T5 (Oak) and T6 (Oak) were relayed to the applicant. An amended Surface Water Drainage Plan was submitted and five oaks (including T5 and T6) have been served with a Tree Preservation Order.

The submitted Planting Plan details native hedging around the site's perimeter alongside shrub and replacement tree planting just inside northwestern boundary. Overall, the submitted arboricultural information and Planting Plan are considered acceptable.

Notwithstanding this, any permission granted shall include conditions to ensure development is carried out in accordance with the Tree Protection Plan, the Arboricultural Method Statement and that no ground level changes shall occur within the RPAs of trees to be retained. Overall, subject to compliance with these conditions, the development is considered to meet the objectives of Policy D3 of the Local Plan.

Ecological Impact

The application is supported by an Ecological Impact Assessment (EIA) and Landscape Ecological Management Plan (LEMP) prepared by Richard Green Ecology. The EIA includes surveys for foraging and commuting bats, hazel dormice, breeding birds, badgers, great crested newts, reptiles and Cirl bunting.

It was observed that the scrub, hedge and line of trees provided foraging resource and commuting routes for bats and hazel dormice. The existing grassland also provides suitable habitat for slow worms and limited habitat for amphibians albeit unlikely for great crested newts. No evidence of badgers, Cirl Bunting or hedgehogs were observed.

The main ecological impact results from development and loss of neutral grassland, scrub and tree removal. The EIA recommends that a Construction Ecological Management Plan is provided and adhered to and that an external lighting plan is submitted. These have therefore been required via planning condition and should be submitted prior to commencement on site. Further mitigation measures include the planting detailed within the submitted Planting Plan.

It is not anticipated that a European Species License shall be needed and due to the proposals being for two self build properties, the proposals are exempt from requiring a BNG Metric. The EIA and LEMP has been reviewed by the LPA's Ecologist who has raised no concerns subject to conditions securing implementation of mitigation measures and submission of a Construction and Ecological Management Plan (CECoMP). The proposals are therefore considered to accord with Policy EN5 (Wildlife Habitats) of the East Devon Local Plan.

Habitat Regulations Assessment

The site is located in close proximity to the Exe Estuary and the East Devon Pebble bed Heaths Special Protection Areas (SPA's) which provide an important recreational resource for the local community. However, these are sensitive environments which are important to nature conservation and are subject to European wildlife site designations.

Despite the introduction of the Community Infrastructure Levy (CIL) where a proportion of CIL goes towards infrastructure to mitigate any impact upon habitats, contributions towards non-infrastructure mitigation are also required as developments that will impact on a protected habitat cannot proceed under an EU directive unless fully mitigated. Evidence shows that all new dwellings and tourist accommodation within 10 kilometres of the Exe Estuary and/or the Pebblebed Heaths Special Protection Areas (SPA's) will have a significant effect on protected habitats which is reflected in Strategy 47 (Nature Conservation and Geology) of the Local Plan. This proposal is within 10 km of the Exe Estuary and the Pebblebed Heaths and therefore attracts a habitat mitigation contribution towards non-infrastructure at a rate of £367.67 per dwelling which has been secured as part of this application.

Planning Balance

At Planning Committee 22.08.2023 members resolved to approve 23/1079/OUT for a single dwelling agreeing with the officer's recommendation and took the view that the site was adequately served by nearby services and facilities despite be located just outside the Built-Up Area Boundary for Lymptone. The site was deemed to be sustainable for the development of one dwelling.

Planning application 24/0721/FUL, for 2 dwellings, in a proposal identical to the current application was refused on 03.12.24 on the grounds that the design, orientation, scale and massing was out of character with the surrounding area. At this time the tilted balance was not engaged when assessing the merits of the proposal/

As detailed earlier within the report, the LPA's housing land supply position now triggers the 'tilted balance' being applied. This is a material change in circumstance. Having considered all material planning matters, it is the position of officers that the planning balance now weighs in favour of approval despite the identified harm with regards to the proposals impact on the character and appearance of the area. Due to the level of screening offered by the existing built form of Grange Close and existing vegetation it is not considered that the harm would significantly and demonstrably outweigh the benefits of providing two units of open market housing.

Furthermore, the Local Planning Authority acknowledges the latest set of comments from the Parish Council and third party concerns over the development's ecological impact. The LPA has worked with the applicant to secure a Landscape Ecological Management Plan and a Construction and Ecological Management Plan in addition to the Protected Species Report. The proposals have therefore assessed the baseline ecological value of the site and recommended mitigation measures. The LEMP has detailed how the biodiversity value of the site (one completed) shall be maximised. Finally, the Construction and Ecological Management Plan has demonstrated how the construction phase shall be managed to reduce the risk to protected species and existing habitat. These details have been reviewed by the District Council's Ecologist and found to be acceptable.

In light of the above, and having weighed the planning balance in context of paragraph 11 d) of the NPPF, the proposals are considered acceptable and therefore

recommended for approval subject to adoption of the Appropriate Assessment and compliance with the conditions listed below.

RECOMMENDATION

1. Adopt the Appropriate Assessment
2. 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 above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
 4.
 - a) The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures detailed within Arboriculture Report prepared by Advanced Arboriculture dated 26th March.
 - b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.
 - c) No burning shall take place onsite during the construction phase.
 - d) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning,

Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

e) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids

shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(f) Protective fencing shall be retained intact for the full duration of the development

hereby approved and shall not be removed or repositioned without the prior written

approval of the Local Planning Authority.

g) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation. A detailed replanting scheme shall be provided showing suitable replacement planting for the removal of the Oak to ensure long-term tree cover.

h) An arboricultural consultant shall be on site to monitor the site works and Tree Protective Fencing (TPF). A monitoring log should be kept including photographic evidence of works taking place within TPF.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site prior to and during construction 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 New East Devon Local Plan 2013-2031).

5. The works shall be carried out in strict accordance with section 4 and appendix C of the Ecological Impact Assessment (Richard Green Ecology, March 2024) and the Landscape and Ecological Management Plan (Richard Green Ecology, March 2024), including any maintenance, management, and adaptive requirements of these documents, and any reporting requirements to the LPA.

(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), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.)

6. Prior to first occupation of the buildings, a written record should be submitted to the local planning authority including a toolbox talk sheet detailing the result of the removal of trees and scrub, details of any protected species (if found) and measures taken to avoid any wildlife offences. The record shall include photographs of the installed ecological mitigation and enhancement measures detailed within the submitted Ecological Impact Assessment, including integrated bat tubes, bat box, nesting bird boxes, bee bricks, and reptile habitat pile and hibernaculum.

(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), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.)

7. The development shall be carried out in accordance with the submitted CEcoMP, prepared by Richard Green Ecology dated October 2024 and shall be adhered to and implemented throughout the construction period strictly in accordance with the CEcoMP, unless otherwise agreed in writing by the local planning authority.

(Reason - to ensure retention and protection of trees and other biodiversity features on the site prior to and during construction in accordance with Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

8. The development hereby approved shall be carried out in accordance with the Foul and Surface Water Drainage Strategy Plan (DRWG 01 REV C) prepared by Aqua Tech dated 29th August 2024 and all drainage infrastructure shall be installed in accordance with the details prior to occupation of the dwelling to which they relate and shall be retained and maintained as such for the lifetime of the development.

(Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with the provisions of policy EN22- Surface Run-Off Implications of New Development of the East Devon Local Plan 2013-2031).

9. The development hereby permitted shall be carried out in accordance with the Construction Management Plan (CMP) and Construction Environment Management Plan (CEMP) prepared by RBL Homes dated 12th March 2024.
(Reason: to ensure that adequate facilities are available for construction and other traffic attracted to the site and that a precautionary approach to site clearance and to ensure that the impacts on habitats and protected species can be appropriately managed and mitigated and that appropriate ecological mitigation measures are in place in accordance with Policy TC7 - Adequacy of Road Network and Site Access and Policy EN5 - Wildlife and Habitats and Features of the Adopted East Devon Local Plan 2013-2031.)

10. The dwelling hereby permitted shall be constructed as a self-build dwelling within the definition of self-build and custom build housing in the Self-build and Custom Housebuilding Act 2015 Act:
- i.) The first occupation of each unit in the development hereby permitted shall be by a person or persons who had a primary input into the design and layout of the unit and who intends to live in the unit for at least 3 years;
 - ii.) The Council shall be notified of the persons who intend to take up first occupation of each unit in the development hereby permitted at least two months prior to first occupation.

(Reason: To ensure the development is for a self-build dwelling and therefore exempt from providing biodiversity net-gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan, 2013 - 2031.)

11. Under no circumstances should any external lighting be installed without prior consent from the local planning authority. Any lighting design should be fully in accordance with BCT/ILP Guidance Note 08/2023. The development shall be carried out 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), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.)

12. The development shall be carried out with the Hardworks Plan (1016/01 REV F) and Planting Plan (1016/02 REV E). The Planting Plan shall be carried out in the first planting season after completion of the groundworks and the building construction works or prior to first occupation whichever is the earlier unless otherwise agreed in writing by the Local Planning Authority and all soft landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule 2 Part 1 Classes A, B, C, E or F for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool or hard surfaces.

(Reason - Such additions would be detrimental to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

14. Notwithstanding the approved drawings, the two first floor windows on the south west elevation that serve the two ensuite as annotated on Floor Plan 326:2:02 REV A and Proposed Elevation 326:4:01 REV D shall be obscured to Pilkington Level 4 or equivalent prior to occupation of the dwelling and remain so in perpetuity. If to be opening windows they shall be permanently fixed with restrictors preventing opening more than 10cm.
(To protect the amenity of adjacent neighbours in accordance with Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan. 2013-2031).

NOTE FOR APPLICANT

Informative:

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

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 exemption 4.5 from the list below are 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.

Plans relating to this application:

326:1:01 REV B	Location Plan	28.01.25
1016/01 REV F : Hardworks Plan	Other Plans	20.01.25
1016/02 REV E: Planting Plan	Other Plans	20.01.25
1016/04 REV E: LANDSCAPING DETAILS AND NOTES	Landscaping	20.01.25
326:1:02	Block Plan	20.01.25

326:2:01 REV A: PROPOSED GROUND FLOOR PLAN PLOT 1	Proposed Floor Plans	20.01.25
326:2:02 REV A : PROPOSED FIRST FLOOR PLAN PLOT 1	Proposed Floor Plans	20.01.25
326:2:03 REV A: PROPOSED GROUND FLOOR PLAN PLOT 2	Proposed Floor Plans	20.01.25
326:2:04 REV A: PROPOSED FIRST FLOOR PLAN PLOT 2	Proposed Floor Plans	20.01.25
326:2:05: PROPOSED ROOF PLAN PLOT1	Proposed roof plans	20.01.25
326:2:06: PROPOSED ROOF PLAN PLOT 2	Proposed roof plans	20.01.25
326:4:01 REV D: PROPOSED COMBINED ELEVATIONS PLOT 1	Proposed Combined Plans	20.01.25
326:4:02 REV D : PROPOSED COMBINED ELEVATIONS PLOT 2	Proposed Combined Plans	20.01.25
AT2685 01 REV C :FOUL AND SURFACE WATER DRAINAGE PLAN	Foul Drainage Assessment	20.01.25

RBL-LG1-CEMP REPORT	Construction & Environment Management PI	20.01.25
VERSION 1.0: CONSTRUCTION AND ECOLOGICAL MANAGEMENT PLAN	Construction & Environment Management PI	20.01.25
VERSION 1.0: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN	Landscaping	20.01.25

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.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted