

**Agenda for Planning Committee
Tuesday, 21st May, 2024, 10.00 am**



Members of Planning Committee

Councillors B Bailey, I Barlow, C Brown, J Brown,
A Bruce, 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

East Devon District Council
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(or group number 01395 517546)

Issued: Friday, 10 May 2024

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

[Speaking on planning applications](#)

In order to speak on an application being considered by the Planning Committee you must have submitted written comments during the consultation stage of the application. Those that have commented on an application being considered by the Committee will receive a letter or email detailing the date and time of the meeting and instructions on how to register to speak. The letter/email will have a reference number, which you will need to provide in order to register. Speakers will have 3 minutes to make their representation.

The number of people that can speak on each application is limited to:

- Major applications – parish/town council representative, 5 supporters, 5 objectors and the applicant or agent
- Minor/Other applications – parish/town council representative, 2 supporters, 2 objectors and the applicant or agent

The revised running order for the applications being considered by the Committee and the speakers' list will be posted on the council's website (agenda item 1 – speakers' list) on the Friday before the meeting. Applications with registered speakers will be taken first.

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Tuesday, 14 May 2024 up until 12 noon on Friday, 17 May 2024 by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

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

1 **Speakers' list and revised running order for the applications** (Pages 4 - 6)

The speakers' list and revised running order will be published on Friday, 17 May 2024.

2 **Minutes of the previous meeting** (Pages 7 - 9)

Minutes of the Planning Committee meeting held on 23 April 2024.

3 **Apologies**

4 **Declarations of interest**

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

5 **Matters of urgency**

Information on [matters of urgency](#) is available online

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

To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

7 **Planning appeal statistics** (Pages 10 - 26)

Update from the Development Manager

Applications for Determination

8 **22/1910/MFUL (Major) EXMOUTH LITTLEHAM** (Pages 27 - 67)

Devoncourt Hotel, 16 Douglas Avenue, Exmouth, EX8 2EX.

9 **23/2506/MFUL (Major) CLYST VALLEY** (Pages 68 - 91)

Winslade Park, Clyst St Mary.

10 **23/2537/FUL (Minor) SIDMOUTH TOWN** (Pages 92 - 108)

Sidmouth Swimming Pool, Ham Lane, Sidmouth, EX10 8XR.

- 11 **23/2455/FUL (Other) DUNKESWELL and OTTERHEAD** (Pages 109 - 127)

Kains Park Farm, Kains Park Storage, Awliscombe, EX14 3NN.

- 12 **24/0313/FUL (Minor) EXMOUTH TOWN** (Pages 128 - 137)

The Octagon, Esplanade, Exmouth, EX8 2AZ.

- 13 **22/2719/FUL (Minor) WOODBURY and LYMPSTONE** (Pages 138 - 152)

Stables and Premises, Bond Lane Farm, Bond Lane, Woodbury Salterton.

THE APPLICATIONS BELOW WILL NOT BE CONSIDERED BEFORE 2PM

- 14 **23/0685/MOUT (Major) AXMINSTER** (Pages 153 - 291)

Land adjacent Cloakham Lawn and Chard Road, Chard Road, Axminster.

- 15 **24/0352/FUL (Minor) WEST HILL and AYLESBEARE** (Pages 292 - 309)

Lindridge, Elsdon Lane, West Hill, EX11 1UB.

- 16 **23/1973/FUL (Minor) WEST HILL and AYLESBEARE** (Pages 310 - 328)

The Croft, Bendarroch Road, West Hill, EX11 1UW.

- 17 **23/2471/FUL (Other) YARTY** (Pages 329 - 334)

Merrywood, Blackpool Corner, Axminster, EX13 5UH.

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

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EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 23 April 2024

Attendance list at end of document

The meeting started at 10.01 am and ended at 12.37 pm. The meeting was adjourned at 11.20 am and reconvened at 11.35 am.

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

140 Minutes of the previous meeting

The minutes of the Planning Committee held on 26 March 2024 were confirmed as a true record.

141 Declarations of interest

Minute 146. 22/1910/MFUL (Major) EXMOUTH LITTLEHAM .
Councillors Steve Gazzard and Daniel Wilson, Affects Non-registerable Interest, Exmouth Town Councillor.

Minute 146. 22/1910/MFUL (Major) EXMOUTH LITTLEHAM
In accordance with the Code of Good Practice for Councillors and Officers dealing with planning matters as set out in the constitution, the Chair, Councillor Sarah Chamberlain, on behalf of the Committee Members, advised lobbying in respect of this application.

Non Committee Member

Minute 146. 22/1910/MFUL (Major) EXMOUTH LITTLEHAM
Councillor Nick Hookway, Affects Non-registerable Interest, Exmouth Town Councillor.

142 Matters of urgency

There were none.

143 Confidential/exempt item(s)

There were none.

144 Planning appeal statistics

The Committee noted the Development Manager's report which included an update to an appeal allowed for planning application 22/0975/MFUL – land adjacent Old Tithebarn Lane, Clyst Honiton.

145 22/1910/MFUL (Major) EXMOUTH LITTLEHAM

Applicant:

Mr Azim Lalani.

Location:

Devoncourt Hotel, 16 Douglas Avenue, Exmouth, 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.

RESOLVED:

Deferred for a site visit to allow Members the opportunity to view the site from the car park and to fully consider the impact upon the neighbouring property at 14a Douglas Avenue and neighbouring properties at Maer Road.

146 **24/0166/FUL (Minor) OTTERY ST MARY (APPLICATION WITHDRAWN)**

Applicant:

Taylor.

Location:

9 Mill Street, Ottery St Mary, EX11 1AA.

Proposal:

Conversion of existing office to two dwellings.

RESOLVED:

APPLICATION WITHDRAWN

Attendance List

Councillors present:

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

Councillors also present (for some or all the meeting)

P Arnott
R Collins
N Hookway
G Jung
T Olive

Officers in attendance:

- Damian Hunter, Planning Solicitor
- Wendy Ormsby, Development Manager
- Ed Freeman, Assistant Director Planning Strategy and Development Management
- Gavin Spiller, Principal Planning Officer (West)
- Wendy Harris, Democratic Services Officer

Councillor apologies:

- J Heath
- E Wragg

Chairman

Date:

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

Ref: 23/1794/FUL **Date Received** 11.04.2024
Appellant: Mrs Tina Percival
Appeal Site: The Greyhound Inn Fenny Bridges Devon EX14 3BJ
Proposal: Retrospective application for a static caravan for staff accommodation and re-siting of dog kennel.
Planning Inspectorate Ref: APP/U1105/W/24/3342388

Ref: 23/1316/FUL **Date Received** 25.04.2024
Appellant: Mr & Mrs Halse
Appeal Site: Combehayes Farm Buckerell Devon EX14 3ET
Proposal: Demolition of existing extension and proposed replacement single storey extension, reconfiguring external stone wall and hard landscaping
Planning Inspectorate Ref: APP/U1105/D/24/3343239

Ref: 23/1317/LBC **Date Received** 25.04.2024
Appellant: Mr & Mrs Halse
Appeal Site: Combehayes Farm Buckerell Devon EX14 3ET
Proposal: Demolition of existing extension and proposed replacement single storey extension, reconfiguring external stone wall and hard landscaping
Planning Inspectorate Ref: APP/U1105/Y/24/3343238

Ref: 23/2262/VAR **Date Received** 27.04.2024
Appellant: Mr & Mrs Clinch
Appeal Site: The Barn And Pinn Cottage Bowd Sidmouth EX10 0ND
Proposal: Removal of occupancy condition no.2 of permission ref: 7/39/02/P1130/00114 to allow use as an unrestricted dwelling
Planning Inspectorate Ref: APP/U1105/W/24/3343375

Ref: 24/0216/FUL **Date Received** 29.04.2024
Appellant: Mr Darrol Moss
Appeal Site: Brackenrigg Cathole Lane Yawl Devon DT7 3XD
Proposal: Site Log Cabin
Planning Inspectorate Ref: APP/U1105/W/24/3343467

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

Ref: 22/2801/FUL **Appeal Ref:** 23/00051/COND
Appellant: Mr and Mrs Peter Tyldesley
Appeal Site: 1 Cowley Barton Cottages Cowley Exeter EX5 5EL
Proposal: First floor extension above existing single storey element
Decision: **Appeal Dismissed** **Date:** 11.04.2024
Procedure: Written representations
Remarks: Appeal against a condition imposed on the grant of planning permission requiring that the roof shall be covered in red clay tiles. The Inspector agreed that the condition was both reasonable and necessary in the interests of the character and appearance of the area (EDLP Policy D1).
BVPI 204: **No**
Planning APP/U1105/W/23/3333333
Inspectorate Ref:

Ref: 23/1822/FUL **Appeal Ref:** 23/00052/REF
Appellant: Janette Grant
Appeal Site: 21 Marpool Hill Exmouth Devon EX8 2LJ
Proposal: Formation of new access and associated development
Decision: **Appeal Allowed** **Date:** 11.04.2024
(with conditions)
Procedure: Householder
Remarks: Delegated refusal, highway safety reasons overruled (EDLP Policy TC7).

The Inspector noted that there are other similar parking arrangements in the vicinity of the site which do not have on site turning provision. The Inspector considered that whilst this situation is not ideal, there was no evidence provided to suggest that the existing arrangements have been prejudicial to highway safety.

The Inspector concluded that highway users are likely to be relatively alert to the potential for vehicles to undertake turning and reversing movements in the immediate surroundings to No. 21, which is located on a straight section of Marpool Hill with advanced visibility. As a result, the net increase in similar movements arising from the appeal proposal, relative to what exists already, would have an insignificant effect upon highway safety.

BVPI 204: **Yes**
Planning APP/U1105/D/23/3333553
Inspectorate Ref:

Ref: 23/2237/FUL **Appeal Ref:** 24/00005/HH
Appellant: Mr M Tubbs
Appeal Site: 7 Greenway Seaton EX12 2SE
Proposal: Construction of garden room.
Decision: **Appeal Allowed** **Date:** 11.04.2024
(with conditions)
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons overruled (EDLP Policy D1, Strategies 6 & 48).

The Inspector acknowledged that elements of the garden room would be visible from Greenway and from parts of Seaton Down Road above the boundary fence, however, it would be viewed in the context of the host property, its two-storey scale, adjacent boundary enclosures and the surrounding built form.

The Inspector concluded that due to its single storey form and modular massing, its functional appearance and use of materials, the garden room would appear as a modest subservient addition that appropriately blends into its surroundings. Consequently, the proposal would accord with Policy D1 and Strategies 6 and 48 of the East Devon Local Plan.

BVPI 204: **Yes**
Planning APP/U1105/D/24/3336866
Inspectorate Ref:

Ref: 22/1516/FUL **Appeal Ref:** 23/00035/REF
Appellant: Gill Parry
Appeal Site: 1A Jarvis Close Exmouth Devon EX8 2PX
Proposal: Construction of additional two storey dwelling with associated car parking and amenity space
Decision: **Appeal Dismissed** **Date:** 17.04.2024
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policy D1).
BVPI 204: **Yes**
Planning APP/U1105/W/23/3327760
Inspectorate Ref:

Ref: 22/0781/FUL **Appeal Ref:** 23/00028/REF
Appellant: Mr Alan Marriott
Appeal Site: Mundy's Farm West Down Lane Exmouth EX8 2RH
Proposal: Retention of a replacement shed.
Decision: **Appeal Allowed** **Date:** 19.04.2024
(no conditions)
Procedure: Written representations
Remarks: Delegated refusal, amenity, landscape and conservation reasons overruled (EDLP Policies D1, EN8, EN9, Strategies 46, 48 & 49, NP Policy EB1).

The Inspector considered that the shed had limited visual impact and its siting, size and appearance does not harm the setting or detract from the special architectural or historic qualities of the listed building. The Inspector also considered that the development maintains the landscape quality of this nationally important area and conserves the natural beauty of the AONB.

The Inspector concluded that shed preserves both the setting of Mundy's Farm and the landscape quality and attributes of the East Devon National Landscape.

BVPI 204: **Yes**
Planning APP/U1105/W/23/3325946
Inspectorate Ref:

Ref: 23/0180/FUL **Appeal Ref:** 23/00037/REF
Appellant: Mr Harry Carter
Appeal Site: Little Knowle Court 32 Little Knowle Budleigh Salterton EX9 6QS
Proposal: Construction of new two bedroom dwelling with garden room/store
Decision: **Appeal Dismissed** **Date:** 19.04.2024
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policies D1, D2 & D3, NP Policies H2 & H3).
BVPI 204: **Yes**
Planning APP/U1105/W/23/3330231
Inspectorate Ref:

Ref: 23/0556/FUL **Appeal Ref:** 23/00057/REF
Appellant: Mr M Glanvill
Appeal Site: Land North of Martin Gate Sidmouth Road Aylesbeare
Proposal: Change of use of land from agricultural use to storage (within Use Class B8) for the siting of up to 40 storage containers
Decision: **Appeal Dismissed** **Date:** 22.04.2024
Procedure: Written representations
Remarks: Delegated refusal, countryside protection, rural diversification and employment reasons upheld (EDLP Policies E5, E5 & Strategy 7).
BVPI 204: **Yes**
Planning APP/U1105/W/23/3334199
Inspectorate Ref:

Ref: 23/0064/FUL **Appeal Ref:** 23/00034/NONDET
Appellant: Mrs Joanna Uffendell
Appeal Site: The Bungalow Shorebottom Stockland Devon EX14 9DQ
Proposal: Two storey side extension
Decision: **Appeal Allowed** **Date:** 29.04.2024
(with conditions)
Procedure: Written representations
Remarks: Appeal against the non-determination of the application within the prescribed time limit. Delegated resolution to have approved the application, had the Council been able to determine the application.
BVPI 204: **No**
Planning APP/U1105/W/23/3327756
Inspectorate Ref:

East Devon District Council List of Appeals in Progress

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

App.No: 23/0027/CPL
Appeal Ref: APP/U1105/X/23/3330294
Appellant: Mr Gary Burns
Address: Salcombe Regis Camping and Caravan Park Salcombe Regis Devon EX10 0JH
Proposal; Proposed lawful development for the use of land for the siting of static caravans.
Start Date: 17 October 2023
Procedure:
Hearing
Questionnaire Due Date: 31 October 2023
Statement Due Date: 28 November 2023
Hearing Date: To be confirmed

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

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

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

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

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

Procedure:
Householder

Questionnaire Due Date: 28 December 2023

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

Start Date: 10 January 2024
Procedure:
Written Reps.

Questionnaire Due Date: 17 January 2024
Statement Due Date: 14 February 2024

App.No: 22/1082/FUL
Appeal Ref: APP/U1105/W/23/3326385
Appellant: Pete Gibbins
Address: Wild Flowers Seaton Road Colyford EX24 6QW
Proposal; Construction of 1 no. dwelling, means of access and associated works

Start Date: 15 January 2024
Procedure:
Written Reps.

Questionnaire Due Date: 22 January 2024
Statement Due Date: 19 February 2024

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

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

App.No: 23/1224/FUL
Appeal Ref: APP/U1105/W/23/3333794
Appellant: Mrs Elaine Paget
Address: The Barn Annexe 2 Lower Court Cottages Fluxton Ottery St Mary EX11 1RL
Proposal; Subdivision of 2 Lower Court Cottages, with creation of vehicular access and parking to serve new independent property
Start Date: 12 February 2024
Procedure:
Written reps.
Questionnaire Due Date: 19 February 2024
Statement Due Date: 18 March 2024

App.No: 23/0809/LBC
Appeal Ref: APP/U1105/Y/23/3329576
Appellant: Mrs Jill Bayliss
Address: Flat above Flix Hair Design Market Place Colyton EX24 6JR
Proposal; Retention of 2no. first floor windows on front elevation
Start Date: 19 February 2024
Procedure:
Written reps.
Questionnaire Due Date: 26 February 2024
Statement Due Date: 25 March 2024

App.No: 23/1419/FUL
Appeal Ref: APP/U1105/D/24/3337466
Appellant: Ms J Grigg
Address: 41 Fleming Avenue Sidmouth Devon EX10 9NH
Proposal; Erection of first floor side extension
Start Date: 26 February 2024
Procedure:
Householder
Questionnaire Due Date: 2 March 2024

App.No: 23/0102/FUL
Appeal Ref: APP/U1105/W/23/3334808
Appellant: Mr Gary Conway
Address: 9 Tip Hill Ottery St Mary EX11 1BE
Proposal; Erection of a new dwelling in land to the rear of 9 Tip Hill.
Start Date: 27 February 2024
Procedure:
Written reps.
Questionnaire Due Date: 5 March 2024
Statement Due Date: 2 April 2024

App.No: 22/1377/FUL
Appeal Ref: APP/U1105/W/23/3331872
Appellant: Mr & Mrs D Branker
Address: Site Of Spillers Cottage Shute EX13 7QG
Proposal; Construction of a dwelling (retrospective) for occupation while the dwelling permitted under reference 21/0535/VAR is constructed, after which the first dwelling will be demolished
Start Date: 5 March 2024
Procedure:
Written reps.
Questionnaire Due Date: 12 March 2024
Statement Due Date: 9 April 2024

App.No: 23/1451/FUL
Appeal Ref: APP/U1105/W/23/3331313
Appellant: John Shiel
Address: Seagull House 1 Morton Crescent Exmouth EX8 1BE
Proposal; Extension to front entrance and render existing boundary wall.
Start Date: 5 March 2024
Procedure:
Householder
Questionnaire Due Date: 12 March 2024

App.No: 23/2343/FUL
Appeal Ref: APP/U1105/D/24/3338080
Appellant: Mr James Werb
Address: 13 Parkside Crescent Exeter EX1 3TW
Proposal; New garage and parking spaces.
Start Date: 12 March 2024
Procedure:
Householder
Questionnaire Due Date: 19 March 2024

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: 22/2582/FUL
Appeal Ref: APP/U1105/W/23/3332347
Appellant: Mr Justin Werb
Address: Barnards (land adjoining) Harepath Hill Seaton EX12 2TF
Proposal; Erection of one dwelling and associated works.
Start Date: 20 March 2024
Procedure:
Written reps.

Questionnaire Due Date: 27 March 2024
Statement Due Date: 24 April 2024

App.No: 23/1246/FUL
Appeal Ref: APP/U1105/W/23/3334501
Appellant: Mr & Mrs D Moll
Address: Flat 2 7 Louisa Terrace Exmouth EX8 2AQ
Proposal; Proposed window/doors, revised terrace and guarding
(amended fenestration opening detail)
Start Date: 25 March 2024
Procedure:
Written reps.

Questionnaire Due Date: 1 April 2024
Statement Due Date: 29 April 2024

App.No: 23/2155/FUL
Appeal Ref: APP/U1105/W/24/3336452
Appellant: Mr & Mrs D Moll
Address: Flat 2 7 Louisa Terrace Exmouth Devon EX8 2AQ
Proposal; For proposed window/door
Start Date: 25 March 2024
Procedure:
Written reps.

Questionnaire Due Date: 1 April 2024
Statement Due Date: 29 April 2024

App.No: 23/0176/FUL
Appeal Ref: APP/U1105/D/24/3339590
Appellant: Mrs Eileen Wilkins
Address: Whiteleaf Poltimore EX4 0AD
Proposal; The construction of a fence between the property and the road to replace a ten feet high Leylandii hedge (retrospective)
Start Date: 25 March 2024
Procedure:
Householder
Questionnaire Due Date: 1 April 2024

App.No: 23/1279/FUL
Appeal Ref: APP/U1105/W/23/3335680
Appellant: Mr Alban Connell
Address: Land Adjacent Poppins Goldsmith Lane All Saints
Proposal; Conversion of an agricultural barn to form a 1-bedroom dwelling.
Start Date: 26 March 2024
Procedure:
Written reps.
Questionnaire Due Date: 2 April 2024
Statement Due Date: 30 April 2024

App.No: 22/0349/OUT
Appeal Ref: APP/U1105/W/23/3334118
Appellant: Mr & Mrs Reeves
Address: Kilmore House Poltimore Exeter EX4 0AT
Proposal; Outline application for an exception site comprising of 4 affordable houses and 2 open market houses
Start Date: 3 April 2024
Procedure:
Written reps.
Questionnaire Due Date: 10 April 2024
Statement Due Date: 8 May 2024

App.No: 23/0332/FUL
Appeal Ref: APP/U1105/W/24/3337198
Appellant: Mrs H Mitchell
Address: Land Adjacent to The Gardens Blackhorse
Proposal; Construction of 5 dwellings with associated new vehicular access off Blackhorse Lane, parking and landscaping
Start Date: 8 April 2024
Procedure:
Written reps.
Questionnaire Due Date: 15 April 2024
Statement Due Date: 13 May 2024

App.No: 23/2209/FUL
Appeal Ref: APP/U1105/W/24/3336804
Appellant: Gill Parry
Address: 1A Jarvis Close Exmouth Devon EX8 2PX
Proposal; Revised proposals for the construction of a two storey dwelling with associated car parking and amenity space [Previously submitted under 22/1516/FUL]
Start Date: 8 April 2024
Procedure:
Written reps.
Questionnaire Due Date: 15 April 2024
Statement Due Date: 13 May 2024

App.No: 22/1973/MOUT
Appeal Ref: APP/U1105/W/24/3336475
Appellant: ALD Developments (Mr A Davis)
Address: Land East of Sidmouth Road Ottery St Mary
Proposal; Outline application with some matters reserved (access) for the residential development of up to 63 dwellings and associated infrastructure.
Start Date: 10 April 2024
Procedure:
Written reps.
Questionnaire Due Date: 17 April 2024
Statement Due Date: 15 May 2024

App.No: 23/0810/FUL
Appeal Ref: APP/U1105/D/24/3341105
Appellant: Mr Alan Stevenson
Address: 8 Mill Street Sidmouth EX10 8DF
Proposal; Proposed two storey rear extension
Start Date: 12 April 2024
Procedure:
Written reps.

Questionnaire Due Date: 19 April 2024
Statement Due Date: 17 May 2024

App.No: 23/2535/PIP
Appeal Ref: APP/U1105/W/24/3338889
Appellant: Mr Gary Moore (The Land & Planning Consultancy Ltd)
Address: Land Adjacent Elsdon House Elsdon Lane West Hill
Proposal; Permission in principle for the demolition of an existing greenhouse and the construction of two dwellings
Start Date: 15 April 2024
Procedure:
Written reps.

Questionnaire Due Date: 22 April 2024
Statement Due Date: 20 May 2024

App.No: 23/1477/FUL
Appeal Ref: APP/U1105/W/23/3331844
Appellant: Mrs Charlotte Macadam
Address: Parmiters Combpyne Axminster EX13 8TE
Proposal; Change of use of land to residential garden.
Start Date: 16 April 2024
Procedure:
Written reps.

Questionnaire Due Date: 23 April 2024
Statement Due Date: 21 May 2024

App.No: 23/1829/FUL
Appeal Ref: APP/U1105/W/24/3336569
Appellant: Mr Harry Carter
Address: H Carter and Sons 50 High Street Budleigh Salterton EX9 6LJ
Proposal; Replacement shop front and installation of 2no new UPVC windows to replace existing bay windows
Start Date: 16 April 2024
Procedure: Written reps.
Questionnaire Due Date: 23 April 2024
Statement Due Date: 21 May 2024

App.No: 23/2031/FUL
Appeal Ref: APP/U1105/W/24/3340405
Appellant: Mr and Mrs Gaskin
Address: Castlewell Stockland Devon EX14 9DB
Proposal; Demolition of existing building. Replacement dwelling and associated works, including alterations to outbuilding to create a bat loft.
Start Date: 16 April 2024
Procedure: Written reps.
Questionnaire Due Date: 23 April 2024
Statement Due Date: 21 May 2024

App.No: 23/1888/FUL
Appeal Ref: APP/U1105/W/24/3341824
Appellant: Mr and Mrs Peek
Address: Land Adjacent Irongate Lodge Escot Park Ottery St Mary
Proposal; Proposed dwelling and removal of timber structures and a summerhouse including 28 solar panels.
Start Date: 16 April 2024
Procedure: Written reps.
Questionnaire Due Date: 23 April 2024
Statement Due Date: 21 May 2024

App.No: 23/1115/FUL
Appeal Ref: APP/U1105/W/24/3339579
Appellant: Antony Paul
Address: 24 Cherry Close Honiton Devon EX14 2XT
Proposal; Construction of a new dwelling.
Start Date: 23 April 2024
Procedure:
Written reps.

Questionnaire Due Date: 30 April 2024
Statement Due Date: 28 May 2024

Ref.No: 21/F0358
Appeal Ref: APP/U1105/C/24/3342728
Appellant: Mr Barry Hooper
Address: Higher Wick Farm, Luppitt
Proposal; Appeal against the serving of an enforcement notice in respect of the change of use of a former agricultural barn to a steel fabrication workshop.
Start Date: 25 April 2024
Procedure:
Inquiry

Questionnaire Due Date: 9 May 2024
Statement Due Date: 6 June 2024
Inquiry Date: 13 August 2024

App.No: 24/0017/FUL
Appeal Ref: APP/U1105/W/24/3340283
Appellant: Ms Sam Knighton
Address: The Maltsters Arms Greenway Woodbury Exeter EX5 1LN
Proposal; Retrospective application for retention of marquee to be used as ancillary accommodation to the Maltster's Public House
Start Date: 7 May 2024
Procedure:
Written reps.

Questionnaire Due Date: 14 May 2024
Statement Due Date: 11 June 2024

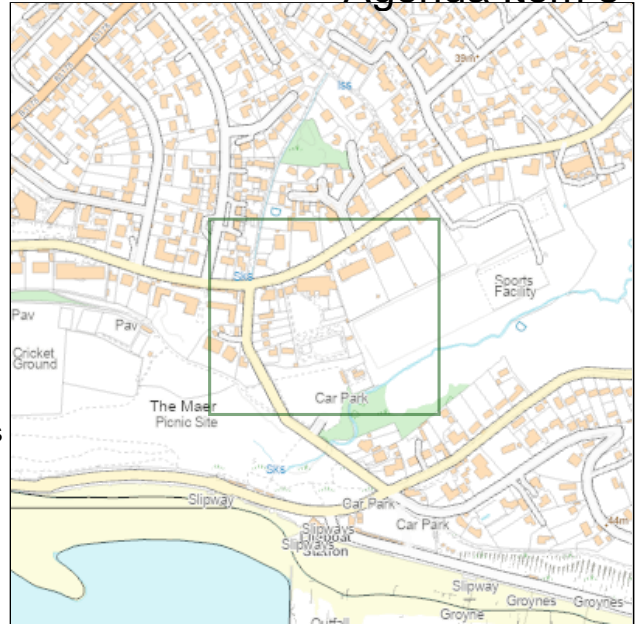
Ward Exmouth Littleham

Reference 22/1910/MFUL

Applicant Mr Azim Lalani

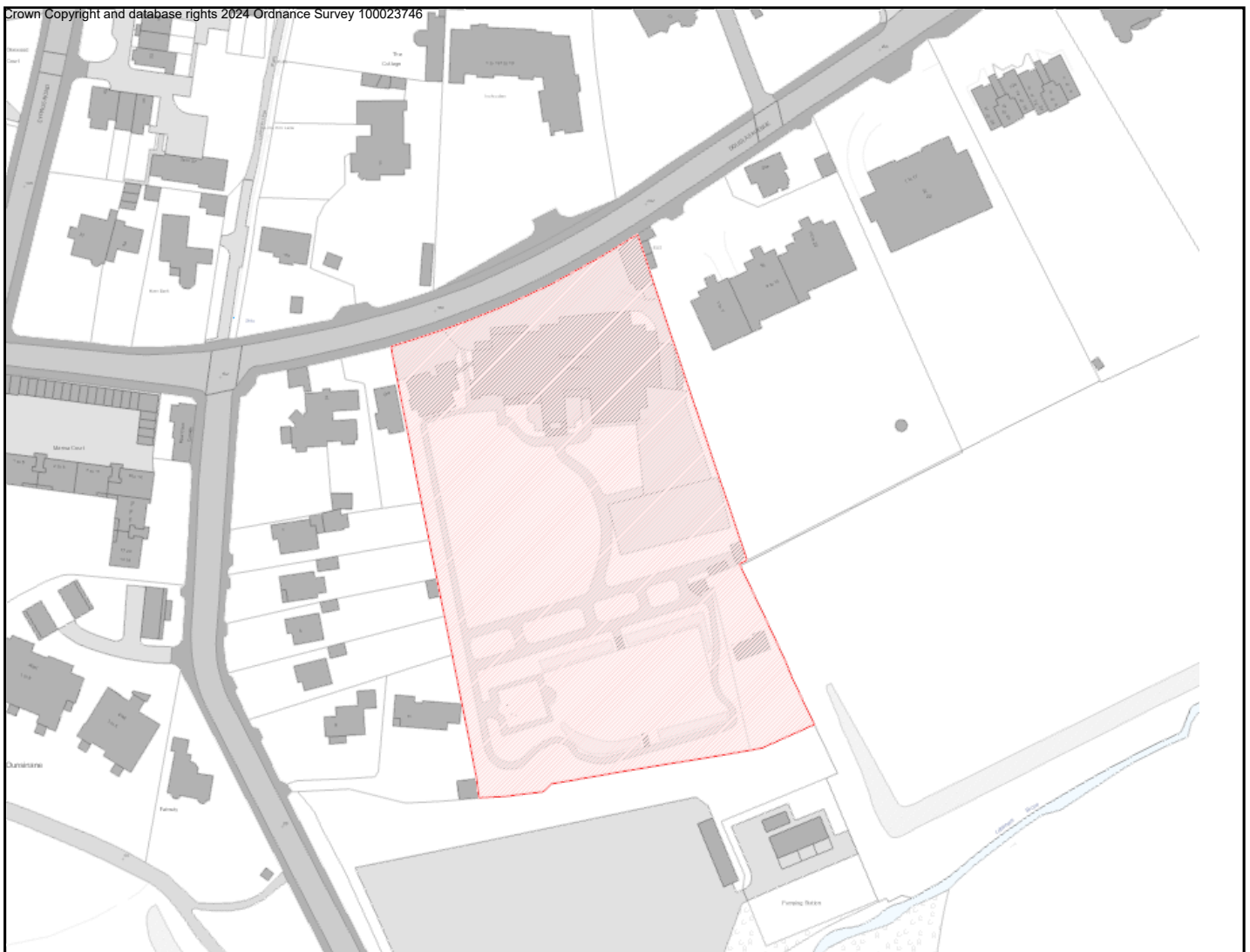
Location Devoncourt Hotel 16 Douglas Avenue Exmouth Devon EX8 2EX

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



RECOMMENDATION:

- 1. Adopt appropriate assessment**
- 2. Approval subject to a Section 106 agreement and conditions**



		Committee Date: 21.05.2024
Exmouth Littleham (Exmouth)	22/1910/MFUL	Target Date: 01.12.2022
Applicant:	Mr Azim Lalani	
Location:	Devoncourt Hotel, 16 Douglas Avenue, Exmouth	
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	

**RECOMMENDATION: 1. Adopt appropriate assessment
2. Approval subject to a Section 106 agreement and conditions**

UPDATE TO REPORT

This application was deferred at the Planning Committee meeting on 23rd April 2024 so that Members could undertake a site visit to better understand the relationship of the proposal site with its surroundings including the adjacent residential properties to the east and west of the site and the Council owned carp park to the south.

Parking

During the discussions at the meeting on 23rd April there were many questions relating to use of the public car park to serve the hotel, in consultation with the Council's Car Parks Manager some of the outstanding questions that could not be answered at the meeting are answered below.

Current opening hours of the car park

The car park is currently closed at night as it was often previously used for anti-social vehicle behaviour, namely that carried out by "boy/girl racers". This type of activity is more common where the car park is particularly quiet.

Vehicles can currently exit the car park at all times via the alligator teeth that allow one way travel out of the car park.

The car park could be open 24 hours if the car parking demand existed. This should be considered in the context that all on-street charges end at 6pm, and therefore there

is free overnight parking directly outside the car park along Maer Road, though the capacity is limited and often used by local dog walkers.

What is the typical daily usage of the car park?

There are some graphs provided in appendix 1 to this report that have been helpfully provided by the Council's Car Parks Manager which indicate the daily number of ticket transactions in Maer Road Car Park.

These graphs indicate that on a very limited number of days over the last 3 years ticket scales have exceed 500 tickets, but predominant daily use is less than 100 transactions per day which indicates that there would be sufficient capacity on most days to accommodate the level of traffic attracted t the 65 bedroom hotel, furthermore when usage is high there is other available parking on Maer Road.

Has the use of the car park changed since the playfields have opened?

Comments on this matter have ben solely provided by the Car Parks Manager:

'We have not seen parking demand relating to the playing fields outside of the current opening times of the car park. If we were to change the current opening times, i.e open the car park later, we may be in the situation where there is not the staffing resource at the required times to close the barrier, and therefore it would remain open at all times, potentially leaving the car park open to ASB'.

Disabled parking

There is disabled parking in Maer Road Car Park but not close to where the hotel is proposed, furthermore, the car park slopes up towards the application site making it difficult for people with physical disabilities to access the hotel. Officers have held discussions with the applicant's agent culminating in the submission of amended plans indicating the inclusion of 4 disabled parking spaces adjacent to the hotel entrance.

Additional condition

At the committee meeting on 23rd April a verbal update was given regarding the need for the applicant or their agent to enter into a formal agreement with EDDC to provide access over EDDC land to access the hotel service yard, as whilst there is an existing long established pedestrian access from the Devoncourt Hotel's southern boundary there is no existing vehicular access. This agreement would need to be in place prior to commencement of any development on the site. The condition below is recommended for this purpose and also to ensure that access into the car park for guests is available 24 hours a day and disabled parking access is also provided 24 hours a day.

1. Prior to the commencement of development the developer shall provide evidence to the Local Planning Authority that a formal agreement has been entered into with EDDC to secure 24 hour unfettered access into Maer Road Car Park for users of the hotel and from Mear Road car park into the southern

site boundary to service the hotel and access the disabled parking bays, as set out on the approved plans.

Reason: To secure an appropriate mix of development in accordance with Strategy 3 (Sustainable Development and E18 (Loss of Holiday Accommodation) of the East Devon Local Plan and Policy EE3 of the Exmouth Neighbourhood Plan.

Drainage

At the committee meeting on 23rd April a verbal update was given regarding South West Water's position on this application, for completeness their comments are now included in the consultee section of this report, with particular reference to the following:

Foul Sewerage Services

The storm overflow at the sewage pumping station and the local sewer flooding downstream from the development is being investigated so the issues should hopefully be resolved before the new connection takes place. This site will be included in any assessments for design.

EXECUTIVE SUMMARY

This application is before members as the views of a Ward Member and Town Council are contrary to the Officer recommendation.

The Devoncourt Hotel lies along the south-eastern side of Douglas Avenue within the existing built-up area boundary of Exmouth, the District's largest town. The site currently comprises a collection of large buildings occupying a relatively long frontage, close to the road, with its extensive landscaped grounds running southwards to where they meet the northern boundary of the large public car park located off Maer Road. The grounds slope gently down to their rear boundary, which is defined by a tree and hedge screen.

This application seeks full planning permission for the redevelopment of the entire site which proposes to demolish the existing four storey hotel and replace it with three apartment buildings housing 51 apartments at a similar height, these would be known as the 'northern apartments', a further apartment block containing 15 apartments known as 'southern apartments' would be constructed in the existing landscaped gardens of the Devoncourt, together with a new 65 bedroom hotel with gym and restaurant situated on the southern most part of the site.

The principle of redevelopment of existing sites within built up area boundaries for residential purposes is acceptable subject to the impacts of the proposed development being acceptable. The loss of holiday accommodation is a key consideration, however this application proposes to replace the existing offer with something different. Whilst a different holiday offer than currently exists, it is considered that the proposal would accord with Policy E18 of the EDDC Local Plan by continuing the holiday accommodation on site with on site facilities for

its occupants. To ensure that the holiday accommodation provision retains facilities for Exmouth, it is considered fair and reasonable to impose an early trigger for its re-provision and operation so that the new hotel would be built and capable of use prior to occupation of any of the residential apartment units.

There would be a number of benefits that the proposal would provide, including employment of local trades through the demolition and construction period, provision of 15 units of affordable housing provided on site together with an off-site contribution for 1.5 units, provision of upgraded holiday accommodation for visitors to the town, improvements to the appearance of the site, particularly its frontage onto Douglas Avenue.

Concerns raised regarding the design and layout of the development have been considered however officers finds the design and layout to be acceptable as well as impacts on ecology (with mitigation and compensation measures included in the Ecological Impact Assessment), trees, highway safety and drainage (subject to conditions).

Whilst there would undoubtedly be impacts on the surroundings during the construction period and when first built, it is considered that the design and massing of the building which have been significantly improved through collaborative working with the applicant's agent and the resulting development would assimilate well into its surroundings.

Overall, the benefits of the proposal are considered to demonstrably outweigh the harm and therefore the proposal is recommended for approval subject to conditions to mitigate certain impacts of the proposal.

CONSULTATIONS

Local Consultations

Parish/Town Council

Meeting 20.11.23

Objection sustained; the amended plans did not mitigate any of the previous concerns raised in September 2022.

The proposal would still be visibly intrusive and out of keeping from the southern aspect. It was noted that the Urban Designer felt that the lower part of the site was not suited to large-scale development. Its design and appearance was out of keeping and harmful to its sensitive setting. Therefore the proposal was considered to still be contrary to policy EN1 of the Exmouth Neighbourhood Plan Policy EN1 where development is only supported if it would not harm the amenity and environmental qualities within which it is located.

The scale, density of the development was considered to be unacceptable and will have an overbearing impact on adjacent properties on Maer Road. Concerns were raised about the design of the hotel. The problems of scale, massing had not been addressed with serious design failures. It was therefore considered that the proposal did not meet the policy requirement for EB1 of the Exmouth Neighbourhood which

states that development should be mindful of surrounding building styles and ensure a high level of design.

The proposal did not mitigate the loss of the hotel and the associated facilities and members questioned the viability issues cited. The application did not comply with policy EE3 of the Exmouth Neighbourhood Plan or E18 of the East Devon Local Plan.

Exmouth Neighbourhood Plan Policy CF1 does not support the reduction of health and wellbeing facilities. The applicant's provision of a small gym did not mitigate against the loss of the existing facilities.

Concerns remained about exacerbating the existing sewage capacity and the management of surface water run-off. The application should comply with policies EN5 and EN6 of the Exmouth Neighbourhood Plan.

Concern was also raised regarding the sustainability of the development with regards to the amount of embodied carbon emitted and the harm to the biodiversity of the landscape.

Members further expressed their disappointment that the applicant had not engaged further with the District Council's parking manager since an initial brief enquiry.

Exmouth Littleham - Cllr Nick Hookway

OBJECTION

I consider that this application will be a gross over development of the site. The scale, massing and design of the application are completely unacceptable for this site. I fully support the comments raised in the EDDC report from the Urban Designer. This is a site that requires a sympathetic, nuanced approach to bring out the opportunities that the site presents rather than a modernist, destructive and ill-considered one.

I am gravely concerned by the prospect of the overlooking of neighbouring properties with the subsequent loss of privacy that affected residents in Douglas Avenue and Maer Road will suffer.

The application clearly fails to meet Policy D1 of EDDC Local plan as well as the Avenues Design Statement. The requirement that no more than 25% of the site be built on must apply here.

Vehicle access to the site from the EDDC Maer Road car park will be denied to this application due to the presence of leases that exist on EDDC land. Thereby making the concept of a budget hotel at the lower end of the site unsustainable and unworkable.

In its current form, in my view, the Devoncourt Hotel can be considered "sustainable" in terms of location, environment and the tourism offering. It is likely to benefit from the Dinan Way extension by having improved access for its customers. The site is far enough away from the seafront and is therefore unlikely to be affected by the violent storms that we are now experiencing due to climate change, yet it is in easy walking distance to the beach.

In its present form the site offers a spectacular vista across Lyme Bay with an enviable southerly facing aspect. Exmouth needs an upmarket hotel and the Devoncourt is one of the best locations in the town to make best use of the landscape and environment that is available. I find that the idea of putting a budget hotel on the site unviable due

to the presence of the Devon Cliffs Holiday Park which very successfully caters for this type of market.

There is considerable scope to upgrade the current offering to visitors but that does not justify demolition of the existing buildings and damage to the environment. Why not refurbish?

Within the current Local Plan, the following strategies are also relevant.

E16: Namely the upgrading of existing holiday accommodation will be permitted when following criteria are met in full Section 1 states that the scale, level and intensity of development is compatible with the character of the surrounding area, including adjoining.... settlements.

E17: All sections.

E18: All sections.

Therefore, I find that this amendment for the application fails to address the potential of this site. In my view there is a need for a complete rethink for this site where imaginative design and a sympathetic, nuanced approach to the environmental conditions would be much more appropriate and effective.

These are the facts as I see them at the time of writing. If I am presented with additional information, I reserve the right to amend my views

Technical Consultations

County Highway Authority

The re-development if approved, would remove one of the vehicular accesses onto Douglas Avenue, in doing so, forming one vehicular access with an adjoining footpath. This would be an improvement to the highway safety of Douglas Avenue by reducing the junction interaction of egress and ingress vehicular movements together with separating and dedicating access arrangements for pedestrians.

No objections subject to conditions

Economic Development Officer

The Economic Development team have reviewed the marketing evidence and the proposed hotel provision included within this application. Although the applicant is proposing the loss of 4 FTE jobs, the net increase in hotels rooms proposed will increase the provision of tourist accommodation and positively impact the local economy. The Economic Development team therefore have no objection to the application as proposed.

EDDC District Ecologist

No objections subject to conditions

Campaign To Protect Rural England

Devon CPRE objects to the proposal, and are really disappointed to see that the majority of fundamental points we raised previously to application ref 21/0821/MFUL have not been addressed by this resubmission.

- Insufficient Information
- Failure to deliver high quality placemaking

- Failure to deliver quantifiable biodiversity net gain and outdated information
- Failure to address Sustainability?

Conclusion

The community have already highlighted the departure of this proposal from local planning policy including their own Neighbourhood Plan. The scheme does not demonstrate delivery of a sustainable development, ignoring opportunities to secure net gains across the different objectives of sustainable development, contrary to both local and national planning policy.

The application should therefore be refused.

Housing Strategy/Enabling Officer - Cassandra Harrison SUPPORT

Percentage of Affordable Housing - under current policy Strategy 34, a requirement for 25% affordable housing is required.

Exmouth is our area of greatest housing need in East Devon, with over 1000 households on our housing register requiring 1 or 2 bedroom accommodation.

Police Architectural Liaison Officer - Kris Calderhead

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

I welcome the reference to Designing out Crime within the Design and Access Statement (DAS) and support that such principles have been embedded into the scheme. I also appreciate that a number of recessed spaces in the design of the north apartment block have been removed in the latest design.

Some concerns still remain

EDDC Trees

I have viewed the Arboricultural report from Advanced Arboricultural dated 24.08.2022 including AIA, TCP and TPP, and Landscaping strategy (642-sk04; 29.03.2021) provided by Redbay Design. In principle I have no objection to development of the site.

Conditions recommended if the application is recommended for approval.

EDDC Landscape Architect

Overall, the amendments are not substantive and most of the issues identified in my previous landscape response dated 26.10.2022 have not been addressed. As such my objection to the proposals stands as contrary to Local Plan policy D1 (Design and local distinctiveness)

Royal Society For The Protection Of Birds

No objections subject to a condition requiring provision of bat/bird boxes throughout the development.

Environmental Health

I recommend approval with conditions

Contaminated Land Officer

I recommend approval with conditions

DCC Flood Risk Management Team

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that pre-commencement planning conditions are imposed on any approved permission

South West Water

No objection subject to the surface water being managed in accordance with the submitted drainage strategy. The applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed.

The storm overflow at the sewage pumping station and the local sewer flooding downstream from the development is being investigated so the issues should hopefully be resolved before the new connection takes place. This site will be included in any assessments for design. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Urban Designer

General comments

- High levels of parking provision given the location close to a well-served town centre that has a mainline rail link and a site where three bus routes (95, 97, 357) pass directly in front of the main entrance.
- Low levels of cycle storage throughout given the proximity of the town centre and easily accessible, high quality, safe, almost entirely off-road cycling infrastructure to Budleigh Salterton and Exeter through to Dawlish.
- Unnecessary design choices add complexity, expense, reduced thermal and operational efficiency without adding benefit or value.

Concerns over the design of the project still remain and on this basis recommend refusal.

NHS Local

No objections subject to contributions towards primary care to be secured through a legal agreement

Other Representations

At the time of writing this report 184 representations have been received as a result of this application, raising the following concerns:

- Impact on the character and appearance of the area;
- Great weight should be given to the Avenues Design Guide;
- Overdevelopment of the site;
- Increase in traffic on local roads;
- Construction traffic impacts;
- No room for construction worker parking
- Impact on drainage network which already struggles and pollutes the sea;
- Bats use the site;
- The Car Parks Manager needs to be consulted;
- Overlooking from balconies;
- Overbearing;
- The hotel would be visually intrusive;
- The existing hotel should be redeveloped as a new hotel;
- Loss of leisure facilities for local people;
- Impact on local infrastructure services including doctors and dentists;
- Noise and dust disturbance from construction;
- Impact on mature trees;
- No need for more housing in Exmouth;

PLANNING HISTORY

Reference	Description	Decision	Date
13/1190/MFUL	Construction of 14 no. holiday apartments and raising of ground levels to create garden with retaining wall and extension to existing car park.	Approval with conditions	19.12.2013
21/0821/MFUL	Demolition of the existing Devoncourt building and outbuildings, construction of 81 no new residential apartments (25% affordable) and new 62 bed hotel with access via Maer Road car park, associated car parking and landscaping works	Withdrawn	03.12.2021

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 6 (Development within Built-up Area Boundaries)

Strategy 43 (Open Space Standards)

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 34 (District Wide Affordable Housing Provision Targets)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

E18 (Loss of Holiday Accommodation)

EN22 (Surface Run-Off Implications of New Development)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN16 (Contaminated Land)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2023)

National Planning Practice Guidance

Neighbourhood Plan

Exmouth Neighbourhood Plan (Made) – EB2, EE3

Site Location and Description

The Devoncourt Hotel lies along the south-eastern side of Douglas Avenue within the existing built-up area boundary of Exmouth, the District's largest town. The site currently comprises a collection of large buildings occupying a relatively long frontage, close to the road, with its extensive landscaped grounds running southwards to where they meet the northern boundary of the large public car park located off Maer Road. The grounds slope gently down to their rear boundary, which is defined by a tree and hedge screen. The agent has advised that the existing hotel is run on a time share basis and contains bedrooms and apartments, together with a range of on-site leisure and recreational facilities, including gym and outside heated swimming pool.

There are neighbouring residential units to the east and west of the proposal site, to the east lies an apartment building and to the west lies a single dwelling house in the northern part of the site, with a further handful of dwellings having their rear gardens backing on to the western boundary of the site.

The hotel is served by two existing accesses off Douglas Avenue which provides access to a small number of parking spaces at the front of the building and a small parking area to the rear of the building served by a single track road hugging the eastern boundary of the site.

Proposed Development

This application seeks full planning permission for the redevelopment of the entire site which proposes to demolish the existing four storey hotel and replace it with three apartment buildings housing 51 apartments at a similar height, these would be known as the 'northern apartments', a further apartment block containing 15 apartments known as 'southern apartments' would be constructed in the existing landscaped gardens of the Devoncourt, together with a new 65 bedroom hotel with gym and restaurant situated on the southern most part of the site.

The 'southern apartments' building would be 2.5 storey and follow the general gradient of the site, with the access into the apartments via a pathway along its northern side. The apartments would have bedrooms and en-suite on their northern side, a central kitchen and bathroom and a lounge/dining room and patio facing the retained grassed and landscaped lower part of the existing grounds of the hotel to the south.

New retaining walls are required either side of the ornate gardens

The application is accompanied by an arboricultural report which includes a method statement showing construction exclusion zones and supervision zones.

It is also accompanied by Heads of Terms covering contribution of £367.62 per unit towards measures to mitigate the impacts of the development upon the Exe Estuary Special Protection Area and Pebblebed Heaths Special Protection Area and securing 25% on site affordable housing.

Main considerations

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

- the principle of the proposed development, including the replacement of the hotel facility
- affordable housing
- the impact of the proposed development on its surroundings
- the impact on residential amenity
- the impact on highway safety and parking
- the impact on existing trees
- ecology, including habitats regulations assessment; and
- drainage

Principle of Development:

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

It is also important to consider the loss of/redevelopment of holiday accommodation on site. The Devoncourt has been a long established destination for holiday makers over recent decades primarily as a traditional hotel and latterly as timeshare accommodation, its loss would diminish the tourism offer to those wishing to stay in the resort. Policy E18 of the EDDC Local Plan sets out the considerations in the principal holiday areas of East Devon, including Exmouth, where holiday accommodation is proposed to be lost:

E18 - Loss of Holiday Accommodation

The proposals for change of use or redevelopment of hotels and other holiday accommodation in the seaside resorts of Exmouth, Budleigh Salterton, Seaton and Sidmouth will not be permitted unless the holiday use is no longer viable and/or the new use will overcome clear social, economic or environmental problems associated with the current use.

Permission for change of use will not be permitted unless it can be clearly demonstrated that there is no longer a need for such uses and that the building or site has been marketed for at least 12 months (and up to two years depending on market conditions) at a realistic price without interest.

However, this proposal does not seek the total loss of holiday accommodation on the site, it seeks to replace the 54 bedrooms holiday apartments/bedrooms with 65 new build holiday bedrooms each with en-suite facilities, therefore on the face of it there would be an uplift in the number of rooms available to the general public.

It is acknowledged that the current hotel building occupies a much larger footprint than the building proposed to replace it and internally has a broader range of accommodation including restaurant, gymnasium, bedrooms with their own cooking facilities and outside pool with landscaped gardens. The proposed hotel would have smaller restaurant and gym but offers no cooking facilities in the rooms and there would be no swimming pool. There has been a change in holiday attitudes over the decades with the single point hotel destinations in decline, travellers are much more likely to use local facilities in the settlements where they stay rather than eating at their hotel, Exmouth offers a broad range of restaurants and cafes within easy walking distance of the application site. Furthermore, trends have shown that UK based holidays are often shorter than previously with the rise of weekend and shorter breaks.

The success and occupancy rates of the relatively recent Bath Hotel site's redevelopment to a Premier Inn highlights the changing nature of UK based holidays. The proposed hotel would occupy a good position in relation to arguably one of Exmouth's most prized possessions, its beach, where visitors would have good and easy access to it and the recently completed watersports centre.

Notwithstanding that there is no requirement to market the hotel for sale, a marketing effort has taken place over an extended period without any success, the Economic Development team have reviewed the marketing evidence and the proposed hotel provision included within this application. Although the applicant is proposing the loss of 4 FTE jobs, the net increase in hotels rooms proposed will increase the provision of tourist accommodation and positively impact the local economy. The Economic Development team therefore have no objection to the application as proposed.

Accordingly, whilst a different holiday offer than currently exists, it is considered that the proposal would accord with Policy E18 of the EDDC Local Plan by continuing the holiday accommodation on site with on site facilities for its occupants. To ensure that the holiday accommodation provision retains facilities for Exmouth, it is considered fair and reasonable to impose an early trigger for its re-provision and operation so that the new hotel would be built and capable of use prior to occupation of any of the residential apartment units should the application be approved.

Affordable housing

The application in its heads of terms indicates that the proposal would provide 25% affordable housing which is the provision that the current Local Plan seeks on sites within built up area boundaries, these 15 units would be provided in two conjoined blocks with the rented units on one side and the shared ownership units on the other side which is considered to be in line with the requirements of affordable housing providers in terms of their management. Due to the constraints of the site and the requests of Officers to reduce the scale and quantum of development within the southern apartment blocks it would be necessary to seek a payment for the 1.5 units that make up the 25% ($66 \times 0.25 = 16.5$) to be provided off site, this payment would equate to £17,388.50

The Council's Housing Enabling Officer has the following comments to make:

SUPPORT

Percentage of Affordable Housing - under current policy Strategy 34, a requirement for 25% affordable housing is required. The applicant is proposing to provide 15 units and this is acceptable.

Exmouth is our area of greatest housing need in East Devon, with over 1000 households on our housing register requiring 1 or 2 bedroom accommodation.

Tenure - Strategy 34 sets a target of 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership. For the proposed 15 units, this would amount to 10 rented units and 5 units for affordable home ownership. The

rented units should be provided as Social Rent as this is more affordable to local incomes in East Devon.

Housing Mix and Layout - the applicant is proposing the following mix:

- o 1 x 1 bed, 2 person flat Affordable Rent*
- o 9 x 2 bed, 4 person flats Affordable Rent*
- o 5 x 2 bed, 4 person flats Shared Ownership*

The Architects have designed the affordable housing to be delivered in a separate block to the open market units which is an improvement on the previous application. A separate block is what Registered Providers would require. The single block has the rented units on one side, separated by a stairwell with the Shared Ownership units on the other side. This is acceptable.

The flats all meet national space standards. All affordable units should also meet M4(2) standards as per our adopted SPD.

The Exmouth Neighbourhood Plan adopted Policy H1 states: "there is a presumption in favour of Accessible and Adaptable homes, to ensure a balanced housing stock for a range of age groups within the town." Also adopted policy HA4: "For relevant organisations to ensure the provision of one-bed properties to meet the evidenced need of residents below retirement age."

Parking - the design and access statement states that the 1 bedroom flat will have 1 parking space and the 2 bedroom flats will have 2 parking spaces. There needs to be suitable provision for visitor parking to avoid overflow parking in neighbouring streets. Secure cycling storage is also needed to encourage safe, sustainable travel.

Council Plan 2021 - 2023 - East Devon District Council wants to increase access to social and affordable homes and this is one of the Council's highest priorities. This application will provide 15 affordable homes, so will help us to meet this priority.

Accordingly, subject to securing the tenure and occupations in perpetuity together with the offsite contribution to be spent on affordable housing projects in the locality, the proposal is considered acceptable in relation to Strategy 34 of the EDDC Local Plan.

Impact on surroundings

The application site occupies a prominent position in the townscape especially when viewed from 'The Maer' and on approach from the seafront, the land slopes up from the south such that the four storey wide-ranging building creates a substantial mass on the skyline, adjacent to other similarly sized and scaled buildings to the east. The existing hotel and outbuilding create a wide expanse of development when viewed from Douglas Avenue also. All the plots on this side of the avenue have buildings on the road edge only, leaving the remainder of the plots open. This helps to maintain this avenue as the edge of the built-up area and reduces the visual intensity of development along this edge. Views up from the sea are relatively green making this a gradual visual introduction to the town rather than a wall of buildings. At the end of these plots is an area of open fields with established hedgerows that the Exmouth

Neighbourhood Plan has identified as a future valley park. Beyond the park is the seafront.

The site lies with 'The Avenues' part of Exmouth where historically there has been a greater emphasis on design and a supplementary planning document entitled 'The Avenues Design Guide' was produced in an attempt to aid developers in bringing sites forward in a consistent manner so that the character and appearance of the area could be maintained and enhanced. Whilst this design guide is now a number of years old and planning policies have evolved and moved forward to a be less prescriptive, Policy EB2 of the Exmouth Neighbourhood Plan still places an emphasis on the aforementioned document in terms of its design principles.

Significant concerns have been raised by a Ward Member, Town Council and local residents regarding this development, which is expected as the proposed demolition of an historic hotel that is a prominent feature and lives long in the memory of local inhabitants would represent a significant change in the character of the area that has been present for a significant period of time over the town's history. That does not mean that change cannot take place, however, any changes/redevelopment that do take place should be carefully considered in terms of their design and the impact on the character an appearance of the surroundings.

In this regard it is important to look in detail at the proposed design and the impact that the redevelopment would have on its surroundings under the two headings below.

Design and layout

Density of Development:

One of the foremost reasons for objection to the proposed development is overdevelopment of the site, commentators have quite rightly referenced Policy EB2 of the Neighbourhood Plan and its links to the Avenues Design Statement of 2005:

Policy EB2: New development should be mindful of surrounding building styles and ensure a high level of design as exemplified in the Avenues Design Statement (2005).

Specific comments make reference to the 'Design Statement for the Avenues' guide where Recommendation 6 notes an aspirational development density of 25% of the site area. The aim of which is to maintain a balance between buildings and greenery. The calculation is to include garages and hard surfaces.

The proposed development moves a significant portion of the parking to a basement below the proposed Northern Block of apartments. This allows for a newly created, landscaped green space to be formed at the frontage to Douglas Avenue including the removal the existing hard surfaced car parking and of one of the existing access points to the site. Throughout the remainder of the site the parking spaces would be formed from 'grasscrete' or an equivalent free draining and planted surface. This would allow tree rooting below the parking spaces. Footpaths would be in gravel or an equivalent draining finish. Flat roofs are in an extensive sedum roof.

When calculated on the basis of the footprint of the North and South Block of apartments (including green roof), hotel and tarmac hard surfaced roads the development coverage has been calculated by the applicant's agent as follows:

Site Area (red line boundary) = 14,135 sqm
North Block area (excludes balconies) = 1,631 sqm
South Block area (excludes balconies) = 710 sqm
Hotel = 757 sqm
Road & Hotel service Yard = 2,741 sqm
Total Built up hard surface = 5,839 sqm
Percentage site coverage = 41.31 %

Whilst 41.31% site coverage is greater than the aspirational 25% stated in the 'Design Statement for the Avenues' the increase is a lot lower than some of the comments that have been provided. Through negotiations with the applicant's agent the site coverage has been significantly reduced, parking surfacing has been amended and additional landscaped areas have been provided. Overall, it is considered that the site represents a transition between the smaller plots fronting onto Maer Road and the larger plots served by Douglas Avenue such that it is relatively unique in its formation as a consequence it is considered that some development of its extensive landscaped grounds would provide the town with much needed affordable accommodation and a much more fit for purpose tourism accommodation offer. It must also be noted that a number of the surrounding plots fronting onto Douglas Avenue have significantly more than 25% of their plots developed either because the building(s) were there prior to the policy being introduced or they have been granted planning permission for extensions and/or separate buildings in the curtilage.

Therefore, on balance it is considered that the density of the proposed development strikes an important balance between maximising the best use of land in sustainable locations whilst respecting the existing settlement pattern and character and appearance of a prominent plot in the townscape. Specific commentary on its impacts will follow later in this report.

Scale of the proposed buildings

The existing hotel comprises a four storey red brick block under a slate roof with a consistent design and proportions, though due to its length it creates a significant scale and mass from the Douglas Avenue streetscene with little design relief or landscaping to break it up. It is proposed to demolish the existing building and erect a similar scale of buildings with four stories, although these would be broken up into three distinct buildings each with their own character but a consistent theme. The middle building of the group of new buildings would be set back from the road frontage and create a stepped frontage to add interest and soften the scale when viewed from the north; this would be further assisted by creating more space to provide a meaningful landscaped frontage.

The southern apartment building would be three stories in height, however, their ground floor would be set into the existing slope. The existing ground level where the existing landscape gardens exist would be lowered in excess of 2 metres such that from the outside of the site these apartment buildings would appear as two stories in

height. A significant amount of time has been spent by officers negotiating the scale of the southern apartment buildings, such that over the lifetime of this application a floor of apartments has been removed and the number of apartments significantly reduced, comments from the Council's Landscape Architect and Urban Designer have been crucial in explaining the level of harm that this area of the site would create when looking from the surrounding area including 'The Maer', but also in creating an acceptable transition between the seafront and existing built development to the north.

The proposed hotel has also been the subject of negotiation in terms of its scale and impact, various iterations of design have been produced which created a significant mass and bulk which would have had an awkward juxtaposition with the proposed smaller scale residential units contained in the Southern Apartment building, such that a bespoke design approach has now been employed, which creates a building of interest that would be of a more consistent scale for this part of the site.

Overall, on balance, it is considered that the scale of the proposed buildings on site are appropriate for their location in accordance with Policy D1 of the EDDC Local Plan.

Design

The design and access statement submitted with the application details the design evolution together with amendments that have been made following negotiations with planning officer and the urban designer. The prominent position of the site and amount of local interest in the redevelopment of the site mean that the subjective issue of design is likely to be the most contentious issue and one that people interpret in different ways.

The Avenues area of Exmouth has witnessed increasing pressure for redevelopment and new development over recent years, not least for larger apartment buildings which maximise views towards the sea, a wide variety of building styles and roof forms are therefore present in the local area. The application site already has a large building upon it which enjoys expansive views of the bay. The use of a consistent palette of materials but with different design elements including a stepped frontage and varying roof forms would add character and interest to the front elevation of the northern apartment block echoing some of the design styles of the larger residential buildings in close proximity to the site. Issues of internal layout of the building raised by the Council's Urban Designer have largely been resolved. Window positions have been amended and innovative features added to prevent overlooking of neighbouring properties without diminishing the design (amenity impacts are addressed later in this report)

The southern apartments buildings are more simplistic in their form and have been amended so that they are very similar in their appearance to each other to create a more cohesive design set within the open space, a play area has been added adjacent to the affordable units that has natural surveillance and would be a benefit to the proposal.

The hotel would have a bespoke design, at the request of officers and particular input from the urban designer the proposal now represents more a landmark building that creates a sense of place adjacent to the Council's car park rather than simply

replicating the design of a hotel that could be found anywhere in the country with simplistic materials and little thought to detail. A gymnasium has been added with an internal cafe/restaurant to provide facilities for guests attracted to the site.

Accordingly, with significant amendments made to the design of both the residential and hotel elements of the scheme, it is considered that the design would assimilate well into its surroundings by not creating a pastiche building but employing clever design cues that would add interest and break up the mass of the building, this is a significant improvement over the existing hotel building on the site would be a benefit to the built environment locally. For these reasons it is considered that the proposal would accord with Policy D1 of the EDDC Local Plan and Paragraph 136 and 137 of the NPPF.

Landscaping

The proposal seeks to remove the extensively landscaped gardens of the existing hotel, which is regretful, however, a comprehensive landscaping scheme has been submitted with the application to assist in mitigating for the loss and provide an overall enhancement in the quality of the landscaping together with its management into the future. A substantial benefit of the proposal would be the removal of the car parking and hard landscaping to the front of the existing hotel and replacing it with green open space and appropriate planting. Improvements and enhancements to the existing green boundary with nos. 1 to 11 (inclusive) Maer Road will both help to screen the development but further encourage the commuting and foraging bats in the area, conditions relating to keeping this area of the site a 'dark corridor' would assist in retaining the protected species in the area. The southern area of the site already benefits from good landscaping and mature trees which would be retained as a result of this proposal, additional planting would be required as detailed in the landscaping scheme plans submitted with the application.

The landscaping scheme has been reviewed by both the Landscape Architect and Arboricultural Officer, they are content to support the principle of the scheme but require more details which can reasonably be provided by condition. Comments on the trees on the site will follow later in this report.

Accordingly, subject to appropriate conditions for additional details, the proposal is considered acceptable in relation to Policy D2 of the EDDC Local Plan.

Impact of the development on its surroundings

There is no contention that the proposed redevelopment of the Devoncourt site would not have an impact on its surroundings, not least because there would be an overall increase in the amount of development on site and increased activity around the site through the introduction of a more concentrated holiday offer and the number of potential residents that could occupy the site. The removal of the extensive landscaped garden would also make the site more visible in its immediate surroundings.

The foremost public views (the impact on private residential properties is addressed later in this report) of the site that would be altered as a result of this proposal would

be from Douglas Avenue and from 'The Maer' and seafront, each of these will be addressed in turn.

Douglas Avenue

The existing building is four stories high and creates a large mass of building of the same materials and a relatively consistent height, where as the proposal seeks three separate buildings along the frontage that would be of varying height (but not higher than the existing hotel), using a wider variety of materials and roof forms with a stepped layout. The impact upon the streetscene would largely be detrimental to views during the demolition and construction period as it has a long frontage and is readily visible for long sections of this part of Douglas Avenue, following construction the proposed building are considered to have an improved impact on the streetscene creating buildings with interest and raising the design quality in the area, furthermore the proposed area of open space, in place of the existing car park, would add some improved biodiversity to the local area.

The Maer and seafront

There are long distance and far reaching view towards the application site from the seafront and particularly 'The Maer', chiefly these views are of the existing hotel and it lies in a prominent elevated position when looking north from this area. The lower part of the site is not readily visible from these areas as there is currently no development on this part of the site, however, some of the larger trees' canopies are visible such that the introduction of the built for of the southern apartment buildings and the hotel are also likely to be visible. the Council's Landscape Architect originally raised some serious concerns regarding the impact that the southernmost buildings would have on views from 'The Maer' this was due to their height and massing which would urbanise the lower part of the site and create visual harm when viewed from longer distances, amended plans have subsequently been received lowering the ground levels of the southern apartment blocks and removing the fourth floor which is considered to significantly reduce their impact and also their visibility from longer distances, substantially reducing their harm on the surroundings.

In a similar vein concerns were raised by the Landscape Architect and Urban Designer regarding the form, mass and bulk and overall height of the proposed hotel, together with its poor design. As previously explained a bespoke design of hotel has been provided which seeks to use different coloured materials to assist in the structure blending it into its surroundings, it would still have an impact, however not all impacts are harmful impacts. The position in relation to the Maer Road car park creates a new active frontage onto the car park on what is the district's largest town and principal tourism location such that its position and design is considered to create a landmark building which would enhance the character and appearance of this part of the site and maintain a viable hotel offer in the town.

Accordingly, whilst there are likely to be some initial harmful impacts especially during the construction period, it is considered that the completed development would raise the quality of design in the local area and continue a viable holiday accommodation use whilst providing much needed housing in the area, particularly affordable housing.

Impact on residential amenity

Policy D1- Design and Local Distinctiveness of the Local Plan states that proposals will only be permitted where they do not adversely affect the amenity of occupiers of adjoining residential properties. The application site is bound by residential properties on its eastern and western sides.

A number of two storey detached properties 1-11 Maer Road and their rear gardens back onto the site's western boundary.

No 14A Douglas Avenue is a detached two storey dwelling to the west which shares a close relationship with the existing building and site . The side elevation of no 14A faces the existing building on the site and has a number of windows and openings on its eastern elevation. Devoncourt has a number of windows on its western elevation facing towards no 14A.

Blair Atholl, no 20 Douglas Avenue is a 4 storey apartment building to the east which shares a close relationship with the building and the site. Blair Atholl has a number of windows on its western elevation facing the site.

An assessment of the impacts on the residential amenity of the occupiers of these properties is provided as follows:

14A Douglas Avenue

This two storey dwelling shares a very close relationship with the existing Devoncourt building with its side elevation running parallel to the side of Devoncourt. The property occupies a lower level than the application site and has a number of ground and first floor windows facing towards it. The side elevation of Devoncourt also has a number of windows facing towards no 14A and 1st, 2nd and 3rd floor level.

Officers have worked with the applicant to reduce the footprint, bulk and massing of the apartment block nearest to no 14A which has resulted in a reduction in the rear projection of the building to 4.5 metres beyond the rear elevation of the property at 3 storey level. Whilst it is accepted that this would result in a degree of additional physical impact on the occupiers of this property, given the distance of the built form from the boundary of the property which would be 3.6 metres, it is considered that the impact would not be so significant in terms of being unduly overbearing or over dominant to sustain an objection. No 14A is orientated with its rear elevation facing south such that there would be no significant loss of light or overshadowing.

It is also important to note that there would be a significant improvement in terms of mutual overlooking between the two buildings. At present the side elevation Devoncourt has a number of windows facing the windows of no 14A. In addition there are a number of rear balconies on the rear of Devoncourt which offer unrestricted views towards the rear garden of no 14A with no privacy screens in place.

The side elevation of the apartments facing no 14A has been designed to improve the relationship between the two buildings. Whilst there will be windows on the western elevation, these have been purposely designed to ensure that views out would be angled away from no 14A facing towards Douglas Avenue and the rear of the site, avoiding direct overlooking of the property and its garden. Balconies on the rear elevation of the apartment block and from a reduced outside terrace area to apartment 47 would be fitted with obscure glazed privacy screens which would ensure that views out towards no 14A and its rear garden are prevented.

Whilst the additional rear projection of development on the site would result in a degree of additional physical impact, Officers consider that the improvements in the relationship between the site and 14A in respect of overlooking and privacy would outweigh the additional harm caused.

Blair Atholl:

Blair Atholl is a 4 storey apartment block to the east of the site which shares a close relationship with the Devoncourt site and building, again with a number of windows facing towards one another. The angled window design on the eastern elevation of the apartment block has been replicated which would ensure that views from the windows would be directed away from the windows on the Blair Atholl building and would improve the existing relationship between the two. Balconies closest to the boundary with Blair Atholl would be fitted with obscure glazed privacy screens which would further improve the relationship between the two sites.

The footprint of the apartment block would be positioned further away from the boundary with Blair Atholl which would reduce the overall physical impact of the building, its stepped design would help to reduce the bulk and massing of the building.

The 4th floor of the apartment block does include a flat roofed area which is not intended to be used as outside amenity space. Given the relationship between the upper floor windows on Blair Atholl, officers do not consider use of this flat roofed area to be acceptable as amenity space and therefore it is considered necessary and reasonable to impose a condition which prevents the use of this flat roofed area.

1-11 Maer Road:

The southern part of the site is currently free from development such that the introduction of the southern block apartments and hotel will change the character of the site from landscaped grounds to residential and part commercial which would have a degree of impact on the amenities of the occupiers of the properties on Maer Road whose rear elevations and rear gardens face towards the application site.

The proposed hotel is considered to be located a sufficient distance from the rear gardens of these properties not to have any impact on the occupiers living conditions in terms of its physical impact or its operation in the longer term.

The relationship between the southern block of apartments has been carefully considered and the scheme has been amended to address officer concerns about the relationship between the southern apartment blocks and the properties on Maer Road.

The elevations and cross sections demonstrate how the ground levels on the southern part of the site would be reduced which would significantly lower the southern apartment blocks into the site which would help to reduce the overall physical impact of the building. The apartment block would be positioned 9.0 metres from the boundary of the properties on Maer Road which is defined by a vegetation and a brick boundary wall.

The western elevation of the apartment block has purposely been designed with angled windows which would direct views to the north and south of the site and provide no opportunities for overlooking to the rear gardens of these properties. Obscure glazed screens are proposed to balconies on the rear elevation of the apartments which would also prevent overlooking and loss of privacy to the rear gardens of properties on Maer Road.

On balance, whilst introducing residential development to the southern part of the site and built form would result in a degree of impact on the amenities of the properties on Maer Road, having regard for the length of the rear gardens, the distance of the apartments from the boundary, lowering the building into the site and the angled design of the windows facing the western boundary, it isn't considered that the southern apartment block would result in significant harm to the amenities of the properties on Maer Road in terms of its physical impact or being unduly overbearing or over dominant, loss of light or loss of privacy to sustain an objection.

The juxtaposition of the residential southern block of apartments and the hotel has been the subject of negotiations with the applicant's agent and has resulted in a number of units being removed from the application due to the potential noise and overlooking conflicts, the revised positioning of the two buildings and the location of the stairwell of the residential element closest to the storage elements in the hotel is considered to be an acceptable relationship. However, as the hotel proposed a restaurant/cafe at ground floor there is likely to be a need for extraction units, the positioning of these has not been indicated on the plans, to safeguard the living conditions of future residents it is considered necessary to impose a condition for the details of such equipment to be submitted before the hotel is brought into use.

Subject to conditions which require the provision of privacy screens to balconies and outside terrace areas on apartments closest the boundaries with the properties on Maer Road, 14 Douglas Avenue and Blair Atholl and the submission of a Construction Environment Management Plan to control hours of working, noise and dust etc and reduce the impacts of construction on residential amenity, the proposed development is considered to be acceptable in terms of its impacts on the residential amenities of the occupiers of surrounding properties in accordance with Policies D1 and EN14 of the EDDC Local Plan.

Impact on highway safety and parking

The existing hotel is served by two accesses onto Douglas Avenue which provides access to two small areas of parking, one at the front of the hotel and the other at the rear with a total of 35 spaces serving the 54 bedrooms and leisure facilities such that local car parks and on street parking in the accommodate the surplus traffic attracted

to the site. One of the accesses onto the highway would be closed as a result of this proposal.

It is proposed to remove the area of parking at the front of the hotel and instead divert all traffic attracted to the site to the rear of the buildings. The majority of the parking for the northern block apartments would be provided in a subterranean car park (67 spaces) with some outside spaces (34 spaces) and the parking for the southern block apartments would be provided to their rear and to the east to the rear of the proposed hotel (35 spaces). Overall for the residential elements of the scheme there would be 136 spaces serving the 66 residential units which equates to in excess of the 2 parking spaces per unit for 2 bedrooms or more and 1 parking space for 1 bedroom units which exceeds the policy requirements of Policy TC9 of the EDDC Local Plan.

Devon County Highways Engineer has the following comments to make:

'The re-development if approved, would remove one of the vehicular accesses onto Douglas Avenue, in doing so, forming one vehicular access with an adjoining footpath. This would be an improvement to the highway safety of Douglas Avenue by reducing the junction interaction of egress and ingress vehicular movements together with separating and dedicating access arrangements for pedestrians.'

'Each dwelling unit will have at least two dedicated parking spaces thereby reducing any impact upon on-street parking within the highway network, together with sufficient space for off-carriageway turning so that vehicles are re-entering the carriageway in a forward facing motion. The vehicular access can obtain 43m visibility in both the east and west direction, meeting our current best practice guidance, Manual for Streets 1 and 2. The proposed service access of the hotel will be from the Maer Road car park subject to an agreement with EDDC, whilst maintaining the existing pedestrian access. Due to the nature of the car park, vehicle speeds should be low. There is a proposal under discussion to utilise some of the spaces in Maer Road car park for the hotel use, this would however would be on equal footing to members of the public, reducing the impact from displacement.'

There would be no parking spaces provided on site for the hotel, save for temporary delivery parking. It is envisaged that the majority of the guests would utilise Maer Road car park immediately to the south of the site for parking on a pay per night basis, in the future there may be some concessions for a certain number of spaces, however that is between the applicant and the Council. It is not uncommon in city centre locations throughout the country where public car parks are nearby that hotels rely on these to meet their customers needs.

The parking Services Manager has the following comments to make:

'Personally I think the car park would benefit from the additional custom that a hotel in this location would bring.'

'You are correct that of all the Exmouth car parks, Maer Road is the one which is less often full, being slightly set back from the coastal road and not in the centre of town.'

I would be happy to look at the available options for car park guests and hotel staff, such as discounted rates or long term lease of some spaces, as we would benefit from the income and greater utilisation.

I have initial concerns about deliveries and other HGV's using the car park, so we may have to impose restrictions on these or introduce a dedicated loading space for the safety of car park users.

As the car park operates on a first come basis, we would not be able to guarantee spaces for hotel guests, however if the question is whether the car park has the capacity to service the hotel in order to grant permission, my belief would be yes'.

Accordingly, it is considered that the proposed development is acceptable in relation to its impact on the surrounding highway network and the impact on parking locally, subject to conditions, in accordance with Policies TC7 and TC9 of the EDDC Local Plan.

Impact on trees

The existing hotel has extensive landscaped grounds to the south stretching down to its boundary with Maer Road Car Park. Generally the site is mainly void of significant trees as highlighted by the tree survey submitted with the application with the majority of trees considered to be small trees / shrub specimens which have limited amenity value and are considered replaceable with appropriate replacement planting. The main trees are a Copper Beech (T1) along the northern road frontage, which is covered by a tree preservation order (TPO) and a group of trees in the south western corner including Monterey Cypress, Blue Spruce, Holm Oaks and Walnut. To the south-east, the main two trees are a London Plane and Monterey Pine, these trees are also covered by preservation orders. These trees are now proposed to be retained in comparison to previous plans which involved the removal of a number of these important trees. Only one tree of note is proposed for removal; T22, a Monterey Cypress, B category, the Council's Arboricultural Officer considers it loss to be acceptable subject to appropriate replacement planting.

The Arboricultural Officer raises no objections to the proposal however, he does note that the part of the main block proposed next to T1, is positioned in close proximity to the south western edge of the crown of the tree. As the existing building which is equally as close to the canopy is to be demolished, there is an opportunity to improve the juxtaposition between the tree and the proposed new build. Therefore it is considered appropriate to reposition the block further to the south which will reduce the proximity impact of the tree on the building and therefore lessen the need for future maintenance. However, during extensive discussions and negotiations with the applicant's agent substantial amendments have been made to the quantum of development on site and the layout and design of the buildings such that a great deal of accommodation has been lost to make the scheme more acceptable, in these negotiations it was considered that the harm to the tree would be no greater than currently existing and the existing hardstandings would be removed and replaced by grass such that it is considered that the proximity was not detrimental.

The Arboricultural Officer considers it necessary to seek a detailed soft landscaping scheme by condition with emphasis placed on large specimen trees particularly within car parking areas to better assimilate the proposal into its surroundings and achieve some gain to the local biodiversity environment.

Accordingly, subject to appropriate tree protection and replacement planting conditions, the proposal is considered acceptable in relation to Policy D3 of the EDDC Local Plan.

Ecology

The submitted application is supported by a phase 1 habitat survey and desk study undertaken in February 2021, bat emergence and bat activity surveys undertaken in 2021 (April-August), and an updated site in July 2022. No evidence of roosting bats was found in 2021 and the surveys identified the western boundary as a commuting route for bats, this boundary is largely to be retained during the construction works and following completion of works. Several recommendations are made for ecological avoidance, mitigation, compensation, and enhancement.

The proposed plans (Drawing 7057-101 Rev D), indicates the removal of several trees and green space, with the proposed plans indicating a significant amount of hard standing, and new buildings. Therefore, it is difficult to determine whether the proposals would result in a negative impact on biodiversity.

The application has been supported by a Biodiversity Net Gain (BNG) report and supporting BNG calculation undertaken using the Biodiversity Metric 4.0. The report considered that based on the current site plan, the development could deliver an increase in 0.57 habitat units (a 13.68% net gain) and 1.18 hedgerow units (a 909.44% net gain).

The Council's Ecologist has the following comments to make:

'The application has been supported by a Biodiversity Net Gain (BNG) report and supporting BNG calculation undertaken using the Biodiversity Metric 4.0. The report considered that based on the current site plan, the development could deliver an increase in 0.57 habitat units (a 13.68% net gain) and 1.18 hedgerow units (a 909.44% net gain).'

'The large increase in hedgerow units is based on the relatively small baseline of existing low value hedge on the site and provision of 200 m of new hedge on the site. The net gain in habitats is based on the assumptions of management of modified grassland into moderate condition and provision of a biodiverse green roof in good condition. As highlighted in the report, the predicted gains are dependent on appropriate long-term management of post-construction habitats. Failure of predicted habitat conditions for area habitats could make a significant difference in the predicted outcomes, i.e., less than expected.

The other supporting ecology reports make various recommendation for ecological mitigation, compensation, and enhancement measures which are generally proportional to the predicted impacts'.

The following mitigation measures are proposed in the bat survey report:

- *Implement a sensitive lighting scheme as part of the proposed development (please see attached advisory document in Appendix). Lighting should be kept to the minimum required for public health and safety. Additionally, lighting should be downwards pointing to minimise light spill and should be concentrated within the centre of the site, away from vegetative boundaries. The use of low-level lighting bollards (or equivalent) is preferable. The scheme should, in particular, ensure no/absolutely minimal artificial light spillage on the western boundary, which has been identified as a common pipistrelle commuting route.*
- *As an enhancement feature bat roosting facilities should be provided within the completed [built] development. It is recommended that at least two integrated bat roosting units are installed (one on a southern elevation and one on a western elevation of possible) per new 'block' (i.e. north block apartments, south block apartments and hotel). These can include in-built roosting facilities and/or access to bat slates etc.*

These mitigation measures would need to be conditioned on any approval together with the recommendations of the RSPB to install bird boxes on the development.

Accordingly, the proposed development is considered to be acceptable in accordance with Policy EN5 of the EDDC Local Plan.

Habitats Regulations Assessment

The nature of this application and its location close to the Exe Estuary and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and a financial contribution and would be secured through an appropriately worded Section 106 agreement. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

Drainage

Surface water drainage

The proposed surface water drainage design has been submitted with two different options depending upon whether infiltration tests (percolation) of the site indicate the use of soakaways would be successful or not. If percolation tests show that infiltration is not a viable option to deal with surface water from the proposed development, then surface water will need to be attenuated on site and discharged at a controlled rate to an off-site receptor. Plans of both drainage solutions for the site have been submitted, in the event that the preferred infiltration system is not a viable option an on site attenuation basin would be required in the southern part of the site close to the proposed Childrens' play area.

The submitted surface water drainage report indicates that there is a South West Water (SWW) surface water sewer routed under Maer Road at a distance of about 60m to the west of the site. This pipe discharges into the Littleham Brook which would be the receptor for any greenfield runoff from the site as existing. This surface water sewer would therefore represent a suitable receptor for attenuated surface water flows from the development.

SWW have been contacted to confirm their acceptance to a proposed connection into their surface water sewer in Maer Road.

Devon County Flood Risk Department were consulted as part of the application process and originally raised no in-principle objection subject to submission of additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Additional information has been provided and DCC FRMT have the following comments to make:

'Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that pre-commencement planning conditions are imposed on any approved permission.'

Following my previous consultation response (FRM/ED/1910/2022; dated 20th September 2022), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, via e-mail, for which I am grateful.

The applicant has proposed 2 methods for managing surface water. If infiltration is proved viable, then surface water will be designed to soak into the ground (via soakaways). If infiltration is not viable, then surface water will be discharged off-site at a restricted rate. The applicant's current proposals would be to discharge surface water into a South West Water surface water sewer.

Green roofs and rain gardens are also proposed.

Accordingly, subject to the suggested pre-commencement condition, the proposal is considered acceptable in relation to Policy EN22 of the EDDC Local Plan.

Foul drainage

The details of foul drainage are subject to a final design, South West Water have been consulted in terms of drainage capacity, there would be a total of 130 units of accommodation on site verses the current 54 units meaning an increase in 76 units and have the following comments to make:

'The storm overflow at the sewage pumping station and the local sewer flooding downstream from the development is being investigated so the issues should hopefully be resolved before the new connection takes place. This site will be included in any assessments for design.'

Accordingly, subject to a pre-commencement condition, the proposal is considered acceptable in relation to Policy EN19 of the EDDC Local Plan.

Obligations

Affordable housing

The report has already discussed the affordable housing requirement and the habitat mitigation payments which would need to be secured through the prior signing of a legal agreement, however, there are other items that are required to be secured through the legal agreement, namely:

Health

The NHS clinical commissioning group (CCG) have requested a contribution from the development towards a primary healthcare costs. Whilst it is appreciated that the proposed development would add to the number of people the NHS has to care for it would not be the only development in the area that would affect numbers of people in using services and it is for the NHS to appropriately budget for and seek monies through the correct channels. The appropriate funding stream for matters such as this is through the CIL process where the NHS would need to bid for funding.

Playspace

Strategy 43 of the Local Plan requires development of a certain size to provide and/or contribute towards on-site open space provision and maintenance through a management company or upgrading of play facilities nearby. Details of this would need to be secured through the legal agreement.

Management company

There is a need to make sure that the open space on site and the landscaping is maintained such that on all new residential development of an appropriate scale a management company is required.

Conclusion

The proposal represents a major redevelopment of a key site that is visible in its surroundings both locally and further afield across the seafront and The Maer. Long and protracted dialogue and negotiation with the applicant's agent, through this

application and other previous proposals on site has meant that different iterations of design and layout have been under consideration for some time, however this process has been fundamental to produce a design and layout where officer can, on balance, now offer support for the application.

There would be a number of benefits that the proposal would provide, including employment of local trades through the demolition and construction period, provision of 15 units of affordable housing provided on site together with an off site contribution for 1.5 units, provision of upgraded holiday accommodation for visitors to the town, improvements to the appearance of the site, particularly its frontage onto Douglas Avenue.

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

Whilst there would undoubtedly be impacts on the surroundings during the construction period and when first built, it is considered that the design and massing of the building which have been significantly improved through collaborative working with the applicant's agent and the resulting development would assimilate well into its surroundings.

Overall, the benefits of the proposal are considered to demonstrably outweigh the harm and therefore the proposal is recommended for approval subject to conditions to mitigate certain impacts of the proposal.

RECOMMENDATION

APPROVE subject to the prior signing of legal agreement to secure the following:

- **15 units affordable housing on site 70% rented and 30% shared ownership;**
- **Offsite affordable housing payment of £17,338.50;**
- **Habitat mitigation payment of £367.62 per unit for all of the residential units together with 11 new holiday bedrooms;**
- **On site play area infrastructure together with its phasing in the development;**
- **Management company.**

and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

PRE COMMENCEMENT CONDITIONS

3. Prior to the commencement of development the developer shall provide evidence to the Local Planning Authority that a formal agreement has been entered into with EDDC to secure 24 hour unfettered access into Maer Road Car Park for users of the hotel and from Mear Road car park into the southern site boundary to service the hotel and access the disabled parking bays, as set out on the approved plans.

Reason: To secure an appropriate mix of development in accordance with Strategy 3 (Sustainable Development and E18 (Loss of Holiday Accommodation) of the East Devon Local Plan and Policy EE3 of the Exmouth Neighbourhood Plan

4. No development shall take place until a detailed phasing plan including all necessary works to implement the development has been submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt the hotel hereby approved shall be fully operational and capable of first use prior to occupation of any of the residential units on site. The development shall not be carried out other than in strict accordance with the Phasing Plan as may be agreed unless otherwise agreed in writing with the Local Planning Authority.

(Reason - to ensure the development proceeds in a properly planned way from an early stage including replacement of the existing holiday accommodation facilities on site prior to any residential units being occupied and to limit any unacceptable impact on the locality in accordance with Policies D1 (Design and Local Distinctiveness) and E18 (Loss of Holiday Accommodation) of the East Devon Local Plan. The condition is a condition precedent because it is imperative that the holiday accommodation is re-provided at a very early stage)

5. Prior to commencement of any works on site (including demolition), Tree Protection measures shall be carried out as detailed within the Arboricultural Report and method statement submitted by Advanced Arboriculture dated 24/08/2022 shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no changes to be made without first gaining consent in writing from the Local Authority:

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 in a position where flames could extend to within 5m of any part of any tree to be retained.

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.

(Reason - 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. The condition is a condition precedent to safeguard the existing trees during the development).

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

- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

(Reason: To ensure that appropriate procedures are in place for all traffic attracted to the site and so that construction traffic does not unreasonably impact upon its the local highway network or the living conditions of neighbouring dwellings in accordance with Policies TC7 (Adequacy of Road Network and Site Access) and D1 (Design and Local Distinctiveness) of the EDDC Local Plan. The condition is a condition precedent to ensure residential amenity and highway safety is safeguarded before any development commences).

7. A Construction and Environment Management Plan (CEMP) must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site and no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise and dust pollution in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan. The condition is a condition precedent to ensure residential amenity and is safeguarded before any development commences).

8. Prior to commencement of development the developer must undertake a risk assessment identifying the potential risks for airborne nuisance, additional land/water contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors. The demolition should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors. Demolition working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from water, noise and dust pollution in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East

Devon Local Plan. The condition is a condition precedent as demolition is likely to be the first act of development on the site.

9. No development hereby permitted, other than demolition, shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
- (a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
 - (b) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy and the results of the information submitted in relation to (a) above.
 - (c) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (e) A plan indicating how exceedance flows will be safely managed at the site.
 - (f) Evidence there is agreement in principle from South west Water, or other asset owner, to connect into their surface water sewer.
- No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above.

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

10. No development hereby permitted, other than demolition, shall commence until a detailed foul drainage strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with South West Water. The development shall thereafter be carried out in accordance with the approved details only.

Reason: To ensure that a suitable foul drainage proposal has been submitted once ground conditions are known following demolition of the existing buildings on site in accordance with Policy EN19 – (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) of the East Devon Local Plan. The condition should be pre-commencement since it is essential that the proposed foul water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

OTHER CONDITIONS

11. The specific noise level of any fixed plant or equipment installed and operated on the site must be designed as part of a sound mitigation scheme to operate at a level of 5dB below daytime (07:00 - 23:00 expressed as LA90 (1hr)) and night-

time (23:00 - 07:00 expressed as LA90 (15min) background sound levels when measured or predicted at the boundary of any noise sensitive property. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise pollution in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan.

12. Prior to occupation of any residential unit with a balcony/privacy screen, the balcony/privacy screen shall be installed in accordance with the details shown on drawing numbers 7057-502 Rev I, 7057-520 rev F, 7057-521 Rev F received on 25th October 2023 and 7057-570 Rev I, 7057-571 Rev G, 7057-580 Rev H received on 7th March 2024 and shall be retained and maintained for these purposes in perpetuity. For the avoidance of doubt the privacy screens shall be a minimum level of obscurity equivalent to Pilkington Level 4.
(Reason: In the interests of the character and appearance of the area and to protect the living conditions of surrounding residential properties in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan
13. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.
Reason: To ensure that any contamination existing and exposed during the development is identified and remediated in accordance with Policy En16 (Contaminated Land).
14. Notwithstanding the details provided No development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 – Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
15. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development based on the submitted Biodiversity Net Gain report (Devona and Cornwall Ecology, January 2024) and recommendations within the Phase 1 Habitat Survey Report, Daytime Bat Survey & Desktop Study and Bat Survey Report (Lee Ecology, February and August 2021). It should include the location and design of biodiversity features including integrated bat boxes, bird boxes, insect bricks, and landscaping. It should include precautionary clearance methods (including toolbox talks), details regarding

lighting, and reporting of actions. The content of the LEMP shall also include the following.

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

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

The development shall not be occupied until the Local Planning Authority has been provided with evidence, including photographs, that all ecological mitigation and enhancement features, including bat boxes, bird boxes, insect bricks, and landscaping have been installed/constructed, and compliance with any ecological method statements in accordance with details within the submitted LEMP.

Reason: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

16. 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. Prior to any occupation of the development hereby permitted, details of the exterior lighting and management shall be submitted to and approved in writing by the Local Planning Authority. The exterior lighting shall be provided and managed in accordance with the approved details.

Reason: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

17. Notwithstanding the details provided, no access from apartments 47, 50 or 51 at third floor level shall be formed to enable access onto the third floor roof above the second floor. Access to this roof area shall be for maintenance purposes only and it shall not be used as an amenity area at any time.

(Reason: In the interests of the character and appearance of the area and to protect the living conditions of surrounding residential properties in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

18. Prior to occupation of any of the residential units on site, details including plans, elevations and locations of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details and be fully implemented and capable of use prior to occupation of the units they serve.

Reason: To ensure the development is accessible by a variety of modes of transport in the interests of sustainability in accordance with Strategy 5B- Sustainable Transport and policies TC2- Accessibility of New Development and TC9- Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031)

19. Provision shall be made to enable goods vehicles to be loaded and unloaded within the curtilage of the site to which this application relates to the hotel. Details of such facilities shall be submitted to and approved in writing by the Local Planning Authority and shall be provided before the development commences. The loading area as approved shall only be used between the hours of 7 am and 11pm Monday to Sunday.

(Reason - To ensure that adequate provision for loading and unloading is available and to prevent congestion in the adjacent car park in accordance with Policy TC7 - Adequacy of Road Network and Site Access of the Adopted East Devon Local Plan 2013-2031. The hours of use are required to be restricted due to the close proximity to residential units in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

20. No development above foundation level of any building hereby approved shall take place until details of electric vehicle charging points and cycle parking facilities to serve the residential elements of the proposal have been submitted to and agreed in writing by the Local Planning Authority. The charging points and cycle parking facilities shall be provided prior to first use of the units which they serve and shall thereafter be retained and maintained for such purposes at all times.

(Reason: To ensure the development is accessible by a variety of modes of transport in the interests of sustainability in accordance with Strategy 5B- Sustainable Transport and policies TC2- Accessibility of New Development and TC9- Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031)

21. Notwithstanding the details provided prior to first occupation of any building on site details of bird boxes including design, locations and numbers shall be submitted to and approved in writing by the Local Planning Authority. The boxes as agreed shall be installed prior to the first occupation of the building which they serve and retained and maintained as such in perpetuity.

Reason: To ensure that there is sufficient provision for the local bird population as an enhancement to the local area in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.

22. Development shall proceed in accordance with the recommendations contained in Section 1.2 of the Bat Survey report dated April-August 2021 carried out by Lee Ecology.

Reason: To ensure that appropriate measures are in place for any protected species that have the potential to be impacted upon as a result of this development in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan

23. The existing access onto Douglas Avenue shall be effectively and permanently closed in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the upgraded access is capable of use

(Reason: To minimise the number of accesses on to the public highway and create a useable area of open space in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).

24. a) The installed tree protection will have been inspected by an appropriately experience and qualified Arboricultural Consultant commissioned to act as the project Arboricultural Supervisor.

b) The findings of the Arboricultural Supervisors initial site inspection shall be forwarded to Local planning Authority prior to the commencement of works on site.

c) During any activities within the RPA of protected trees, an Arboricultural Supervisor shall be on site as an arboricultural watching brief. Details of watching brief shall be forwarded to the Local Planning Authority.

d) Any ad-hock site inspections shall be undertaken by a suitably qualified tree specialist and the finding recorded in the site monitoring log as per the AMS.

e) 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.

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

(Reason - 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).

25. No development above foundation level shall take place until details of the equipment to be installed and the means of enclosure of the children's play area hereby approved have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the means of enclosure must make reference to which surface water drainage scheme will be installed on site (infiltration or attenuation).

Reason: To ensure that a suitable level of equipment is provided and the means of enclosure is suitable depending upon which surface water drainage design is implemented on site in accordance with Policy D1 (Design and Local Distinctiveness and Strategy 43 (Open Space) of the East Devon Local Plan

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

7057-106 : proposed amenity space	Additional Information	25.10.23
7057-200 B : existing site sections	Sections	25.10.23
7057-201 M : proposed site sections	Sections	25.10.23
7057-500 G : parking level N block	Other Plans	25.10.23
7057-501 J : ground/first N block	Proposed Floor Plans	25.10.23
7057-502 I : 2nd/third N block	Proposed Floor Plans	25.10.23
7057-503 F	Proposed roof plans	25.10.23
7057-505 F : accommodati on schedule N block	Additional Information	25.10.23
7057-520 F : N block 1	Proposed Elevation	25.10.23
7057-521 F : N block 2	Proposed Elevation	25.10.23
7057-575 G : accommodati on S block	Other Plans	25.10.23
7057-580 G : S block	Proposed Elevation	25.10.23

7057-600 J : ground/first hotel	Proposed Floor Plans	08.05.24
7057-601 G : 2nd floor/roof hotel	Proposed Combined Plans	25.10.23
7057-610 G : hotel	Proposed Elevation	25.10.23
7057-801 L : site overview SE	Perspective Drawing	25.10.23
7057-802 I : site overview SW	Perspective Drawing	25.10.23
7057-803 I : site overview NW	Perspective Drawing	25.10.23
7057-804 I : site overview NE	Perspective Drawing	25.10.23
7057-805 I : site views	Perspective Drawing	25.10.23
7057-806 F : site views	Perspective Drawing	25.10.23
7057-101 E : site plan demolition	Other Plans	20.02.24
7057-102 S	Proposed Site Plan	08.05.24
7057-104 K : site plan levels	Other Plans	08.05.24
7057-105 C : site plan public/private areas	Other Plans	08.05.24
7057-LP B	Location Plan	20.02.24
7057-571 Rev G: 2nd Floor & Roof Plans South Block	Proposed Floor Plans	07.03.24
7057-104 REV J: Proposed Site Plan Levels	Proposed Site Plan	07.03.24

7057-107 Rev A: Site Plan Attenuation	Other Plans	05.08.24
7057-570 Rev J: Ground Floor & First Floor South Block	Proposed Floor Plans	08.05.24
7057-580 Rev H: South Block	Proposed Elevation	07.03.24

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.

		Committee Date: 21.05.2024
Whimble And Rockbeare (Whimble)	23/2506/MFUL	Target Date: 17.04.2024
Applicant:	P Quincey, Winslade House, Winslade Park	
Location:	Winslade Park, Clyst St Mary	
Proposal:	Installation of solar array with associated infrastructure, access and landscaping	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the Committee as it is a major application, where a view contrary to the officer recommendation has been expressed by the Ward Member and Parish Council.

Permission is sought to construct a solar farm of around 3.01ha in size. The development would comprise of solar arrays, equipment housing, sub-station, fencing, CCTV and ancillary equipment. The application seeks to retain this use for 25 years.

The land which is the subject of this application consists of predominantly flat fields, with hedges around the boundaries and a plantation of trees along the east boundary. There is a water course running north/south in the centre of the site, to the west of the proposed panel array. There are trees within the site; some forming part of hedges, and others within fields.

The site was chosen due to the links with Winslade Manor and the renovation of the listed building, addition of offices/dwellings, and recreational facilities, with the land subject of this application, set aside for open space.

Whilst the site is located within the open countryside, the principle of development is supported by Strategy 39- Renewable and Low Carbon Energy Projects of the Local Plan. This strategy supports and encourages renewable energy projects with the reasoned justification to the policy stating that ‘Significant weight will be given to the wider environment, social and economic benefits of renewable or low-carbon energy projects whatever their scale’.

This support is subject to there being no adverse impacts on features of environmental and heritage sensitivity, including any cumulative landscape

impacts and visual impacts, being satisfactorily addressed. Applicants are also required to demonstrate that they have taken appropriate steps in considering the options in relation to location, scale and design, avoiding harm and then reducing any harm through appropriate mitigation.

In terms of the visual impact of the proposal, the existing landscaping, which would be enhanced through methods such as additional planting and allowing hedges to grow, is sufficient to ensure that the scheme would not be visually harmful to the area, or users of the public highways and footpaths within the vicinity of the site. From wider views at higher altitudes, it is accepted that it will not be possible to completely screen the development. However, the nature of the proposed layout, and the surrounding landscape, is such that any longer distance views of the development would be in the context of the wider landscape.

The proposal would result in the loss of 3 ha of grade 3 agricultural land. Officers are satisfied however that this proposal would not result in a significant loss of Best and Most Versatile agricultural land and that the benefits of the development justify the loss of the limited amount of higher quality agricultural land.

The development is considered to pass the sequential test for development in flood zones 2 and 3 given the justification for a reduced sequential test are to meet the needs of the Winslade Park estate.

The proposal would be within the setting of a number of heritage assets which would result in less than substantial harm as a result of a change to the surrounding landscape that would be introduced to the setting of these designated heritage assets. The less than substantial harm identified is considered to be outweighed by the public and environmental benefits of providing renewable green energy, especially given the current climate crisis and the fact that the loss of high grade agricultural land would be limited, would outweigh any less than substantial harm to the significance of heritage assets, in accordance with Paragraph 208 of the NPPF.

Furthermore, in the absence of any technical objections, the lack of wider amenity impacts in terms of traffic and highways impacts, ecology, flood risk and drainage and impacts on residential amenity, on balance, it is considered that the proposed solar installation complies with both Local Plan Strategy 39 which supports the principle of development and National policy.

CONSULTATIONS

Local consultations

Clyst Valley - Cllr Mike Howe

05/04/24 - Object to the application - With reference to the master plan, it is my understanding that as the outline is not severable this application if approved would make the Outline planning permission null and void, this land is listed as amenity land and as such has to be delivered as per the outline or the housing will need to be removed. I also agree totally with the landscape officer.

Clerk To Bishops Clyst/Sowton (Clyst St Mary) Parish Council

14/02/24 - Bishops Clyst Parish Council is not averse to the installation of solar panels but objects to this application on the following grounds:

(1) The access to the site is proposed from the end of Church Lane down an existing Public Right of Way (PROW) and footpath which includes a bridge across the Grindle Brook. This well used footpath is too narrow to accommodate both pedestrians and vehicles. It is unsuitable for vehicular access and causes a safety issue.

(2) The visual intrusion to the PROW/footpath.

The proposed solar panels are on land that was established as recreational parkland land (Zone K) as part of outline planning application 20/1001/MOUT. We wish to ensure that should the solar array be constructed, there should be a legally binding agreement to deliver the amenity benefits promised for the community at the outset.

Parish/Town Council

22/02/24 - The Parish Council Objects:

About a third of this site is within Clyst St George Parish; Having read the well thought out comments of Bishops Clyst P.C. we wish to support their objection for the same reasons.

Technical consultations

County Highway Authority

No objection subject to conditioning of a comprehensive Construction and Environment Management Plan (CEMP), to help mitigate the impact of construction upon the local highway network, including features such as 'just-in-time' deliveries, routing plans, wheel washing facilities and employee/contractor car sharing.

Police Architectural Liaison Officer

No objection in relation to the proposal but detailed comments and recommendations provided relating to CCTV provision, Perimeter Intruder Detection System, Defensible Landscaping and Forensic Marking.

EDDC Trees

The proposal is considered acceptable in principle, however the impact on existing trees should be assessed. Therefore a full arboricultural survey including tree constraints plan, arboricultural impact assessment and arboricultural method statements are required to ensure that the impact on nearby trees has been properly assessed. This should also include any proposed long-term management of the

Poplar tree plantation as long-term it appears that the close proximity of solar panels is likely to conflict with the Poplar plantation.

Exeter & Devon Airport - Airfield Operations+Safeguarding

Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application.

Environment Agency

We have no objection to the proposal subject to conditions.

EDDC Landscape Architect

Having reviewed the LVIA and associated landscape plans submitted in support of the application I am unchanged in my opinion provided as pre-application advice, that the scheme is contrary to proposals set out in the landscape masterplan for the consented mixed-use scheme at Winslade Park and would give rise to unacceptable landscape and visual impacts that cannot be adequately mitigated and the application should be refused.

Conservation

There is a strong presumption against works that would have such harmful impacts through the workings of s.16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 205 of the Framework explains that great weight should be given to the conservation of designated heritage assets. Paragraph 208 states that any less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal.

Other Representations

A total of 6 third party representations have been received. This number consists of 6 objections.

The planning matters raised in the objections are:

- Visual impact on the countryside.
- Detrimental impact on local communities.
- Loss of farmland.
- Noise impact during construction.
- Flood risk.
- Negative heritage impact.
- Impact on Clyst Valley Nature Trail
- Negative impact on ecology.
- Highway safety impacts.
- Impacts on the footpath network
- Panels should be included on the new buildings on site.
- No proven benefit to energy security from solar.
- Glint and glare toward neighbouring properties.
- Substations located at the lowest point of the site.

PLANNING HISTORY

Reference	Description	Decision	Date
20/1001/MOUT	Hybrid application to include full planning permission for the demolition of an existing pre-fabricated building, refurbishment of 21,131sqm of commercial (Use Class B1a and D2) floorspace, 2,364sqm of leisure space (Use Class D1/D2 and A3), extension to Brook House providing ancillary B1c and B8 floorspace, site-wide landscaping, engineering works and the provision of associated car parking spaces. Outline planning permission with all matters reserved except for access for the erection of up to 94 residential units, including affordable housing, replacement cricket pavilion, new toilets/changing facility, reinstatement of associated sports pitches, tennis courts and parkland.	Approval with conditions	13.07.2021

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN6 (Nationally and Locally Important Archaeological Sites)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework)

NPPG Planning Practice Guidance)

Neighbourhood Plan

Bishops Clyst Neighbourhood Plan

Location and Description

Site Description.

This application relates to an area of land to the south east of Winslade House, which is situated in a rural location to the east of Junction 30. There is a public right of way running along the eastern part of the site, and the Exeter to Exmouth A376 adjoins the western edge of the site. The area is sparsely populated, with only a number of residential properties immediately adjoining the site; those being at Winslade Manor, and Brook farm to the south.

The land which is the subject of this application consists of gently undulating, with hedges forming the boundaries between fields. There is a minor water course running along the northern edge of the proposed solar panels, in addition to some other water features within, or close to, the area of panels. There are trees within the site; some forming part of hedges, and others within fields.

To the north of the proposed solar panels, it is intended to construct a substation which would be connected to the solar panels by an underground cable. The substation would be located close to a minor public highway to the north of its location, off which it would be accessed. There is an existing hedge to the east of the proposed substation, but it would face into an open field in other directions. The location of the substation is on a slight spur.

The site is not subject to any landscape designations.

Proposed development.

Planning permission is sought for the construction of a solar farm, and related infrastructure, for a period of 25 years. The proposal includes the development/construction of solar arrays, equipment housing, sub-station, fencing, ancillary equipment, landscaping and associated development, such as access tracks.

It is proposed that the array will serve the mixed use site which consists of 94 dwellings, commercial and leisure uses, sports facilities and pitches, car parking and accessible park land.

ANALYSIS

Principle of Development:

In planning terms, the site is located in the open countryside, as it is not within a built-up area boundary as defined by the East Devon Local Plan (referred to as the EDLP for the remainder of this letter). Development outside of built-up area boundaries falls to be considered under the provisions of Strategy 7- Development in the Countryside of the EDLP which states the following:

The countryside is defined as all those parts of the plan area that are outside the Built-up Area Boundaries and outside of site specific allocations shown on the Proposals Map. Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

1. Land form and patterns of settlement.
2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.
3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.

The principle of development is however supported by Strategy 39- Renewable and Low Carbon Energy Projects of the Local Plan. This strategy supports and encourages renewable energy projects with the reasoned justification to the policy stating that 'Significant weight will be given to the wider environment, social and economic benefits of renewable or low-carbon energy projects whatever their scale'.

This support is subject on there being no adverse impacts on features of environmental and heritage sensitivity, including any cumulative landscape impacts and visual impacts, being satisfactorily addressed. It further states that applicants should demonstrate that they have taken appropriate steps in considering the options in relation to location, scale and design, avoiding harm and then reducing any harm through appropriate mitigation

Justification for site selection.

The Winslade Park development can be enabled by this solar array, to supply its own energy and be self sufficient to aid national grid stability. This area of their land is not in agricultural use, and has surroundings of tree planting that is well established. In support of the application the following benefits of the site selection have been put forward:

- Solar irradiation levels;
- Separation from settlements and areas of local population, limiting visual impacts from residential dwellings;
- Existing screening provided by trees and hedges and space and suitability for additional planting;
- Flat topography;
- Field size/ shading;
- Suitable access to the Site for the purposes of construction and decommissioning;
- Avoidance of landscape designations;
- Limited nature conservation designations and opportunities for biodiversity enhancements;

Accordingly, it is considered that the proposed site is the most suitable available to the applicants for their application based on the fact that the remainder of the land in their control in this location has been granted permission for varying uses including, commercial offices, residential and formal/informal open space. The Council is content with the site selection process undertaken.

Notwithstanding the support in principle provided by Strategy 39 of the Local Plan, the proposal must be considered in detail against all other relevant policies and potential impacts. The remainder of this report will focus on assessing those areas.

The visual impact of the proposal.

The proposed site is situated within historic parkland associated with Winslade Manor which presently contributes to its setting and provides an attractive edge to Winslade Park.

The Landscape Architect has identified that the site is visible from locations close to the site, such as the public highway between Clyst St Mary and Clyst St George (A376) and the public footpaths close to the site. Furthermore, he raises concerns that the site was planned to be a recreational resource for the occupiers of the commercial and residential properties permitted under application 20/1001/MOUT together with the local population and that its attractiveness as a walking route would as part of that permission would be severely by introducing solar panels, fencing and associated infrastructure.

The application is accompanied by detailed landscape information which seeks to mitigate the impact of the proposed panels on its surroundings, including a planted earth bund to the south of the proposal, enhancement of the existing water course and

strategic planting between the A376 and the application site. It is likely that visual impacts would remain at certain times of year. However, the glimpse public viewpoints which would be impacted by this would be limited to stretches of the A376 and at longer distances due to the development being confined to the eastern part of the field where it has landscaped backgrounds in the form of tall poplar trees and mature native species. Similarly, there are limited public view points from higher ground to the south and west of the site where the development would be visible. However, the enhanced landscaping, combined with those views of the site being part of a much wider view of a large area, mean that it is considered that any harm to those views would be limited.

The application site, as referred to in the Landscape Officer's consultation response, forms part of the wider Winslade Park estate that was granted permission to be used as a recreational walking route for members of the public; this route was the subject of a legal agreement which sought details of the route to be submitted at a later date. The development of the wider site has not yet reached the point where the need for the planned route to be agreed has been triggered and therefore its route is not yet known. However, approving a solar farm would not affect this requirement. The impact of a solar farm, its fencing and associated infrastructure is likely to have an impact on users of a future walking route, however with the landscaping proposed and the remainder of the large field to provide a walking route it is considered that the impacts of walkers would be limited.

In terms of the impact of glint and glare from the proposed development with the mitigation proposed, the impacts would be minimal; Exeter airport have raised no objections to the proposed development.

The proposed solar farm would result in a change to the rural landscape and character and appearance of the area, the harm from which has to be weighed within the overall planning balance against the benefits that would be provided from this renewable energy scheme. Due to the landform and the topography of the site and its surroundings this landscape impact would be largely localised in terms of views from surrounding rural roads and from a public footpath and would not be significantly harmful in terms of its wider landscape impact or its cumulative impacts with other constructed or consented solar schemes.

Solar farms in rural areas are now more common and will likely become even more common as we switch to energy production from renewable energy and address high energy prices. Whilst there will be some impact from construction, this is short term and following this solar farms are quiet, generating little activity and if well screened can be assimilated into the countryside to an acceptable degree.

Therefore, whilst it is acknowledged that there will be some visual impact as a result of the proposal, it is considered that the visual impact from the development would be at a level where it is outweighed by the benefits of the scheme. On balance, the proposal is considered acceptable in terms of its visual impact on the countryside.

Loss of agricultural land

The application site is currently an agricultural field with occasional grazing taking place, where the loss of agricultural land is proposed an assessment must be made

as to whether it is the best and most versatile agricultural land (Grades 1, 2 and 3a). Policy EN13 of the EDDC Local Plan and advice contained in the NPPF suggest that agricultural land falling in Grade 1, 2 or 3a should not be lost where there are sufficient areas of lower grade land available or the benefits of development justify the loss of the high quality land.

The application site is categorised as Grade 3 agricultural land, no assessment has been provided as to whether it is sub grade 3b or higher grade 3a. Whilst it is considered that the loss of 2 hectares of agricultural land is regrettable, where it is not physically connected to land of a similar quality and there are large amounts of other land in the locality of higher quality it is considered that the loss would not significantly harm agricultural interests or the national food supply. Therefore, should the benefits of the proposal outweigh any perceived harm it is considered that the proposal would be in accordance with Policy EN13 and advice contained in the NPPF.

The impact of the proposal on highway safety.

It is clear that the impact of the proposal upon local highways is an area of concern for local residents, especially the potential for disruption caused during the construction phase of the proposal. The times at which the proposal would have the greatest impact upon the highways would be during the construction and decommissioning stages. Outside of those times, vehicle movements to/from the site would be limited to maintenance and in times of emergency.

The County Highway Authority (CHA) has assessed the proposal and is satisfied that the development can take place without causing harm to the highway network, or the safety of those using it. However, this is subject to the submission of a Construction and Environment Management Plan (CEMP), so the CHA has recommended a condition relating to that. Such a condition is considered reasonable and can be imposed in the event that this application is approved.

Given this, it is considered that the proposal is acceptable in terms of its impact on the highway network in accordance with Policy TC7 of the EDDC Local Plan.

The impact of the proposal on public footpaths.

During the course of construction of the array, there will be short durations of closure of the public right of way to allow vehicular movements. There are no other vehicular accesses to the site that would be used for construction purposes (due to the need to cross the watercourse). Once installation is complete, there would be minimal maintenance visits.

Consequently, it remains the view of Officers that the proposed solar development would not have a detrimental impact on users of the public rights of way in, or close to, the site.

Heritage Impact:

This proposal has the potential to impact upon a number of designated and non-designated heritage assets that are proximate to the application site, in such

circumstances Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) imposes a duty on Local Planning Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The updated guidance in the NPPF takes this further (Paragraph 205) by stating:

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

Therefore it is incumbent on Local Planning Authorities to assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and then consider whether the proposal is likely to have any harm to the significance of the asset that is being considered taking into account available evidence and any necessary expertise.

The development site falls within the wider setting of Winslade Park which includes a complex of heritage assets of varied status including Winslade Manor a Grade II*listed building... Substantial mansion, constructed in warm orange sandstone-based rendering; ...and now the centrepiece of the extensive extension by Powell Moya and Partners which won the RIBA Architecture Award for the South West Region in 1979.

To the south of the built form and forming part of the landscape, is a Grade II listed, ...Ornamental terrace walk extending 120 metres east-west along the north bank of Grindle Brook, laid out along an artificially widened brook.

In addition, the west end of the terrace wall is a secluded water garden enclosed in mature trees, retaining specimen shrubs and other plants, details of which are annotated on the 1889 Ordnance Survey Map demonstrating the extent and setting of the historic parkland, which includes a significance number of mature specimen trees, representing the several phases of development through the centuries.

The main heritage issues to be considered are therefore, the effect of the development proposal on the setting of Winslade Park, which includes several heritage assets of various grades, the primary asset being Grade II* listed Winslade Manor and more recent 1970's (Powell and Moya) extension, set within a historic parkland.

An assessment of the individual heritage assets and views from these heritage assets, the parkland and beyond has been provided through a Heritage Asset Appraisal undertaken by David Newton Associates. This report provides a detailed assessment of each asset and the contribution the setting makes to their significance.

In context of the sites setting and views...'Most of the principal heritage assets are concentrated in the centre of the site. The site is gently sloping from the north down to the Grindle Brook which runs approximately east-west, bisecting the landscape. To the south, the site is flat and open.

The site is bounded by the Exmouth Road to the west/ south-west and the Sidmouth Road to the north, albeit separated from it by the modern housing development which now divorces the two extant lodges from the remaining parkland setting. Open farmland with isolated houses and farmsteads extend to the east and south-east.

Immediately beyond the Exmouth Road to the west lies a patchwork of small field enclosures set over a small ridge which is followed by the road. Much of the perimeter of the site, and along the water course, is clothed in a band of mature trees, with only the western side of the southern field truly open to the landscape beyond.'

In considering the more immediate views from Winslade Manor, these are primarily glimpsed views, with the wider views of the landscape becoming more apparent and uninterrupted at higher levels from the heritage assets.

Whilst it is agreed, there is significant landscaping and an abundance of mature trees that assists with obscuring longer views towards the development site, which will be further assisted through the additional mitigation planting as identified in the Landscape & Visual Impact Assessment. Concerns remain on the potential level of harm to these views and how these will be experienced, as a result of the scale (size) of the proposal, which together with 'times of reduced tree foliage' will open up views across the landscape towards the east and north, and in turn the development site.

In this respect the development proposal cannot be considered to preserve (remain unchanged) the contribution the setting makes to the significance of the identified heritage assets, in particular the Grade II* manor and would to a lesser extent result in less than substantial harm.

In identifying 'less than substantial harm', paragraph 208 of the NPPF is engaged which requires the harm to be weighed against the public benefits of the proposal.

In this instance the principal listed building (Winslade Manor) would not have views of the array, although its wider setting together with that of Winslade House would be diminished from how it stands today. Nevertheless, the solar array would be a temporary landscape feature, permission is only sought for 25 years which in the context of the history of the site is relatively short window and therefore the less than substantial harm would be removed in accordance with a decommissioning strategy that can be secured by a suitably worded condition. Accordingly, it is considered that the public and environmental benefits (explained in more detail elsewhere in this report) of providing renewable green energy, especially given the current climate crisis and the fact that the loss of agricultural land would be limited, would outweigh any less than substantial harm to the significance of heritage assets, in accordance with Paragraph 208 of the NPPF.

Residential amenity

The site does not lie in close proximity to any residential properties, furthermore the delivery routes of the panels to the site together with other construction vehicles would

not need to pass through any residential areas, being on main roads and then along the private access road to the wider Winslade Park estate.

In terms of other possible impacts on neighbours, the Council's Environmental Health Department has confirmed that the proposal is acceptable from their perspective. Furthermore, the County Highway Authority has also found the proposal to be acceptable to them. No lighting is proposed, and a condition requiring details of any future lighting to be submitted to the Local Planning Authority can be imposed, should this application be approved.

Given the above, it is considered that the proposal is acceptable in terms of its impact on the occupiers of residential properties, in accordance with Policy D1 (Design and Local Distinctiveness) of the EDLP as well as other related policies.

Arboricultural impact.

The proposals which propose no felling of mature trees which positively contribute to the rural landscape and character of the area to be acceptable.

The Council's Arboricultural Officer has assessed the proposal and has confirmed that the development is likely to be acceptable in terms of its impact upon trees. However, the Arboriculturalist has recommended a condition to be imposed in the event that this application is approved. The condition would relate to the submission of an Arboricultural Method Statement (AMS), and a Tree Protection Plan (TPP) which would be required before any works take place on site so as to ensure that retained trees on and around the site are protected during the construction period and managed appropriately thereafter.

It is considered that such a condition is reasonable to ensure that trees are retained, in order to preserve the character and appearance of the area, and also accord with Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the Local Plan.

Flood Risk/Drainage

The application site is classified as being within flood zone 2 and 3 designated by the Environment Agency (EA), within the red line for the proposed development. The EA have assessed the application and provided comments, initially raising some concerns. However, following clarification that none of the proposed works would be within 8 metres of the nearby watercourse, they are satisfied that the scheme would not lead to additional flooding, risk, or moving the flooding impact elsewhere.

Where development is proposed in flood zone 2 or 3 it is incumbent upon the Local Planning Authority to undertake a sequential test to ascertain whether or not there is sufficient land/sites available which are less vulnerable to flooding i.e flood zone 1. In this instance the proposal is to meet the needs of the commercial office development and wider Winslade Park estate to provide it with sufficient power to remove reliance on the national grid and thereby increase the grid's capacity to serve other new developments and/or create capacity for times where power is needed.

The Planning Practice Guidance (PPG) is clear that the sequential test area will be down to the circumstances of the need and the land available to meet the need and it is down to the decision maker to satisfy themselves that there are no other reasonable sites for the development of land of less vulnerability. The guidance specifically states:

'For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases, it may be identified from other Plan policies. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives. Equally, a pragmatic approach needs to be taken where proposals involve comparatively small extensions to existing premises (relative to their existing size), where it may be impractical to accommodate the additional space in an alternative location.'

Relevant decision makers need to consider whether the test is passed, with reference to the information it holds on land availability. The planning authority will need to determine an appropriate area of search, based on the development type proposed and relevant spatial policies. The applicant will need to identify whether there are any other 'reasonably available' sites within the area of search, that have not already been identified by the planning authority in site allocations or relevant housing and/or economic land availability assessments'.

Given the identified need for renewable energy to make the site zero carbon and free up capacity in the grid it is considered that the sequential test area can be reduced down to the wider Winslade Park estate.

In this instance the granting of planning permission 20/1001/MOUT as a comprehensive re-development of the wider Winslade Park estate for commercial residential and formal/informal open space means that land is allocated for different uses to provide a viable development, there is little land remaining of a suitable size to provide for a solar array. At the pre-application stage it was suggested that the roofs of the buildings were investigated to ascertain whether this could provide sufficient space, however, the majority of buildings on site are listed, under tree overage or do not face south such that this is not a viable option. Accordingly, it is considered that the application site is the only realistic option to provide the amount of renewable energy needed on site.

Accordingly, the sequential test, in line with EN21 – River and Coastal Flooding, is satisfied as there are no reasonably available alternative sites for this development. The FRA has shown that the development, and consequences of it, would have no detriment to users or adjacent development to this site, together with the use not being vulnerable.

Aviation impact

A Glint and Glare report was submitted with the application. That report, and any other relevant parts of the proposal, have been assessed by Exeter Airport Safeguarding, which has confirmed the following:

"The amendments have been examined from an Aerodrome Safeguarding aspect and do not appear to conflict with safeguarding criteria. Accordingly, Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application."

Therefore, it is considered that the proposal is acceptable with regard to the impact upon aviation safety.

Ecology and Bio-diversity net gain.

The submitted Ecology Report highlights that some species of interest were identified on the site and that there are records of additional numbers of species close to the site after undertaking a review of the Devon Biodiversity Records Office data. However, it also details that any impacts on these can be avoided or mitigated through the overall biodiversity gains which the development could provide.

Natural England has been consulted on the proposal, and has not objected to the application in the grounds of harm to ecology. Furthermore, the proposal would appear to comply with the standing advice provided by Natural England.

There are numerous species surveyed and mitigation measures suggested.

Great Crested Newt. – There was a negative result on the site for this species.

Reptiles – a low population of slow worm and grass snake were recorded.

Bats – low levels of bat activity recorded, predominantly near the Grindle Brook, retention of the poplar trees to the east of the site and the vegetation along the Grindle Brook would continue to provide foraging and commuting habitats for bats.

Badgers – No activity found – mitigation measures include covering over foundations at night to prevent badgers from getting stuck.

Birds – This small development in close proximity is unlikely to cause the 'lake effect' causing issues for water birds.

Dormouse – a limited number of records were provided - creation of habitat will be an improvement for this species.

None of the species require a Natural England license to be translocated, moved or mitigated against and therefore the derogation test is not necessary in this instance.

The largest impact upon these species would be lighting during construction which can reasonably be conditioned in terms of times of construction and details of lighting provided.

Schedule 14 of the Environment Act 2021 requires a minimum 10% Biodiversity Net Gain (BNG) and the current wording in policy EN5- Wildlife Habitats and Features of the Local Plan simply requires 'enhancement where possible'. The ecological improvements offered through this application significantly exceed the 10% requirement and are stated by the applicant to equate to 62% BNG through on site hedgerow planting. It should be noted that Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection to the proposal subject to the imposition of conditions relating to a CEMP, LEMP and decommissioning, in the event that the application is approved. Such conditions are considered reasonable, to ensure that the proposal is not harmful to ecology. The environmental benefits from biodiversity net gain are considered to weigh in favour of the application within the overall planning balance.

The proposal is therefore considered to be acceptable in relation to Policy EN5 of the EDDC Local Plan.

Conclusion

As detailed in the main body of the report, the proposal has been considered with regard to many aspects and, following amendments to the proposals, the development is now considered to be acceptable in terms of all of those factors.

Whilst the following weigh against the proposal:

- The visual impacts;
- Impact on Grade II and Grade II* Listed Building
- Temporary impacts during construction and de-commissioning;
- Loss of agricultural grazing land

The following weigh in favour of the proposal:

- Environmental benefits from renewable energy production and support from Strategy 39 of the Local Plan;
- Environmental benefits from 62% biodiversity net gain;
- Lack of landscape designation and availability of a grid connection;
- Benefits to the future of the Winslade development as a whole.

In considering the above, it is clear to Officers that the benefits proposed significantly outweigh the harm created by the proposal. Particularly bearing in mind given that the harm identified can be mitigated through conditions related to planting and the control of construction, and as the duration of the development is proposed as 25 years, in the overall historic presence of the property, this is a short term impact with overriding benefits to the community of Winslade Park and Nationally with reducing National Grid electricity use, and increasing grid capacity.

In light of this, the lack of wider amenity impacts, lack of highway safety concerns, lack of harmful visual impacts, and lack of other harm, it is considered that the proposal complies with policy, and it is recommended that this application is approved.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved. (Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice. (Reason - For the avoidance of doubt.)
3. The electricity produced by the solar panels hereby approved shall only be used to power the office and commercial buildings indicated on drawing number L09.10 P5 as Zones E, F, G and H approved under planning permission 20/1001/MOUT for the wider Winslade Park Estate; only excess energy not required by the adjacent site, produced by the solar panels, shall be permitted to be sent into the National Grid. Evidence of the distribution of the energy created at this site shall be provided to the Local Planning Authority upon reasonable request. Should the panels not be used to provide electricity for the office and commercial buildings for longer than six months then the site shall be decommissioned and returned to its former condition in accordance with the provisions of Condition 4 of this permission (excluding the reference to 25 years and six months). (Reason: The justification given for the siting of the panels in order to pass the sequential test in terms of flood risk and the public benefits to power the existing buildings which outweigh the less than substantial heritage harm mean that the panels should only be in place if they continue to produce electricity to supply the office and commercial buildings in accordance with Paragraphs 168 and 208 of the National Planning Policy Framework).
4. Within 25 years and six months following completion of construction of development, or within six months of the cessation of electricity generation by the solar PV facility, or within six months following a permanent cessation of construction works prior to the solar PV facility coming into operational use, whichever is the sooner, the solar PV panels, frames, foundations, inverter modules and all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme, which includes restoration and aftercare plans in order to return the land to its original condition, that shall have been submitted to the Local Planning Authority within six months of the commencement of development and approved in writing by the Local Planning Authority prior to the solar farm being brought into use. Note: for the purposes of this condition, a permanent cessation of construction shall be taken as a period of at least 24 months where no development has been carried out to any substantial extent anywhere on the site.

(Reason - To ensure the achievement of satisfactory site restoration in accordance with Strategies 7 (Development in the Countryside), 39 (Renewable and Low Carbon Energy Projects) and 46 (Landscape Conservation and Enhancement and AONB's) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031.)

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

(Reason - To protect the character and appearance of the open countryside, to ensure that the wildlife in proximity to the site is safeguarded from the impacts of the proposed development, and to protect the amenity of nearby occupiers, in accordance with Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONB's) and Policies D1 (Design and Local Distinctiveness), EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031.)

6. The development shall be carried out in accordance with the submitted flood risk assessment (ref.: 21506-HYD-XX-XX-RP-FR-0001 Issue P01 by Hydrock, dated 12 January 2024) and the mitigation recommendations within.

Reason - (Reason - To reduce the risk of flooding to the proposed development and elsewhere in the catchment, in accordance with Policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2031 - 2031).

7. No built development, or storage of materials during or post-construction shall occur within 8 metres of the bank top of the Grindle Brook main watercourse.

Reason - To retain an unobstructed buffer between any infrastructure/ landscaping associated with the development and the 'Main' river, so as to not compromise the implementation of future riparian responsibilities.

8. A Construction and Environment Management Plan (CEMP) must be submitted and approved by the Local Planning Authority prior to any works commencing on site and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site and no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan. The condition is deemed necessary to be pre-commencement as the effects on the environment are likely from commencement of development.

9. Notwithstanding the submitted details, no development shall commence on site until the following information has been submitted to and approved by the Local Planning Authority:
- a) A full set of soft and hard landscape details including:
 - i) Planting plan(s) showing locations, species and number of new trees and native hedge/ shrub planting and extent of new grass areas, together with existing trees, hedgerow and habitat to be retained/ removed.
 - ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
 - iii) Soft landscape specification covering clearance, soil preparation planting and sowing; mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.
 - iv) Tree pit and tree staking/ guying details
 - v) Method statement for creation and maintenance of species rich grassland and wetland habitats
 - b) Details of proposed colour finishes to housings for inverters, storage units and substations.
 - c) Details of proposed under and over ground cable routes together with method statements for taking underground cables through any hedgebanks.
 - d) Details of the locations of security cameras.
 - e) Details of finishes of framing elements of proposed pv panels.
 - f) Details of proposed gates and alterations to existing gateways. This shall include an overall site plan(s) showing the locations of new and replacement gates and any existing gateways to be infilled with new hedging. The plan should clearly distinguish between different gate types. Elevation details of each proposed gate type shall also be provided.
 - g) Construction details for proposed hardstandings, trackways and associated drainage provision including location, extent, associated grading and specification for material finishes.

The development shall thereafter be carried out in accordance with the approved details. In relation to the soft landscaping, any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031). The condition is deemed necessary to be pre-commencement as the details are required to enable the development to be built out in accordance with the agreed details from the outset.

10. Notwithstanding the submitted landscape details, no site works for the construction of the framework to hold the solar panels shall begin until a site specific Landscape and Ecology Management and Maintenance Plan has been submitted to and approved in writing with the Local Planning Authority. This shall set out responsibilities for maintenance within the site and cover the construction,

establishment, management and ongoing maintenance of landscape elements and bio-diversity measures. The Plan shall set out the landscape and ecological aims and objectives for the site along with the specific management objectives for each landscape/ ecological component, and the associated maintenance works required on an Annual and Occasional basis. Details of inspection, monitoring and reporting arrangements shall also be provided. The plan shall include an as existing condition survey for each length of hedge, identifying its position on the Hedgeline - hedge management cycle, any initial works required to bring to good condition, such as gapping up, removal of invasive species etc. and requirements for cutting including intended height range and cutting height and frequency and expected number of trees to be let up within each identified section. The Plan shall cover a period of not less than 25 years following the substantial completion of the development and shall be reviewed by a suitably qualified person every 5 years and updated to reflect changes in site conditions and management prescriptions in order to meet the stated aims and objectives. Management, maintenance inspection and monitoring shall thereafter be carried out in accordance with the approved plan for the duration of the operational phase of the development.

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

11. Notwithstanding the submitted details and prior to the commencement of the development hereby permitted a detailed Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The AMS will include all relevant details to protect the retained trees, including a detailed Tree Protection Plan. Relevant details may include but are not limited to construction methods, construction traffic management, demolition methods, finished levels, ground protection, landscaping methods and materials, material storage, service runs and tree protection barrier fencing. The AMS will also include details of a clerk of works schedule that specified arboricultural supervision at appropriate stages of the development process. Any variations to the details of the AMS must only be undertaken after the proposed variations have been agreed in writing by the LPA. Development shall take place in accordance with the approved Arboricultural Method Statement

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the Adopted East Devon Local Plan 2013-2031

12. Notwithstanding the submitted details and prior to the commencement of their installation, details of the CCTV cameras to include their design, exact siting, angle of direction and operational monitoring shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the agreed details.

(Reason - To demonstrate to the satisfaction of the Local Planning Authority that the CCTV cameras will not impinge upon the privacy and amenities of the occupiers of adjacent properties in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995-2011.)

13. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

(Reason - To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution, and to ensure that the development does not result in a danger to users of the public highway network, in order to comply with the provisions of Policies D1 (Design and Local Distinctiveness), EN14 (Control of Pollution) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031.) The condition is deemed necessary to be pre-commencement as construction traffic is likely to have an impact from the commencement of development.

14. The development hereby approved shall be carried out in accordance with the Ecological Assessment, produced by HT Ecology, dated November 2023.
(Reason - To ensure that the development is not harmful to wildlife, in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 - 2031).
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no photovoltaic panels, fences, walls, or other means of enclosure or fixed plant or machinery, buildings, structures other than those expressly authorised by this permission shall be erected within the boundaries of the site.
(Reason - To ensure ancillary development is not harmful to the rural character of the area in accordance with Strategy 7- Development in the Countryside of the East Devon Local Plan 2013-2031).
16. Notwithstanding the provisions of Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected without a further grant of planning permission other than those shown on the approved plans
(Reason - To retain control over the boundary treatments on site in accordance with Policy D1 – Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031).

NOTE FOR APPLICANT

Informative-Environmental permit

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

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Informative:

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

Plans relating to this application:

P 01 A	Location Plan	19.12.23
SGS-1001-DR-ML-01 : panels	Layout	19.12.23
SGS-1002-DR-ML-01 : elevation	Layout	19.12.23
SGS-1004-DR-ML-01	Proposed Site Plan	19.12.23
SGS-1007-DR-ML-01 : fencing	Layout	19.12.23
SGS-1009-DR-ML-01 : CCTV	Layout	19.12.23
SGS-1003-DR-ML-01 : arrays elevation	Layout	08.12.23
SGS-1005-DR-ML-01 : terrain view	Other Plans	08.12.23
SGS-1006-DR-ML-01 : enclosure	Layout	08.12.23
WPSD M03-0-08/11/ 2023 REV. -2: strategic masterplan	Other Plans	29.02.24
WPSD 02-0-08/11/2023 REV	Additional Information	29.02.24

3 - landform/hard
landscape

WPSD M1-08/11/ Landscaping 29.02.24
2023 REV. - 2 :
mitigating
measures

WPSD-MS-6- Sections 29.02.24
08/11/ 2023 REV.
-2 : illustrative
construction
detail section

WPSD-MS-5- Sections 29.02.24
25/11/ 2023 REV.
- 2: drainage
ditch
reinstatement/scr
eening bund

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.

		Committee Date: 21.05.2024
Sidmouth Town (Sidmouth)	23/2537/FUL	Target Date: 22.01.2024
Applicant:	Mr Jorge Pineda-Langford (EDDC)	
Location:	Sidmouth Swimming Pool Ham Lane	
Proposal:	Erection of a new public toilet building.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The application site is within an existing public square outside Sidmouth Swimming Pool. The site is not within the town centre conservation area but is visible in views from the conservation area. The site is also within flood zone 3.

The proposal is for the construction of a new building containing public toilets. The proposed building will contain 1 unisex WC, 1 accessible WC and 1 changing places WC. The scheme would also include the replacement of the existing secure cycle parking and landscaping improvements.

The objections received primarily relate to the design of the proposal, and concerns that the proposal would obscure views of the Tourist Information Centre and Swimming Pool and would harm the setting of a listed building close to the site. Planning officers have worked with the applicant during the determination period to address the concerns. The applicant has also demonstrated that there are no alternative sites for the provision of these facilities. The provision of a changing places facility within Sidmouth, alongside toilet provision for the wider community, are considered to outweigh the potential harms and on this basis it is not considered that the concerns regarding design and the harm to the listed building would represent grounds for refusal of this application.

The proposal complies with policies contained within the East Devon Local Plan and the Sidmouth Neighbourhood Plan therefore the scheme is recommended for approval, subject to conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council (original scheme)

DO NOT SUPPORT:

Members strongly objected to the application.

Reasons:

Members considered that the location and design was unacceptable and incongruous and the number of units was completely unacceptable. The utilitarian block like building, would obscure and spoil the visibility and view of the Tourist Information Centre and Swimming Pool, key facilities and requirements for visitors to Sidmouth and would result in congestion in this busy and already restricted area. The unattractive design of the proposed building was also completely unacceptable in such a sensitive and important area. It did not complement or enhance the local distinctiveness of the character of its immediate locality contrary to Policy 7 of the Sid Valley Neighbourhood Plan.

The small number of toilets proposed was also considered to be inadequate to meet the considerable demand from visitors, festival-goers and local residents particularly in view of the proposed closure of the nearby public toilets.

Note: Sidmouth Town Council fully supported the need for additional toilets being pursued by the District Council and was anxious to enter into discussions with EDDC as soon as possible about a more appropriate location due in the important area where considerable investment is taking place by both Councils.

Clerk To Sidmouth Town Council (amended scheme)

OBJECT: The utilitarian block like building, would obscure and spoil the visibility and view of the Tourist Information Centre and Swimming Pool, key facilities, and requirements for visitors to Sidmouth and would result in congestion in this busy and already restricted area. The proposal would not preserve the conservation area by being a purely functional building and does not pay attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Whilst also contradicting Policy 7 of the Sid Valley Neighbourhood Plan. It did not complement or enhance the local distinctiveness of the character of its immediate locality. The amendments did not provide Members with sufficient reasons to overcome previous concerns.

NOTE: Members wished to draw to the attention of the applicants, that some of the pictures submitted with the application were contradictory and misleading.

Sidmouth Town - Ian Barlow (original scheme)

I tried to put in my objection on this application which Tim is aware I do not like with the information I have at present, however I cannot get into the system so can you please be aware that at this time with the information I have I agree with the views of the town council . Although they are fairly robust I am still of an open mind and should further information be provided I may change my mind should this application come before council planning committee.

Sidmouth Town - Ian Barlow (amended scheme)

I support the views of Sidmouth town council planning working group at the present time however I am still of an open mind until I have heard all information for or against and will not make a decision until I have.

I would also like to question the pictures that have been presented as alternate views by our professional experts they appear misleading/confusing and not helpful as they are incorrect and could be viewed as intentionally trying to mislead public opinion . I am sure this is an honest mistake but action should be taken to correct it as soon as possible .

Thanks

Ian

Sidmouth Rural - Cllr Loudon (original scheme)

Below are my neighbouring Ward Member comments on planning application 23/2537/FUL -

The proposal to locate a new toilet/changing places facility in the Ham area of Sidmouth is welcome. Providing upgraded facilities in this part of town is required.

This proposal would create a courtyard space alongside new planters and cycle rack provision. These too are welcome as they would enhance any area around a new toilet/changing places block.

This all said, I am of the opinion that the location of this block immediately outside of the swimming pool/Tourist Information Centre (TIC) is inappropriate. I believe that there could be several other near at hand locations that would be more appropriate.

It would seem that one of the key determinants for choosing this location, as well as it conveniently being EDDC land, is its very immediate proximity to the swimming pool. It appears that the block's location is to allow for enhanced accessible changing facilities for swimming pool users, despite there already being changing facilities for disabled users within the swimming pool.

I would have thought it would be more appropriate to provide additional such facilities within the swimming pool site rather than inviting users to get changed in the block and then having to publicly walk through into the swimming pool. This is analogic to expecting disabled people to use a back door to say a retail shop, rather than investing in making the front door entrance accessible.

The design and access statement indicates that there are no toilets on site. This is inaccurate as the swimming pool provides toilets for its users and there are currently public toilets at Port Royal and in the Market Square. The former are planned to be taken out of service with several new public toilets included in the Port Royal Rockfish development. I see no reason why these new toilets could not be created to incorporate changing places designs.

The courtyard area where the proposed block would be sited, along with the planters and cycle rack would intrude into a space that is well used and central to the annual Folk Festival's administration facilities that are sited here. These would need to be relocated elsewhere as a result.

The block would effectively hide the swimming pool and TIC entrance and the latter's location as it will sit immediately in front of these. This would be particularly detrimental to the well-used TIC which is crucial to supporting and fronting the town's heavily invested in, and recently re-launched, tourism offer and facilities. This would be hugely detrimental to the financial wellbeing of the town, its residents and businesses.

One only has to look from the seafront down towards the TIC to see how the block would mean that one could not see the TIC's location.

The site is within a conservation area and the proposed design would not complement the existing buildings that it would sit alongside. The block would be obtrusive if located as proposed.

In summary the area would benefit from new toilet/changing places facilities, however its location is not appropriate for all the reasons set out above. I therefore would object to this application.

John Loudoun
Ward Member
Sidmouth Rural

Technical Consultations

Conservation

9/1/24 – Initial scheme – proposal unacceptable.

26/2/24 - The design has improved since the first application with the new roof shape but will be detrimental to the setting of No's 4 and 5 East Street. Proposal not acceptable.

Contaminated Land Officer – condition recommended should contaminated soil be encountered during development.

Other Representations

Seven third party representations have been received, one in support of the proposal and six objections to the proposal.

The summary of grounds for objection are as follows:

- Reduction in number of parking spaces, particularly the reduction in accessible parking spaces adjacent to the swimming pool
- Adverse impacts upon appearance of swimming pool and tourist information office
- A strategic masterplan could explore the wider potential for the site alongside other sites at Port Royal
- The loss of 15 existing cycle parking spaces and the replacement of just 5 of these.
- The proposed cycle parking stands are contrary to Department for Transport Guidance and Sheffield stands would be far preferable to allow the frame to be secured.
- Expense of a standalone building providing just three WCs
- Design is incongruous with surrounding architecture
- Negative impacts of paying to use facilities

The summary of grounds for support are as follows:

- A good location for the facilities with less potential for anti-social behaviour than the WC / shelter which the building will replace.

PLANNING HISTORY

Reference	Description	Decision	Date
90/P1324	Indoor Swimming Pool With Ancillary Accommodation And Extension To Car Park.	Deemed consent	29.08.1990

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 26 (Development at Sidmouth)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN8 (Significance of Heritage Assets and their setting)

EN10 (Conservation Areas)

EN16 (Contaminated Land)

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

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)
RC6 (Local Community Facilities)
TC2 (Accessibility of New Development)

Sid Valley Neighbourhood Plan (Made)

Policy 1 Sid Valley Development Principles
Policy 7 Local Distinctiveness
Policy 22 Eastern Town Redevelopment
Policy 23 Eastern Town Access

Government Planning Documents

NPPF (National Planning Policy Framework 2023)

Site Location and Description

ANALYSIS

Site Location and Description

The proposed development site is on York Street adjacent to Sidmouth swimming pool, within a currently hard paved area that forms an entrance courtyard leading to the main swimming pool entrance. The site is approximately 90 metres away from the main beach and promenade, with York Street rising gently from the proposed site towards the promenade. There are two large car parks adjacent to the proposed site, Ham West car park on the opposite side of York Street and Ham East car park directly to the south of the site.

The existing swimming pool building is a single storey red brick building with contrasting buff stone banding and pitched slate roofs. The area in front of the main entrance is currently delineated by a low-level brick wall which separates the area from the pavement and surrounding car park. The majority of the buildings to the north and west of the site are two storeys with pitched roofs. To the south west of the site are the rear of the promenade facing buildings, which are considerably taller at four storeys with an additional storey within the pitched roof. Several of these buildings are listed, as are several of the buildings to the west of the site along the rear of Fore Street. No's 4 & 5 East Street, 35 metres to the north west of the proposed development, site are a pair of Grade II listed thatched cottages.

The site falls outside of the Sidmouth Town Centre and seafront conservation area but is visible in views from within the conservation area. The site is also within flood zone 3.

Proposed Development

The proposal is for a small single storey building within the current courtyard adjacent to the existing Sidmouth swimming pool building. The building will contain a single unisex WC, an accessible WC, a cleaners / service room and a 'Changing Place' WC. All WCs will be accessed directly from the courtyard.

The Changing Places toilet provides enhanced facilities over and above those provided by a standard accessible toilet, with an adult size changing bench, hoist and additional circulation space, and the proposed location means the changing place facility will be accessible to visitors to the beach, the swimming pool and visitors to nearby Ham Play Area.

The proposed building will sit parallel to Ham Lane, on the edge of the current courtyard entrance to the existing swimming pool building. The entrance doors to the WCs will face towards the courtyard and swimming pool.

The proposal shows the existing dividing wall between the courtyard and Ham East car park being partially removed, with the proposed building footprint extending slightly further south into the existing car park. This allows for a larger entrance courtyard area between the existing swimming pool building and the proposed toilet block. One standard sized parking space will be lost to facilitate this, but the number of accessible parking spaces will remain unchanged, at two spaces. Access to the entrance courtyard and swimming pool building will be as per the present arrangement, either through Ham East car park or directly off Ham Lane.

The proposed building is a small single storey structure approximately 3.6 metres wide and 7.5 metres long, with a pitched roof with eaves height of 2.2 metres and a ridge height of 3.4 metres. The proposed building has red brick walls, and a natural slate roof fitted with solar panels. The toilet doors incorporate translucent glazed portholes to allow natural light into the facility and the door colours match the colour coding for all East Devon District Council public toilet improvement sites.

The proposal also includes new planter bench seating, secure cycle parking to replace the existing cycle stands that will be lost in the course of the development, and a drinking water dispenser for public use.

Principle of Development

The site lies within the Built-Up Area Boundary (BUAB) of Sidmouth, therefore the principle of development is considered acceptable subject to the proposal being compatible with the character of the site, amongst other considerations. Local Plan Policy RC6 - Local Community Facilities, states that within the BUAB proposals for facilities that are intended to serve the local community, should be permitted provided they are in keeping with the character of the site and its surroundings, are well related to the built form of the settlement, are accessible by a variety of types of transport and would not be detrimental to the amenity of neighbouring residents by reason of undue noise or traffic. The proposed toilets are also intended to serve visitors to Sidmouth as well as locals.

Subject to considerations of design, impact on residential amenity and accessibility, the principle of development is considered to be acceptable and in accordance with Strategy 6 and policy RC6 of the local plan and Policy 26 of the Neighbourhood Plan.

Design and impact upon character of area

Following adverse comments received from statutory consultees and neighbours to the original scheme submitted to the local planning authority, the siting and appearance of the proposal has changed since the original submission to enhance the appearance of the building and to improve its relationship to the surrounding context. The original proposal had a flat roof which did not respond well to the surrounding architectural context and the building was positioned with its longest blank rear elevation facing towards the seafront, which would not have enhanced views of the area when seen from the conservation area.

Other locations have been considered for the proposed sanitary block. A potential alternative was under the boat parking deck at Sidmouth Watersports Hub. This was excluded as there was not sufficient headroom for the necessary hoisting equipment. A second alternative location that was considered was to the east of the swimming pool within Ham Gardens. This would have necessitated the removal of existing planting and the lack of visibility of the site was more likely to have given rise to anti-social behaviour. By comparison, the proposed site is open and overlooked, and accessible from nearby car parks, the seafront and the Ham Gardens and therefore identified as the preferred site for the facilities.

The proposed building has been turned through ninety degrees in comparison to the original proposal, which reduces the impact of the building when seen from the seafront conservation area. The entrance to the existing swimming pool building will not be obscured in views from the sea front, and the building is sited so as to leave a reasonable sized public space of approximately 10 metres by 8 metres between the existing swimming pool building and proposed toilet building.

The proposed red brick elevations respond to the adjacent swimming pool building as well as other buildings within the historic core of Sidmouth and the proposed natural slate gabled duo pitched roof reflects the predominately pitched roofs seen around the site.

The proposal indicates a low red brick wall around the west and south elevations of the building, matching the height of the existing brick walls enclosing Ham East car parking, forming a raised planting bed around the proposed building, which would soften the elevations and add visual interest to the street scene.

The location of the proposed building makes the proposal very prominent, but the proposal will be subservient to the adjacent swimming pool building with the proposed ridge line of the sanitary block being level with the eaves of the swimming pool building. A condition would be imposed upon any approval requiring details of the materials, to ensure the use of locally distinctive brick and slate to reflect the surrounding architecture.

With a condition imposed to ensure the use of locally distinctive materials, the proposal is considered to be acceptable and in accordance with Policy D1 of the Local Plan and Policy 7 of the Sid Valley Neighbourhood Plan.

Heritage

There are a number of listed buildings around the perimeter of the site which have the potential to be impacted by the proposed development. No.s 4 & 5 East Street, 35 metres to the north west of the proposed development site are a pair of Grade II listed thatched cottages. There are several other listed buildings within the Sidmouth Town Centre and Seafront conservation area that have potential to be affected by the proposals. There are a number of listed buildings along Fore Street and The Esplanade, the rear elevations of which are approximately 100 metres from the proposed sanitary block, but it is the front of these buildings which provide the conservation area with its unique resort character. The Sidmouth town centre conservation area appraisal recognises that the setting of the Ham West and Ham East car parks require enhancement and that they currently detract from the setting of the adjacent conservation area.

The Planning (Listed Buildings and Conservation Areas) Act 1990 places special regard to the desirability of preserving the setting of the listed buildings. Given the sensitive location of the site, the quality of the execution of the proposed building will be critical in ensuring that the proposal preserves the setting of the nearby listed buildings. The setting of these buildings has been harmed by the construction of the three nearby car parks, but the proposal must not detract from the setting even further.

The conservation officer considers that because of the visibility and prominence of the proposal it will lead to harm to the setting of Grade II listed No's 4 and 5 East Street. The harm has been quantified as being 'less than substantial'. A heritage statement has been submitted with the application which states that the proposal is a thoughtfully crafted response which will provide a visually appealing addition to the townscape.

The conservation officer has made recommendations in respect of the proposed materials. The proposed roof should be in natural slate with a mortared clay ridge, and the slates should be traditionally fixed using copper nails. The fascias should also be painted timber and not upvc, with good quality aluminium rain water goods. A more muted heritage palette of colours for the toilet doors would also be more appropriate than the bright colours indicated given the site's sensitivities.

The side elevation of the proposed building would be seen from the Esplanade from within the conservation area. From this vantage point the building will be relatively discreet and will be softened by the proposed landscaping therefore it is considered that the proposal would preserve the character and appearance of the conservation area.

The highly prominent location of the proposed building will lead to less than substantial harm to the adjacent listed buildings. The harm needs to be weighed against the public benefits of the proposal and the provision of the changing places toilet, and on balance it is considered that the benefits of the scheme will outweigh the less than substantial harm to the setting of No's 4 and 5 East Street.

As such, and with a condition imposed upon any approval to ensure the quality of the proposed building, the proposal complies with Policy EN8 and EN10 of the Local Plan and Policy 8 of the Sid Valley Neighbourhood Plan.

Residential / Neighbour Amenity

Other than the impact to the setting of the nearby listed buildings already discussed, the proposal would not lead to any adverse effects upon the amenity of occupiers of nearby residential properties.

Highways, access and parking

Sid Valley Neighbourhood Plan Policy 23 Eastern Town Access states that *'Any development of Eastern Town will be expected to demonstrate via an access strategy how the scheme will maintain, and where possible improve the cycle pathway linkages with the town centre and the wider area. The existing levels of car parking spaces will be retained unless alternative parking is provided which is equally accessible to the town centre'*.

The current car park adjacent the swimming pool contains two accessible parking spaces next to the swimming pool entrance. One of these has been relocated as a result of the proposal, which has resulted in the loss of two standard sized parking spaces, contrary to the Neighbourhood Plan Policy. No alternative parking provision has been proposed as part of this proposal.

The application site sits on the route of the National Cycle Network. Local Plan Policy RC6 - Local Community Facilities, states that proposals for facilities to serve the local community will be acceptable, provided amongst other criteria that the site is accessible by a variety of types of transport, including walking and cycling. The proposal indicates 15 cycle parking stands being fitted to replace the 15 existing stands that would be lost as a result of the proposal. A comment has been made in respect of the type of cycle stands proposed, but the replacement stands are the same as those currently on the site.

Given that the proposed building is accessible by a variety of types of transport, including on foot and by bicycle, and would not lead to any detrimental impacts to residents as a result of increased traffic levels, the proposal complies with policy TC2 of the local plan. The proposed cycle parking complies with Neighbourhood Plan Policy 23 however the loss of two parking spaces means the proposal is in conflict with this policy.

Landscape Impact

The proposal shows new wooden bench seating and a raised planter containing a tree within the square adjacent to the proposed building. This is considered to be an appropriate and welcome addition to the existing square. Further details will be requested by way of condition to ensure that the proposed planting will enhance the local distinctiveness of the site.

Subject to the necessary details being provided by way of condition, the proposal complies with Policy D2 of the local plan and Policy 7 of the Sid Vale Neighbourhood Plan.

Flood risk assessment

A flood risk assessment was submitted with the application, confirming that the proposed toilet block is within flood zone 3, and is at risk from tidal flooding.

The report confirms that the sequential test considered alternative sites, but these did not achieve the requirement to have the public toilets close to the main visitor areas at the coast. On this basis the sequential approach has been satisfied.

Within the flood risk vulnerability guidelines contained within National Planning Policy Guidance on 'Flood Risk and Coastal Change', public toilets would be classified as 'Less Vulnerable' development. The guidance confirms that the exception test is not required for 'less vulnerable' development within flood zone 3.

The proposal will incorporate flood resistant and resilient materials to minimise any loss of use of the building following a flood event, and main electrical and mechanical appliances will be elevated 0.75 metres above floor level.

As such, given the sustainability benefits to the community and that the flood risk assessment has demonstrated that the development will be safe, the proposal complies with Policy EN21 of the Local Plan and Policy 22 of the Sid Vale Neighbourhood Plan.

Other matters

It is proposed that foul water from the building will connect into the existing mains sewer and surface water will be dealt with via the existing storm drain. A drainage report submitted with the application confirms that a more sustainable form of drainage is not possible because of the constricted site and the proximity to the waterfront. In terms of ecology, the existing site is a hard paved area therefore there will not be any adverse impacts to any wildlife habitats or features as a result of the proposal. The proposal therefore complies with policy EN22 and EN5 of the local plan.

Conclusion

In conclusion, having regard to the balance of the material considerations set out above, it is considered that the submitted proposal would be acceptable.

Whilst the proposal would lead to less than substantial harm to the setting of Nos 4 and 5 East Street, the public benefits that would result through the provision of a changing places WC in this convenient location would on balance, outweigh the resulting harm.

As such, the proposal complies with policies contained within the local plan and the Sid Valley Neighbourhood Plan and is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.
Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.
4. Prior to their installation details of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. This should include details of the proposed bricks and mortar colour, natural slates, ridge tiles, fascia boards, rainwater goods and external doors. Details of the method of fixing of the slates and solar panels shall 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 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.)
5. 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 and herbaceous plants. The scheme shall also give details of any proposed raised planter areas including the proposed facing brickwork and wall capping details. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other

plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Location Plan	27.11.23
1001-P05	Proposed Combined Plans	21.02.24
1002-P05	Proposed Site Plan	21.02.24
1003	Proposed Elevation	28.03.24

List of Background Papers

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

Conservation

CONSULTATION REPLY TO CENTRAL TEAM
LISTED BUILDING CONSENT/CONSERVATION AREA
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Sidmouth Swimming Pool Ham Lane Sidmouth EX10 8XR

GRADE: not listed APPLICATION NO: 23/2537/FUL

CONSERVATION AREA: Sidmouth

PROPOSAL: Planning permission is sought for the erection of a new public toilet building.

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

The site is currently a car park with limited planting and no existing public toilets building. The public toilets building is close to the sea front alongside the drill hall. To the north is the modern red brick swimming pool with tourist information included. The site lies within the Sidmouth conservation area and is visible from the sea front to the south. Nos 4 and 5 East Street grade II listed lie to the west side of the swimming pool and north side of the car park. Across the car park on the west side are a number of listed terrace properties that face onto Fore Street with rear facades facing onto the car park.

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

The new toilet and changing block will provide an enhanced changing place accessible WC's for Streetscene aimed at assisting disabled users to the swimming pool. Although the design and heritage statement states there are no public WC's on the site there are public Wc's on the sea front in close proximity. The swimming pool building has disabled changing rooms and WC's for its users. It also has tourist information space that could be relocated.

The proposed building will be flat roofed with multi coloured doors and would be visible from the sea front. It will be detached and at an angle to the swimming pool building with solar panels concealed by a parapet.

The building will be an obtrusive building in the conservation area; it will not coordinate with the swimming pool building in any other way than brick walls and is not even set on the same angle as the footprint of the swimming pool. Users of the changing room would have to change to swimwear and then travel across the courtyard to enter the pool building. The new building will be a small flat roofed detached building and is a functional building only in a sensitive location. By being detached it will be more obtrusive and will be seen on longer views from the sea front. There is undoubted public benefit to providing disabled changing and WC facilities, however the application is not supported by information to say what the existing facilities are and why these facilities it cannot be incorporated in other areas. Other sites should be considered such as within the swimming pool building or as an extension to the swimming pool building. An option appraisal should be prepared to show other more conducive sites.

The proposal would not preserve the conservation area by being a purely functional building and there would be less than substantial harm to 4 and 5 East Street. There is public benefit however without proper supporting information it is not concluded that this harm is unavoidable.

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 the listed buildings. Here taking account of the above this has been taken into consideration.

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. Here taking account of the above this has been taken into consideration

POLICIES

Listed Buildings and Conservation Areas Act 1990, section 66 and 72
NPPF section 16
East Devon District Council, EN9
Sidmouth Conservation Area Appraisal.

PROVISIONAL RECOMMENDATION - PROPOSAL

Refuse

DATE: 9/1/24

INITIALS: M. Pearce
Conservation Officer

Contaminated Land Officer

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

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

Conservation

CONSULTATION REPLY TO CENTRAL TEAM
LISTED BUILDING CONSENT/CONSERVATION AREA
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Sidmouth Swimming Pool Ham Lane Sidmouth EX10 8XR

GRADE: APPLICATION NO: 23/2537/FUL

CONSERVATION AREA: setting of Sidmouth Conservation Area.

PROPOSAL: Planning permission is sought Erection of a new public toilet building.

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

Further to comments of 9 January 2024. The site is in a sensitive location just outside the Sidmouth conservation area and close to Nos 4 and 5 East Street (grade II designated assets).

The design has improved since the first application with the new roof shape. It is considered that due to its location at the entrance to the swimming pool which is, though modern, a large and dominant structure in this location, its orientation to the swimming pool and use of solar panels that are very visible, it will be detrimental and harmful to the setting of the conservation area and Nos 4 and 5 East Street. The level of harm would be less than substantial and public benefits need to be considered to decide whether this outweighs the harm.

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 the listed buildings. Here taking account of the above this has been taken into consideration.

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. Here taking account of the above this has been taken into consideration.

POLICIES

Listed Buildings and Conservation Areas Act 1990, section 66 and 72
NPPF section 16
East Devon District Council, EN9
Conservation Area Appraisal.

PROVISIONAL RECOMMENDATION - PROPOSAL

Not acceptable

DATE: 26/3/24
INITIALS: M. Pearce
Conservation Officer

Contaminated Land Officer
As per my previous comments

EDDC Trees
No arb concerns.

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.

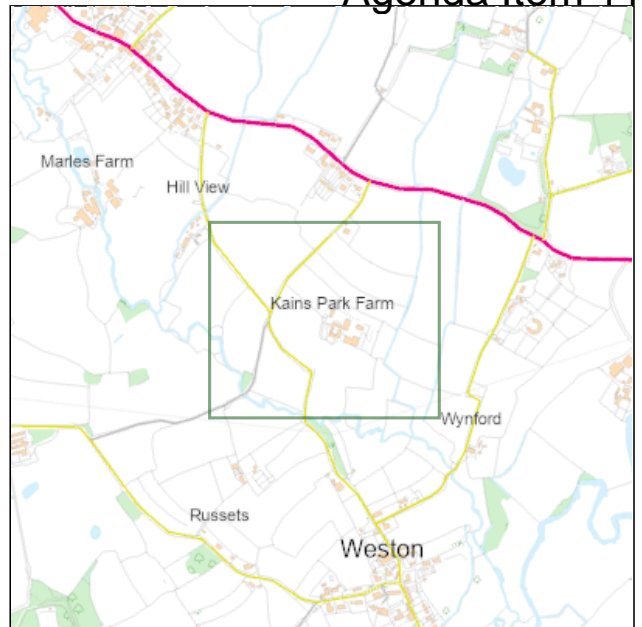
Ward Dunkeswell And Otterhead

Reference 23/2455/FUL

Applicant Mr & Mrs M & J Summers

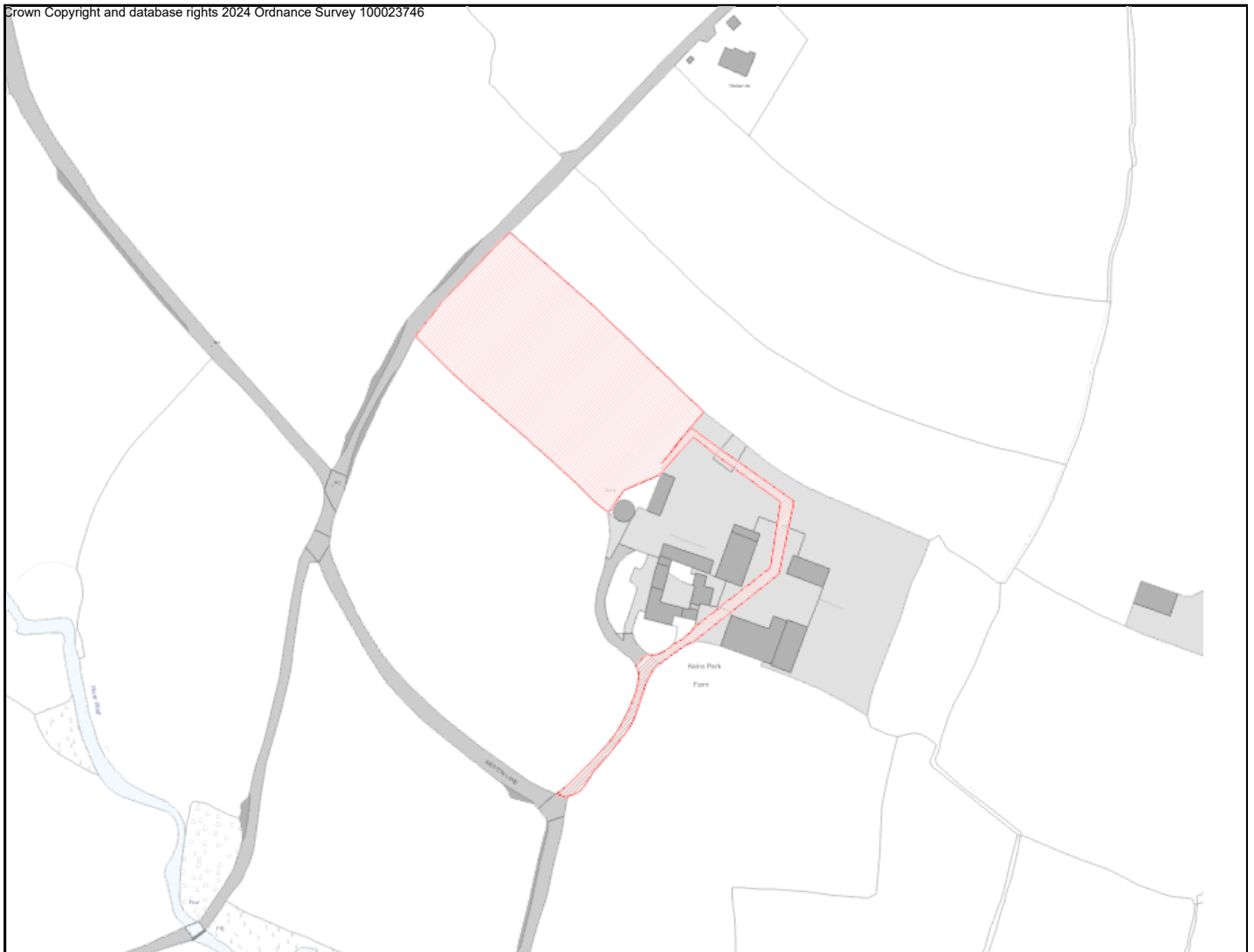
Location Kains Park Farm Kains Park Storage
Awliscombe EX14 3NN

Proposal Change of use of land for the storage of
caravans, motorhomes and boats (use class
B8) and associated works



RECOMMENDATION: Refusal

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		Committee Date: 21.05.2024
Dunkeswell and Otterhead (Awliscombe)	23/2455/FUL	Target Date: 17.01.2024
Applicant:	Mr & Mrs M & J Summers	
Location:	Kains Park Farm Kains Park Storage	
Proposal:	Change of use of land for the storage of caravans, motorhomes and boats (use class B8) and associated works	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is brought before the Planning Committee owing to a difference of opinion between officers and the commenting ward member.

In addition, one of the applicants is also an employee of the Council.

The application proposal involves the expansion of the Kains Park Storage complex, housed at Kains Park Farm, Awliscombe, which provides both short and long term secure container storage and external caravan, boat and motorhome storage for domestic and commercial customers. The complex, which currently extends to around 1 hectare in area, is set amidst the main farm dwelling and a number of farm buildings.

The proposal involves an extension of the facility into a field of around 0.82 hectares area to the north west of the complex together with the creation of access from the existing storage park area and tree and wildflower landscape planting, including the stopping up of an existing entrance to the field off an adjacent road with new hedging.

The proposal is intended to meet a stated demand for storage that cannot currently be met owing to the existing facility operating at capacity.

Relevant Local Plan policies that are permissive of rural diversification/business/economic development expansion proposals place an emphasis on the need for them to be small scale, proportionate to the size and scale of existing site operations and compatible with their landscape setting, avoid any detrimental impact or adverse effect upon the rural character and appearance of the surrounding area and provide employment.

In this case, the proposal would relate to an almost doubling in the area of the existing storage complex with the expansion taking place within an open field within which likely lightly coloured caravans, boats and motorhomes would appear visually prominent and intrusive, both in closer range and longer distance views from the public domain.

Although the service benefits of the proposed expansion of the storage facility to the local community in general are recognised, the development would not result in any significant employment gains or that would outweigh these fundamental policy conflicts in the overall planning balance.

Much of the comment received from interested third parties, many of whom use the facility, is expressed in support of the existing operation as opposed to providing detailed reasons to justify the proposed expansion. Whilst this, along with the absence of objection from the parish council and the commenting ward member, is acknowledged, it is considered that it is outweighed by the identified harm.

Refusal is therefore recommended.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Parish Council have no objections and support this application.

Dunkeswell and Otterhead - Cllr Yehudi Levine

I have no objection to this application.

Dunkeswell and Otterhead - Cllr Yehudi Levine 3/5/24

To be honest, my 'no objection' comment meant I was sitting on the fence with no strong feelings either way. By the 21st May I will have left the Planning Committee for pastures new and am happy to leave Cllr Brown to pass judgement as the Ward Member on the committee.

Technical Consultations

County Highway Authority

The site already successfully carries out storage of Caravans, Boats and Motorhomes, our running road collision data, currently 2018-2022, shows no associated recorded collisions within the vicinity.

Storage of this type, tends to produce limited trip generation once in situ and the site is located near to the A373 for quick dispersion of traffic in a higher network road.

The access to be utilised is existing with acceptable visibility. The recent traffic survey in 2022 for the permitted storage showed between 3 - 7 trips per day, and the agricultural machinery former use of this site had between 8 - 20 trips per day, therefore from this precedent trip generation benchmark, I do not envisage a trip generation intensification.

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

EDDC Landscape Architect

Objection (Full consultation response at end of report)

EDDC District Ecologist

No objection subject to conditions to control external lighting and submission of a landscape and ecology management plan for approval
(Full consultation response at end of report)

Environmental Health

No objection subject to a planning condition to control lighting

Other Representations

16 representations of support have been received.

Summary of Grounds of Support

1. Kains Park offer a very high quality of storage facility within easy reach of Honiton.
2. Site is not overlooked and is private and well screened.
3. Strong demand in the area for secure easily accessible storage.
4. Site is safe and secure with electric gate and CCTV.
5. In keeping with the area.
6. Lack of secure storage of this nature in the area.
7. Demand for the expansion which would benefit Honiton and surrounding area.
8. Expanding the site brings more business and tourism to the area which is good for the local economy.

PLANNING HISTORY

16/2551/FUL - Expansion of existing storage and distribution site including revisions to planning permission 07/1903/COU to allow storage of caravans, boats, trailers, machinery and vehicles ; caravan wash bay; 25no storage containers for self-store use; and associated works including re-cladding of existing storage building (Full). Approved 11/1/17.

07/1903/COU - Change of use of buildings to storage of agricultural machinery (Full). Approved 8/11/07.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

E4 (Rural Diversification)

E5 (Small Scale Economic Development in Rural Areas)

E7 (Extensions to Existing Employment Sites)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

(N.B.: There is no neighbourhood plan in force for Awliscombe parish.)

Government Planning Documents

NPPF (National Planning Policy Framework 2023)

ANALYSIS

Site Location and Description

The site comprises a field, laid to pasture at the time of the officer site visit, of broadly oblong configuration and approximately 0.82 hectares area located to the north west of Kains Park Farm.

The site and farm itself are located within open countryside around 1.2 km. to the north west of the nearest part of the built-up area of Honiton, 0.8 km. south east of Awliscombe and 0.7 km. north of Weston.

The farm is the base for Kains Park Storage, a business providing both short and long term secure container storage and external caravan/boat/motorhome storage for domestic and commercial customers.

Extending to around 15.8 hectares in area of owned land the farm holding, along with other rented land, is also used for growing grass that is sold for grazing and cutting.

The built complex within which the storage use is conducted comprises a farmhouse, range of buildings and yard areas amounting to around 1.07 hectares. It is served by a private driveway off of Weston Lane, a Class C highway that connects Weston and Awliscombe. An unclassified lane that connects this road with the A373 to the south east of Awliscombe borders the site at its north western end, off which there is a gated entrance into it positioned adjacent to its northern corner.

Background

In the past the farm has operated as a dairy unit alongside an agricultural contracting enterprise and a haulage business. However, by 2002 the haulage business and milk production had ceased and the scale of the contracting enterprise significantly reduced.

In 2003 the business diversified into storing agricultural machinery for a local agricultural farm machinery dealer, planning permission for which was granted in 2007 (application 07/1903/COU refers). Over time, this increased to what is described within the applicants' agents' supporting statement as around 250 items of machinery.

However, this itself ceased during 2017 and planning permission (application 16/2551/FUL refers) was granted for an expansion of the storage site to allow the storage of caravans, boats, trailers, machinery and vehicles.

The permission also authorised the provision of a caravan wash bay and the siting of 25no storage containers for self-storage use.

However, notwithstanding this proposal description, given that the siting of the containers represents a material change of use of the land (as opposed to operational development), and in the absence of any condition explicitly controlling the number of permitted storage containers, the site currently houses - again according to the submitted statement - 73 self-storage containers together with 89 caravans/motorhomes/boats.

Proposed Development

The current proposal involves an expansion of the storage complex into the application site through the change of use of the land to provide additional capacity

for the storage of caravans, motorhomes and boats (use class B8) together with various associated works comprising the following:

- the laying out of a permeable stone surface extending to around 5,900 square metres area to provide manoeuvring space for vehicles and storage space for caravans, motorhomes and boats
- landscaping works including tree planting and the establishment of flower rich margins around the perimeter of the extended storage site
- the removal of a length of approximately 20.4 metres of hedgerow along the south eastern boundary of the site with the existing complex to enable vehicular access between the two to be created
- the stopping up of the field gate entrance to the site off of the adjacent lane to the north west with a Devon bank with native species hedgerow planting translocated from the section of hedgerow to be removed.

It is anticipated that the proposed expansion would provide sufficient capacity for the storage of up to 68 additional caravans/motorhomes/boats, thereby increasing the overall storage capacity to up to around 157 caravans/motorhomes/boats.

It is advised that the business is currently operating at capacity and there is a demand locally for additional storage space for hire.

No changes to the present access arrangements off Weston Lane are proposed. In addition, no external lighting is envisaged.

Considerations/Assessment

The considerations that are material to the assessment of the proposal are discussed in turn as follows.

Principle of Development/Policy Assessment

The site is located within the countryside outside of any Built-up Area Boundaries as defined in either the adopted Local Plan or Villages Plan or any site-specific allocations shown on the Proposals Map that accompanies the former. As such, the provisions of Local Plan Strategy 7 (Development in the Countryside) apply. These only permit development in the countryside where it is in accordance with a specific local or neighbourhood plan policy and where it would not harm the area's distinctive landscape, amenity and environmental qualities including, among other things, land form, important natural features which contribute to local landscape character, including topography and traditional field boundaries, and public views that form part of the area's distinctive character or otherwise cause significant visual intrusion.

In the absence of any made or emerging neighbourhood plan for Awliscombe parish (in which the site is located), only the relevant adopted Local Plan policies are material to consideration of the proposal for the purposes of this strategy.

Strategy 46 (Landscape Conservation and Enhancement and AONBs) requires that development be undertaken in a manner that is sympathetic to, and helps conserve

and enhance, the quality and local distinctiveness of the natural (and historic) landscape character of the District. It only permits development where it conserves and enhances the area's landscape character, does not undermine landscape quality and is appropriate to the economic, social and well-being of the area.

These provisions are largely complemented by some of the criteria set out in Policy D1 (Design and Local Distinctiveness) which only permit proposals where they respect the key characteristics and special qualities of the area and do not adversely affect important landscape characteristics.

Policy D2 (Landscape Requirements) sets out a series of criteria that landscape schemes should meet, including the making of provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, and other soft landscaping.

Proposals to diversify and expand upon the range of traditional agricultural-related economic activities undertaken in rural areas are supported in the provisions of Policy E4 (Rural Diversification), a further criteria-based policy. Among these are requirements that proposals: are complementary to, or compatible with, the agricultural operations in the rural area or on a farm; are of a character, scale and location that are compatible with their landscape setting; and the likely amount of traffic generated by proposals could be accommodated on the local highway network without harming road safety whilst avoiding any adverse visual impact upon the surrounding countryside.

These are largely supplemented by those of Strategy 28 (Sustaining and Diversifying Rural Enterprises) which supports developments that sustain and diversify agricultural and traditional rural enterprises and add value to rural produce.

Policy E5 (Small Scale Economic Development in Rural Areas) permits small scale economic development and the expansion of existing businesses designed to provide jobs for local people where, if on a greenfield site, is well related in form and scale and in sustainability terms to the village and surrounding areas provided, among other things, a safe highway access can be achieved, the local highway network is capable of accommodating the forecast increase in traffic and there would be no detrimental impact upon landscape interests.

In addition, Policy E7 (Extensions to Existing Employment Sites) allows for the small scale expansion of business sites in a manner that is proportionate to the existing size and scale of site operations provided, again among other criteria, that the local highway network is capable of accommodating the forecast increase in traffic.

These local policy provisions are consistent with those set out in the National Planning Policy Framework (NPPF) which, at paragraph 88, states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas as well as the development and diversification of agricultural and other land-based rural businesses.

Two key issues that are central to the provisions of each of Local Plan Policies E4, E5 and E7 are the scale of development and its impact upon the rural character and appearance of the surrounding area.

Policy E4 requires that the scale of rural diversification proposals should be compatible with their landscape setting while Policy E5 permits 'small scale economic development' where there would be no detrimental impact upon landscape interests. Policy E7 permits 'small scale expansion' of sites 'in a manner that is proportionate to the existing size and scale of site operations' provided that no environmental interests are adversely affected.

In this case the proposed expansion of the storage park would amount to an almost doubling of its present size/area, resulting in a complex that would extend to close to 2 hectares in area.

In the first instance therefore it is not accepted, particularly when assessed in tandem with the landscape impact issues that are discussed in the next section of the report, that the proposal would satisfy these fundamental policy provisions that all place emphasis upon permitting only 'small scale' expansion of existing businesses and sites within the open countryside.

Impact on Character and Appearance of Landscape

In terms of the effects of the proposal upon the rural character and appearance of the wider landscape, although not forming part of any designated landscape area the site is nevertheless within relatively close proximity of the Blackdown Hills National Landscape (NL) (formerly Area of Outstanding Natural Beauty) which, when the wider landscape views referenced below are factored into the assessment of the landscape impact of the development, forms part of its setting.

The Council's Landscape Architect advises that "the existing field pattern surrounding the farm buildings comprises small irregular shaped fields of medieval origin and represent a remarkably high degree of survival. Although there are no landscape designations covering the site, it lies within an attractive and tranquil pastoral landscape in overall good condition with a strong sense of time-depth."

The surrounding area also lies within East Devon Landscape Character Type (LCT) 3B (Lower rolling farmed and settled slopes) as defined in the East Devon and Blackdown Hills Landscape Character Assessment 2019. Key characteristics for this LCT relevant to the site are:

- o Gently rolling landform, sloping up from valley floor.
- o Many hedgerow trees, copses and streamside tree rows. Oak and ash predominate, and there are small blocks of woodland.
- o Predominantly pastoral farmland, often with a wooded appearance. Variable sized fields with wide, low hedged boundaries and a mostly irregular pattern, reflecting different phases of enclosure.
- o Semi-natural habitats include streams and ditches, grassland, woodland and trees.
- o Numerous historic landscape features including farmsteads, lanes, villages and churches. Concentrations of Roman sites.

- o Settled, with various settlement sizes, building ages, patterns and styles. Various building materials, including stone, cob, whitewash/ render, slate, thatch and tile.
- o Winding, often narrow sunken lanes, with tall earth banks.
- o A relatively enclosed and sheltered landscape. Some parts of the LCT feel well settled, whilst others feel exceptionally remote, with very little traffic.
- o Views tend to occur across valleys, rather from within them. Higher land in other LCTs forms the backdrop to views

At a wider County level the site also falls within the Clyst Lowland Farmlands Landscape Character Area (LCA).

Key characteristics of this LCA relevant to the site are:

- o Lowland, undulating farmed landscape underlain by mudstones, siltstones and sandstones.
- o Landscape crossed by streams and meandering watercourses which feed into the more distinct valleys of the Clyst (a tributary to the Exe) and the Tale (a tributary to the Otter).
- o Generally well treed appearance due to significant numbers of hedgerow trees although few woodlands
- o Notable small orchards often on the outskirts of villages.
- o Mixture of small to medium scale fields often with curving boundaries reflecting medieval origin.
- o Mixed farming including arable and some pasture along watercourses where there is seasonal flooding, as well as areas of horsiculture and hobby farming.
- o Nature conservation interest provided by unimproved neutral grassland and marshy grassland, particularly fringing streams and plantation/ semi-natural and ancient woodland in the north-west.
- o Dispersed pattern of small villages (particularly along the watercourses many with 'Clyst' place names), dispersed farmsteads and town of Honiton.
- o Strong local vernacular of cob and thatch.
- o Overarching perceptions of tranquillity and quintessential English lowland farmland when away from infrastructure and communication corridors and a sense of isolation in parts.
- o Views to surrounding ridges of higher land. Relevant management guidelines for this LCA include:
 - o Protect the landscape's strong sense of tranquillity and remoteness with clustered villages and hamlets reinforcing a strong historic sense of place.
 - o Protect the sparse settlement pattern of clustered hamlets, villages and farmsteads, preventing the linear spread of development along river valleys and roads wherever possible.
 - o Protect the landscape's network of quiet lanes enclosed by woodland and species-rich hedge banks, resisting unsympathetic highways improvements or signage.
 - o Protect and repair characteristic built features such as stone hump-backed bridges.

Although not in the form of a fully detailed landscape visual impact assessment, the application is accompanied by a document that contains a series of photographs towards the site from particular medium and longer distance viewpoints, all of which are within a 4km. distance of it.

Whilst it is evident that the application site and prospective development would be less visible from some of these than others it is equally clear that they would be apparent from a number of the viewpoints that are identified. In particular they would be especially visible in views, at around a distance of approximately 800 metres to the west, from the more elevated parts of a public footpath (no. 1) that ascends Bushy Knap, a topographically distinct hill that separates Awliscombe and Buckerell. This would also be the case during the summer months when vegetative cover is more abundant.

Officers have also directly assessed the landscape visual impact of the proposal from these points of public vantage.

Of the other viewpoints photographed, the expansion of the complex would be evident in views from a section of the A375 (Sidmouth Road) where it descends/ascends the hill to/from Honiton close to Gobsore Copse and Plantation and Beech Walk, elevated land to the north east on the plateau of St. Cyres Hill and footpaths close to the A35 Trunk road and Tower Cross to the east of Honiton.

Whilst it is acknowledged that these are from longer distance with the site set amidst a much greater panorama across the surrounding landscape, they would nevertheless afford views of what would likely be an array of white coloured caravans, boats and motorhomes. It is also noticeable that within these views, including - for the most part - those from footpath no. 1, the existing complex appears largely well contained visually by established hedges and trees within the curtilage of and alongside the farm complex. By contrast, it is thought that the proposed expansion would read as a more significant intervention within the landscape.

It should also be recognised that the development would also be readily apparent in the much closer range views that are available from both Weston Lane and the unclassified lane that connects it to the A373 that immediately borders the site to the west. From the latter, in particular, the change in the character of the site, from a grass field to an extensive hard surfaced area with caravans, boats and motorhomes, would be strongly evident.

Although the proposed landscaping measures, including tree planting, would in the longer term help to some extent to mitigate the landscape impact of the development, it is likely that this would take a considerable time to establish and become effective in providing screening. In any event, there remains concern as to both its likely longer term effectiveness in screening the expanded complex from some of the other views identified above as well as the extent to which such screening would itself appear sympathetic to the landscape character of the surrounding area as defined by the landscape characteristics set out above.

Principle of Development – Overall Planning Balance

Taking all of these factors in combination, it is not accepted that the scale of the proposed expansion would be compatible with its landscape setting or the broader rural landscape character and appearance of the locality. It is considered that the

development would be out of keeping with the strongly rural setting and tranquillity of the surrounding landscape and would be likely to result in an unduly adverse, harmful and detrimental impact upon its character as well as that of the setting of the nearby designated NL.

However, it is accepted that these concerns need to be considered against any economic benefits that may arise from the proposed development in the overall Planning balance.

In this regard it is contended that, in addition to the benefits to the applicants from the ability to expand the business, the proposal would have a positive impact on rural employment/work opportunities for local people and on the operation of local businesses that require storage space.

The well-established nature of the existing storage business, its current operation at capacity and its relative proximity to Honiton and other rural villages within its hinterland are all recognised. However, set against the fundamental objective of Policy E5, namely the enablement of expansion of businesses in rural areas to provide additional employment opportunities, it would seem that the benefits would be rather more limited.

It is advised that the business currently provides employment for 1.5 full time equivalent (FTE) posts. It is anticipated that the proposed expansion would increase this to 2.5 FTE positions.

Notwithstanding the stated percentage of containers currently at the site that are used by local businesses and the advice that four businesses are used by customers to carry out maintenance and servicing of caravans stored at the park, the expansion of which would generate additional work for them, it is considered that these provide limited benefits when balanced against the landscape harm identified above on account of the scale of expansion being proposed.

In conclusion with regard to the principle of the development therefore, it is felt that the proposal would give rise to significant adverse landscape and visual impacts and would fail to enhance, or even conserve, the character of the landscape. As such, it would be contrary to the relevant provisions of paragraph 180 of the NPPF which require that planning decisions should contribute to and enhance the natural and local environment by, among other things, recognising the intrinsic character and beauty of the countryside. It would also be in conflict with paragraph 182 which states that development within the setting of NLS should be sensitively located to avoid or minimise adverse effects upon them.

In a more local context, the development would be contrary to Local Plan Strategies 7 and 46 and Policy D1 referred to above.

Highways

Each of Policies E4, E5 and E7 referenced earlier in the report also contains criteria requiring that the local highway network is capable of accommodating any forecast increase in traffic generation that would result from development proposals.

The applicants have carried out a traffic survey that has found that the existing storage site (caravans and containers) generates between around 7 and 16 trips per day, this having continued without any highway capacity problems. This compared with a corresponding daily trip generation of between 8 and 23 trips when the site was in use solely for agricultural machinery storage, including larger lorries and tractors.

It is estimated that as a result of the proposed expansion of the storage park traffic movement levels of between 9 and 21 daily trips would be generated., thereby comparing favourably with the historic trip generation levels set out above.

As such, it is contended that the development would not have a detrimental impact upon the capacity of the local highway network or the safety of motorists, pedestrians or cyclists.

Notwithstanding the mainly single width nature of, and absence of footways from, the network of rural lanes from which access to the storage park is derived, the findings of the applicants' survey effort and estimated future level of vehicle movement that would be generated by the expansion of the complex are accepted by the County Highway Authority. Its consultation comments also acknowledge the absence of any recorded collisions in the vicinity of the site during the past five or so years, the limited trip generation levels that the type of use proposed tends to produce and the proximity of the park to the A373.

In the circumstances, it is not considered that there would be any highway safety or capacity-related objections that would be capable of being readily substantiated.

Ecology

The application particulars include a Preliminary Ecological Appraisal report based upon a walkover survey of the site. Its main conclusions are that the removal of approximately 0.59 hectares of modified grassland and around a 20.4 metre length of hedgerow vegetation to create internal access between the existing complex and the site would result in a minor adverse ecological impact on a local scale.

The report also found no suitable habitat for bats, dormice, badgers, great crested newts and an absence of nesting birds.

Recommendations for mitigation of the impacts of the proposed development include biodiversity gain in the form of the creation of the species rich wildflower margins, native species tree planting and hedge planting to stop up the gateway onto the road bordering the site to the west referred to above.

The report has been reviewed by the Council's Ecologist who raises no objection to the proposals subject to control being retained over external lighting and the submission for approval of a landscape and ecological management plan in the interests of the avoidance of any adverse effects upon protected species and the provision of appropriate ecological mitigation and enhancement measures.

On this basis, there are no objections to the proposal on the grounds of any adverse impacts upon the nature conservation value of wildlife habitats or features.

Conclusion

In concluding, it is considered that the proposed scale of expansion of the existing storage park would not align with Local Plan Policies E4, E5 and E7 which, read together, only permit 'small scale' development that is proportionate to the existing size and scale of site operations and where it would be compatible with its landscape setting.

RECOMMENDATION

REFUSE for the following reason:

1. The proposed development would involve an expansion of the existing storage park and associated use of land for caravan, boat and motorhome storage purposes that would be of a scale that would not be permitted by policy and would appear unduly visually intrusive within the surrounding open countryside to the detriment of the rural landscape character and appearance of the area and the landscape character of the setting of the nearby designated Blackdown Hills National Landscape. As a consequence, and in the absence of any demonstrable significant employment or other benefits that outweigh this harm, the proposal would be contrary to the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) E4 (Rural Diversification), E5 (Small Scale Economic Development in Rural Areas) and E7 (Extensions to Existing Employment Sites) of the adopted East Devon Local Plan 2013-2031 and guidance as set out in paragraphs 180 and 182 of the National Planning Policy Framework (2023). Furthermore, in the absence of policy support or any other material considerations weighing in favour of the development and justifying a departure from the above policies and guidance, the proposal would also constitute unjustified non-sustainable development within the countryside contrary to the provisions of Strategy 7 (Development in the Countryside) of the adopted East Devon Local Plan 2013-2031.

Informative:

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

Plans relating to this application:

ARPC3 REV A	Proposed Site Plan	22.11.23
ARCP1	Location Plan	16.11.23

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

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

Equality Act:

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

APPENDIX – Technical Consultations - Full consultation comments

EDDC Landscape Architect

1 INTRODUCTION

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

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

2 POLICY CONTEXT, LANDSCAPE CHARACTER AND LANDSCAPE AND VISUAL IMPACT

2.1 Landscape Policy Context

There are no landscape or conservation designations within the site but the Blackdown Hills AONB boundary lies immediately to the north of the A373. The site itself is a green field surrounded by other fields outside of the BUAB and as such is considered to be countryside as defined in the Local Plan.

2.2 Landscape character

The site lies within East Devon Landscape Character Type (LCT) 3B - Lower rolling farmed and settled slopes as defined in the East Devon and Blackdown Hills Landscape Character Assessment 2019. Key characteristics for this LCT relevant to the site are:

- o Gently rolling landform, sloping up from valley floor.
- o Many hedgerow trees, copses and streamside tree rows. Oak and ash predominate, and there are small blocks of woodland.
- o Predominantly pastoral farmland, often with a wooded appearance. Variable sized fields with wide, low hedged boundaries and a mostly irregular pattern, reflecting different phases of enclosure.
- o Semi-natural habitats include streams and ditches, grassland, woodland and trees.
- o Numerous historic landscape features including farmsteads, lanes, villages and churches. Concentrations of Roman sites.
- o Settled, with various settlement sizes, building ages, patterns and styles. Various building materials, including stone, cob, whitewash/ render, slate, thatch and tile.
- o Winding, often narrow sunken lanes, with tall earth banks.
- o A relatively enclosed and sheltered landscape. Some parts of the LCT feel well settled, whilst others feel exceptionally remote, with very little traffic.
- o Views tend to occur across valleys, rather from within them. Higher land in other LCTs forms the backdrop to views

At county level the site falls within the Clyst Lowland Farmlands Landscape Character Area (LCA).

Key characteristics of this LCA relevant to the site are:

- o Lowland, undulating farmed landscape underlain by mudstones, siltstones and sandstones.
- o Landscape crossed by streams and meandering watercourses which feed into the more distinct valleys of the Clyst (a tributary to the Exe) and the Tale (a tributary to the Otter).
- o Generally well treed appearance due to significant numbers of hedgerow trees although few woodlands
- o Notable small orchards often on the outskirts of villages.
- o Mixture of small to medium scale fields often with curving boundaries reflecting medieval origin.
- o Mixed farming including arable and some pasture along watercourses where there is seasonal flooding, as well as areas of horsiculture and hobby farming.
- o Nature conservation interest provided by unimproved neutral grassland and marshy grassland, particularly fringing streams and plantation/ semi-natural and ancient woodland in the north-west.
- o Dispersed pattern of small villages (particularly along the watercourses many with 'Clyst' place names), dispersed farmsteads and town of Honiton.
- o Strong local vernacular of cob and thatch.
- o Overarching perceptions of tranquillity and quintessential English lowland farmland when away from infrastructure and communication corridors and a sense of isolation in parts.
- o Views to surrounding ridges of higher land. Relevant management guidelines for this LCA include:

- o Protect the landscape's strong sense of tranquillity and remoteness with clustered villages and hamlets reinforcing a strong historic sense of place.
- o Protect the sparse settlement pattern of clustered hamlets, villages and farmsteads, preventing the linear spread of development along river valleys and roads wherever possible.
- o Protect the landscape's network of quiet lanes enclosed by woodland and species-rich hedge banks, resisting unsympathetic highways improvements or signage.
- o Protect and repair characteristic built features such as stone hump-backed bridges.

2.3

Local landscape character of site and its environs

The site and its immediate surroundings generally reflect the LCT and LCA descriptions and form part of the setting to the Blackdown Hills AONB. Modern development influences are limited but there are high voltage transmission lines to the west and the Heath Park industrial estate on the western edge of Honiton is visible in the mid-distance to the south.

The existing field pattern surrounding the farm buildings comprises small irregular shaped fields of medieval origin and represent a remarkably high degree of survival. Although there are no landscape designations covering the site, it lies within an attractive and tranquil pastoral landscape in overall good condition with a strong sense of time-depth,

2.4 Landscape and visual impact of the proposed development

The present storage facilities are located within the curtilages of the existing building complex. The proposal extends the operation into an undeveloped field up to 130m to the northeast.

The proposal will result in the loss of most of the existing grassland within the site boundaries, its replacement with hard surfacing and the introduction of caravans and other equipment, the majority of which will be white and therefore particularly noticeable where views permit.

The adjacent quiet single-track lanes with high hedge banks by which the site is accessed are not suitable for motor homes or towing caravans. The proposed development is likely to lead to a significant increase in traffic along them with resultant damage to adjacent hedge banks and potentially the narrow hump-back bridge to the southwest of the site, as motorists seek to manoeuvre and pass each other.

The proposed development is out of keeping with the strongly rural setting and tranquillity of the surrounding landscape and is likely to result in adverse impact on its character and the setting of the AONB.

A visual assessment has been submitted with the application. It is accepted that the site itself is relatively well screened by a combination of vegetation cover and landform but there are views afforded over it from Awliscombe footpath 2 within the

AONB as identified in the submitted visual appraisal (VP10). It is likely that the development would be visible in partial especially in winter from viewpoint 2 (Awliscombe footpath 1) and viewpoint 9. Key visual receptors in these instances will be walkers on the public rights of way network who are likely to have a high sensitivity to change of the type proposed giving rise to moderate to low adverse visual effects at a number of locations.

The increase in vehicular traffic and especially caravans would also increase the danger to cyclists and pedestrians who regularly use the surrounding minor lanes.

3 CONCLUSION AND RECOMMENDATIONS

The proposals would give rise to notable adverse landscape and visual effects and cannot be said to enhance or conserve landscape character contrary to NPPF para 180a and 182 and Local Plan strategies 5, 7 and 46 and policy D1. The proposal also fails to meet sustainable development objectives set out in Strategy 5 of the Local Plan. As such the application should be refused.

EDDC District Ecologist

The application is supported by a Preliminary Ecological Appraisal (PEA) with a walkover survey of the site undertaken in April 2023. The proposal would result in the loss of 20 m of species-poor hedgerow, (a Habitat of Principal Importance), and loss of approximately 0.6 ha of modified grassland, considered to result in a minor adverse impact on a local scale.

Recommendations are made for provision of new hedgerow habitat, wildflower planting, and other avoidance measures, such as hedge removal outside of the bird nesting period. The success of wildflower planting on a modified grassland field managed for silage is a little questionable without appropriate long-term management.

Should the proposal be minded for approval I would recommend the following conditions:

1. 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.
2. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the first use of the development based on the submitted ecology report (Acorn, November 2023). It should include details of planting and landscaping specifications, management, work schedule, adaptive management measures, and measures to ensure compliance of works being undertaken.

Reason

To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

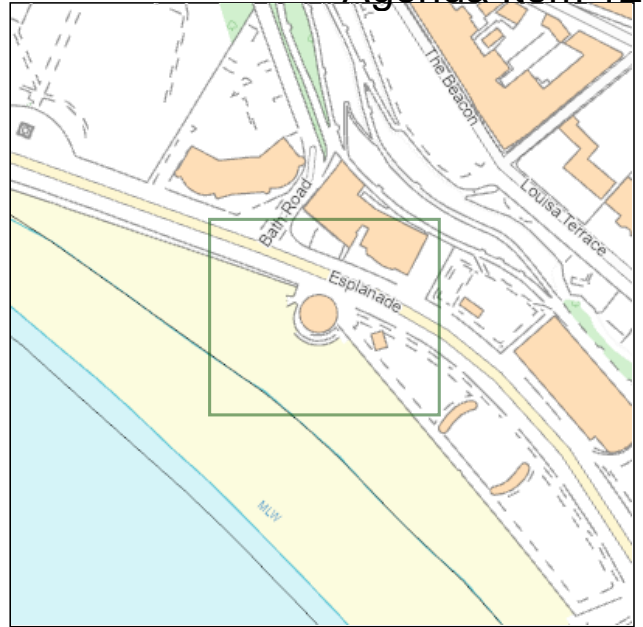
Ward Exmouth Town

Reference 24/0313/FUL

Applicant Mr David Freer

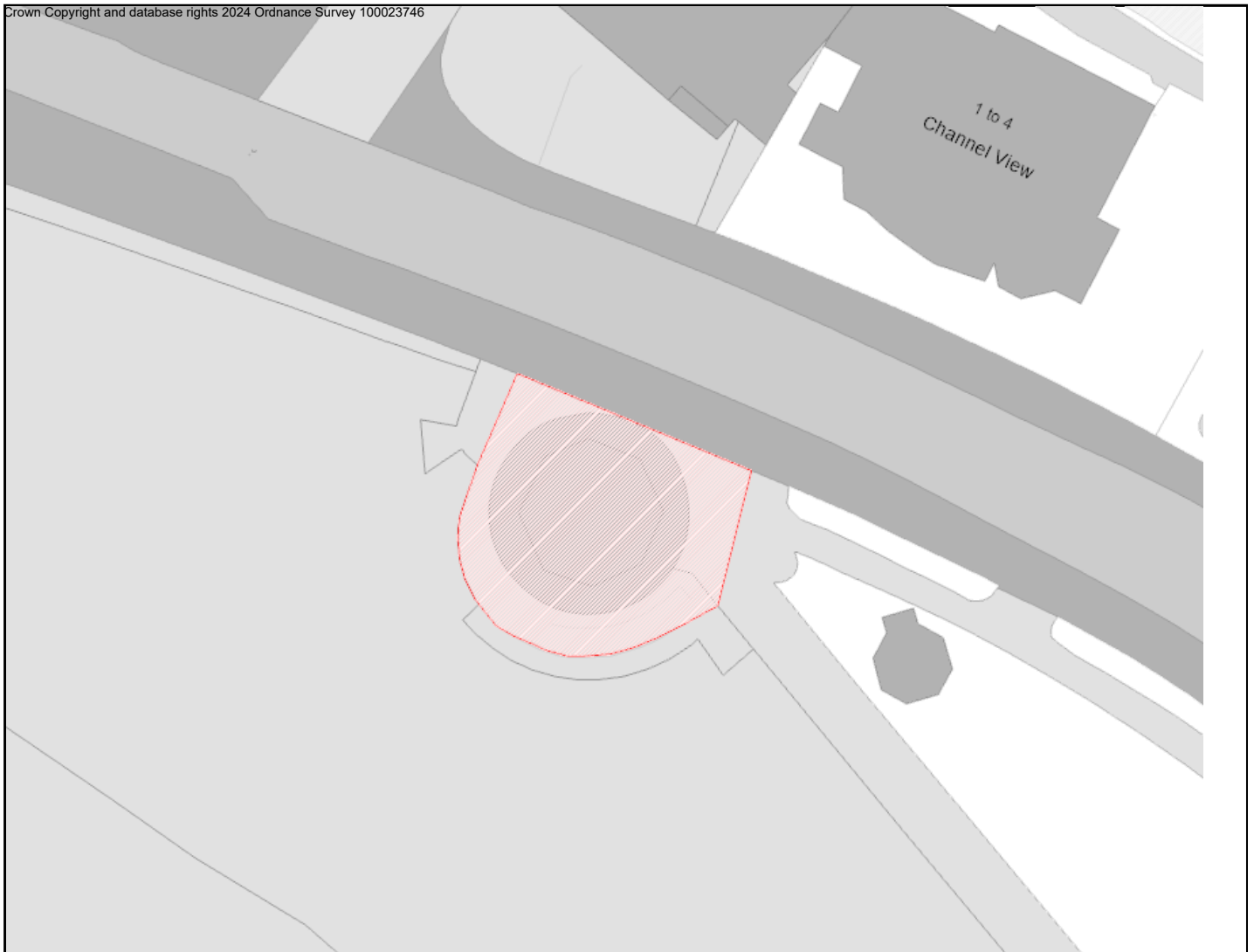
Location The Octagon Esplanade Exmouth Devon EX8 2AZ

Proposal Proposed change of use from shop (Class E, a) to Cafe (Class E, b), two side extensions and internal alterations.



RECOMMENDATION: Approval with conditions

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		Committee Date: 21.05.2024
Exmouth Town	24/0313/FUL	Target Date: 09.04.2024
Applicant:	Mr David Freer	
Location:	The Octagon, Esplanade, Exmouth	
Proposal:	Proposed change of use from shop (Class E, a) to Cafe (Class E, b), two side extensions and internal alterations.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the proposal relates to a property that is owned by East Devon District Council and objections have been received.

The site is located on the seafront, off the Esplanade in Exmouth. The existing building is an ice cream shop with a covered terrace around the full outside area. The surrounding land is largely flat, and Exmouth beach is on the outside of the built surrounds of the building. The beach forms part of the Exe Estuary Site of Special Scientific Interest (SSSI). The Exe Estuary is also a Ramsar Site and a Special Protection Area. The site of this development lies just outside the designations.

The site is located within a flood zones 2 and 3, as designated by the Environment Agency.

The site is within the built-up area of Exmouth, but has no residential properties adjoining it. There are, however, other beach/tourism related buildings located reasonably close to the site, on the landward side of the road.

The proposal is for a change of use to a café with indoor seating, two small extensions and glazing alterations.

Given the location of the site, the change of use is considered acceptable, with minimal visual impact and conditions to ensure protection of the adjacent marine environment.

CONSULTATIONS

Local consultations

Parish/Town Council

29/02/24 - Meeting 26.02.24

No objection in principle, however, members were concerned about Exmouth's heritage, and questioned the need for the proposed extensions for the change of use. Concern was also raised regarding the potential economic impact on neighbouring business and if the proposal

would present a substantive threat to other operators in the area (Policy E12.5 East Devon Local Plan).

Technical Consultations

Environment Agency

23/04/24 - Environment Agency position

Following review of the revised Flood Risk Assessment (FRA) ref. J-3394 -Rev.01 by EDS dated 11/04/2024, we have no objections to the proposal as submitted

Environmental Health

28/02/24 - Prior to the first use of the premises, details of any proposed extract ventilation equipment designed to deal with cooking odours shall be submitted to the LPA and agreed in writing by them. The premises shall thereafter be operated at all times in accordance with the agreed arrangements.

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

Natural England

07/03/24 - Thank you for your consultation on the above dated 19 February 2024 which was received by Natural England on the same date.

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

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on designated sites. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- A Habitats Regulations Assessment

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained. Natural England's further advice on designated sites and advice on other issues is set out below.

The proposed works are located directly adjacent to the Exe Estuary Site of Special Scientific Interest (SSSI), Exe Estuary Special Protection Area (SPA), and Exe Estuary Ramsar. Further information on these sites can be found via Natural England's Designated Sites System (DSS)¹.

The Conservation of Habitats and Species Regulations 2017 and The Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended)

Despite the proximity of the application to the European Site the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been

considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment (HRA).

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on the European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your authority may decide to make.

When completing your HRA, the assessment conclusions should be made with consideration of the sites Conservation Objectives and should include within the assessment, inter alia, consideration of activities that may disturb birds and any potential pollution pathways to the designated sites.

Marine Management Organisation (MMO) licence

Natural England would advise that if any proposed works are located within the intertidal (between Mean High Water and Mean Low Water) zone we recommend the applicants contact the Marine Management Organisation to ascertain whether a marine licence is required for this development.

Please consult us at consultations@naturalengland.org.uk. once the above information is available.

Ecology

The site is located directly adjacent to the Exe Estuary Site of Special Scientific Interest (SSSI), Exe Estuary Special Protection Area (SPA), and Exe Estuary Ramsar. Natural England has commented that the application requires a Habitats Regulations Assessment (HRA). The nearest all year wildlife refuge for qualifying species of the designed sites is located c. 900 w at Dawlish Warren and Exmouth winter refuge is located approximately 730 m north of the site.

There is a potential for the development to result in a potential increase in a recreational disturbance of the qualifying features of the designed sites or direct impact of the beach, in extreme circumstances, e.g., deposition of building materials.

Given the small scale of the proposed development, it is considered the development is unlikely to result in any direct or indirect impacts on the qualifying features of the nearby designated sites to result in a Likely Significant Effect (LSE). This is in consideration of the sites conservation objectives, the nature of the works, and proposed use of the building. Therefore, it is considered that the proposal could be screened out of an appropriate assessment under the HRA process.

Other Representations

Three objections received, the planning matters raised in the objections are:

- Loss of amenity for a sheltered seating area.
- Detrimental impact on access to the beach.
- Increase in traffic delivering to the site.
- Additional sewerage capacity needed.
- Sea level surges in storm conditions.
- Not in keeping with the Heritage streetscene

PLANNING HISTORY

02/P0183 - New Sea Wall Access Steps And Ramp To Beach - Approved

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

EN14 (Control of Pollution)

E9 (Town Centre Vitality and Shopping Areas)

Strategy 3 (Sustainable Development)

Strategy 6 (Development within Built-Up Area Boundaries)

Strategy 31 (Future Job and Employment Land Provision)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 48 (Local Distinctiveness in the Built Environment)

EN5 (Wildlife Habitats and Features)

EN18 (Maintenance of Water Quality and Quantity)

EN21 (River and Coastal Flooding)

Government Planning Documents

NPPF (National Planning Policy Framework 2023)

National Planning Practice Guidance

Neighbourhood Plan

Exmouth Neighbourhood Plan

Site Location and Description

The site is located on the seafront, off the Esplanade. The existing building is an ice cream shop with a covered terrace around the full outside area. The surrounding land is largely flat, and Exmouth beach is on the outside of the built surrounds of the building. The beach forms part of the Exe Estuary Site of Special Scientific Interest (SSSI). The Exe Estuary is also a Ramsar Site and a Special Protection Area. The site of this development lies just outside the designations.

The site is located within a flood zones 2 and 3, as designated by the Environment Agency.

The site is within the built-up area of Exmouth, but has no residential properties adjoining it. There are, however, other beach/tourism related buildings located reasonably close to the site, on the landward side of the road.

Proposed Development

This application seeks full planning permission for the change of use from shop (Class E, a) to Cafe (Class E, b), two side extensions and internal alterations to allow provision of catering preparation space and a covered external seating area on the terrace on the western side of the building. Some fenestration changes to the existing building area are included.

Assessment

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

- Principle;
- Impact on surroundings;
- Flood Risk;
- Highway safety and parking;
- Ecology; and
- Representations received.

Principle

The site lies in the built-up area boundary of Exmouth close to a range of essential services and infrastructure as well as being served by good transport links including, rail, bus, bicycle and on foot. The change of use of the premises from a shop to a café would not require planning permission as it would remain within use class E, however the two small extensions on either side elevation require permission.

Impact on surroundings

The building form is octagonal. There would be a small store proposed on the east roadside angle of the café, and a toilet extension on the west roadside angle. It is proposed to construct an enclosed store beneath the canopy.

When viewed from the north (looking towards the sea) the walls around the terrace would fit within the octagonal shape. There would be vertical timber cladding on the external walls of the building.

The foremost change in view of the building would be on approach from the west when walking along or driving along the esplanade. As proposed the restaurant would have full length glazing and a small area of timber cladding around the store extension. However, this is not considered to be detrimental to the character and appearance of the area and would assimilate well with the design of the overall building.

Accordingly, the lightweight structure would allow views through the external verandah and is of a scale that would not take away from the original design of the building such that it is considered acceptable in relation to Policy D1 of the EDDC Local Plan.

The fenestration changes are considered minor in nature and would add to the design of the building such that they are considered acceptable in accordance with Policy D1 of the EDDC Local Plan.

Flood Risk

The site lies within flood zones 2 and 3 as defined by the Environment Agency's mapping system, and is therefore at high risk of flooding from the sea, and some risk of fluvial flooding, however it is considered that the layout would not increase the risk of flooding given that the proposed extensions are minor and would be located within current hardstanding area. The use would remain categorised as a less vulnerable use.

The EA and the County Council Flood Risk Department have assessed the application and provided comments that they have no objections.

Given the comments above, it is considered that the proposal could proceed without giving rise to flooding or drainage concerns, in accordance with the relevant planning policy.

Accordingly, the proposed development is considered acceptable in accordance with Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan and advice contained in the NPPF.

Impact on highway safety/parking layout

This application proposes no alteration to parking or highways. The seafront is served by a considerable amount of on street car parking and dedicated car parks such that there would be sufficient parking available to persons attracted to the site. The proposal is therefore considered to be acceptable in relation to Policy TC7 of the EDDC Local Plan.

Ecology

The proposal relates to a minor development located within close proximity to the Exe Estuary Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Wetland of International Importance under the RAMSAR Convention (Ramsar Site).

Natural England has drawn attention to the CWS adjoining part of the site, and highlighted the potential for any changes to drainage to be detrimental to that designation. Such matters can be considered during the design of any SUDS/drainage alterations needed, and these matters can be conditioned. However, it is also noteworthy that the nature of the site and the proposed development is such that only limited drainage works would be required.

The proposed development is unlikely to increase the recreational pressures on the Exe Estuary as it is a small café that would serve people already in the area, furthermore there is already a free flowing access to the beach adjacent to the application site.

In having regard for the likely impacts of the proposal on these environmentally sensitive, the proposed development is unlikely to have any significant effects

Representations

The main issue raised within the representation is the competition with surrounding venues. Competition between establishments is not a planning matter for consideration with this application. Policy E12 – Neighbourhood Centres and shops is satisfied given that the proposed unit is a small food retail unit at present and would not be detrimental to the amenity of neighbouring residents, can be served by a variety of means of transport and is not considered to impact upon the viability or vitality of the nearby centre of Exmouth.

Traffic issues have been raised with regards to deliveries to the site at present. The parking of vehicles in an unsuitable way is regulated by other bodies, and the change of use of this unit to a café would not have any impact upon this.

Sewerage is currently created at the site with a staff toilet and the addition of a further single toilet would not add significantly to the output from this unit.

The FRA submitted with the application confirms that there would be no additional impact from the alterations, and the site is susceptible to storm events at present, with an inherent risk of damage to the fabric of the building. The change of use would not exacerbate this.

Access to the beach will remain at it is at present.

Conclusion.

The proposed change of use and extensions are considered acceptable, not diluting the design or impacting negatively on the character and appearance of the surroundings and providing facilities for a more effective use of the building.

In considering the above, it is clear to Officers that the benefits proposed significantly outweigh any harm created by the proposal.

In light of this, the lack of wider amenity impacts, lack of highway safety concerns, lack of harmful visual impacts, and lack of other harm, it is considered that the proposal complies with policy, and it is recommended that this application is approved.

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. Full details of extract ventilation equipment designed to deal with cooking odours, including details of the manufacturer's recommendations for cleaning and maintenance, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Prior to the opening of the take-away section of the premises to customers for the sale of hot food, the equipment shall be fully installed and tested, and shall thereafter be cleaned and maintained all in accordance with the approved treatment scheme, and used at all times when cooking is taking place.
(Reason - To avoid odours detrimental to the living conditions of occupiers of other premises in the locality in accordance with Policy EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

4. A Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and must be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.
(Reason: A pre-commencement condition is required to ensure that the details are agreed before the start of works to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

8782-04 REV A	Proposed Elevation	13.02.24
8791-03 REV A	Proposed Combined Plans	13.02.24
8791-LP	Location Plan	13.02.24

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.

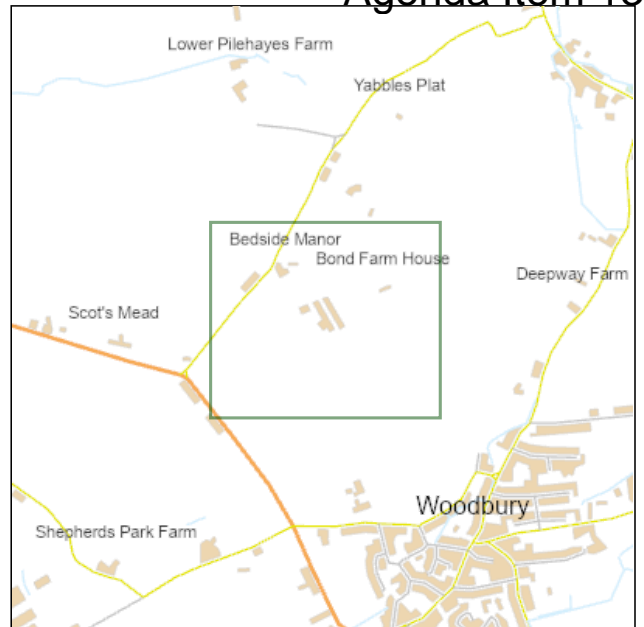
Ward Woodbury And Lymptone

Reference 22/2719/FUL

Applicant Misters M and C Tanton

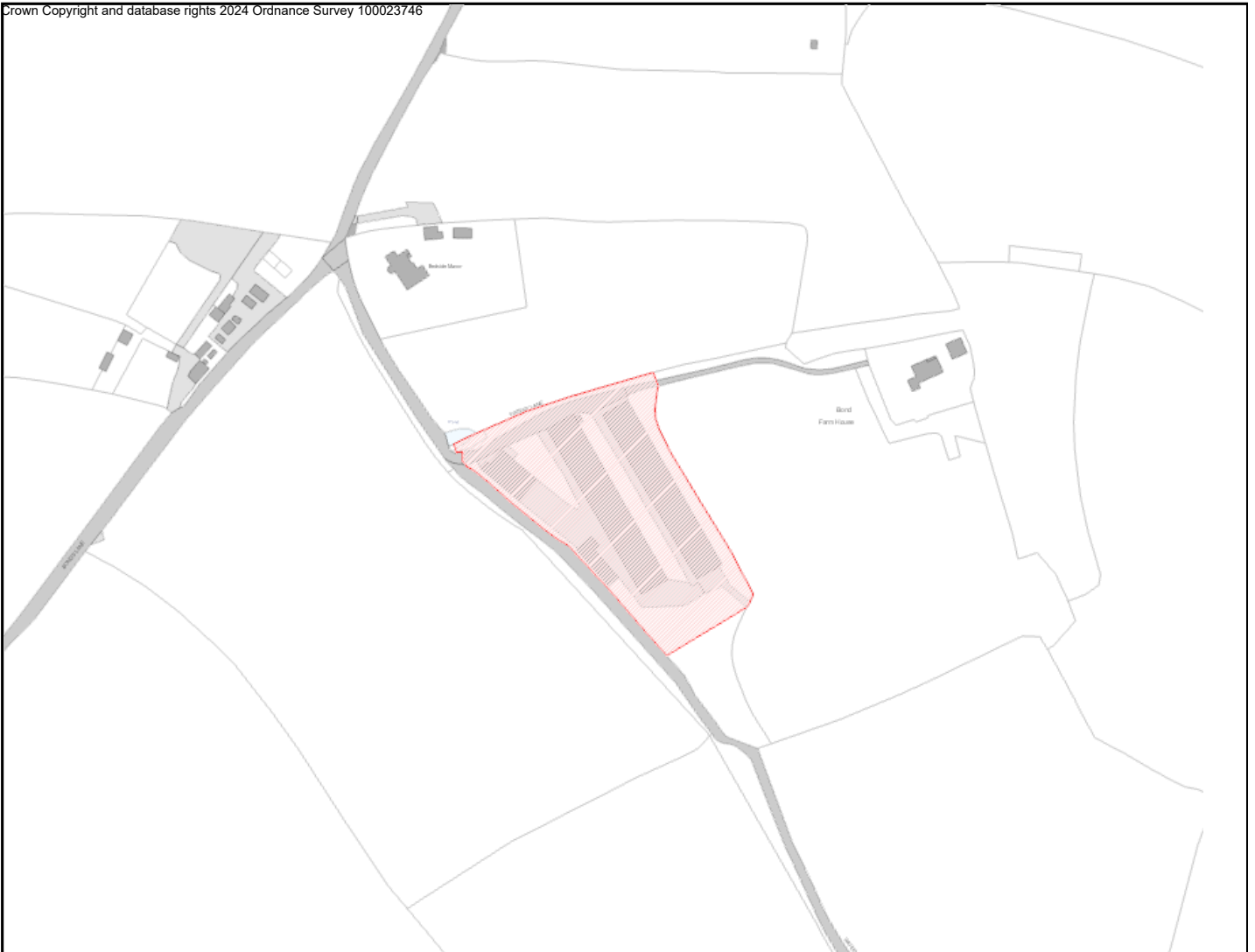
Location Stables And Premises Bond Lane Farm Bonds Lane Woodbury Salterton

Proposal Change of use from poultry farm to industrial (Use Class E(g)) and storage (B8).



RECOMMENDATION: Approval with conditions

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		Committee Date: 21.05.2024
Woodbury And Lympstone (Woodbury)	22/2719/FUL	Target Date: 17.02.2023
Applicant:	Misters M and C Tanton	
Location:	Stables And Premises Bond Lane Farm	
Proposal:	Change of use from poultry farm to industrial (Use Class E(g)) and storage (B8).	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the Officer recommendation is contrary to the views of a Ward Member and the Parish Council.

The site concerns a former chicken farm and stables within a rural setting in the countryside. It lies over 1km as the crow flies to the north west of the closest part of Woodbury. It is further by road and also on foot via the PRow (Watery Lane, Woodbury Footpath 5), as the PRow runs from the nearest point in Woodbury, past the site and pedestrians have to then walk up the drive. The access track rises gently from north to south, curving eastwards into the site, where the land rises gently from west to east.

The proposal seeks a change of use from poultry farm to industrial (Use Class E(g)) and storage (B8).

**Building 1 Poultry Building to storage pods
 Building 2 Retained and unused
 Building 3 Stable Block to Storage and workshop for local builder
 Area 4 Exterior area used for storage of plant and scaffolding
 Building 5 Storage Barn used for various storage areas within**

The key policies surrounding the principle of the use are Strategy 7 Development in the Countryside and D8 Re-use of Rural Buildings Outside of Settlements. The key transport policies are TC2 Accessibility of New Development, and TC7 Adequacy of Road Network and Site Access, considered in detail below. Other policies are also relevant to considerations including D1 and EN14.

The proposal represents the economic re-use of former buildings that are no longer required for the poultry business that occupied the site, the B8 use and

E(g) use would assimilate well into the surrounding without having a severe impact on the local highway network through the change in character of traffic attracted to the site.

Restrictive conditions would control the long term use and on site lighting and ventilation/noise mitigation inside the proposed work units.

Accordingly, in the absence of any detrimental impacts and compliance with local and national planning policy the proposal is recommended for approval subject to conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council

Woodbury Parish Council does not support this application as there is still insufficient information on which to base a judgment. It appears that the only new information is the Transport Assessment, which, although lengthy, seems to add little clarity to the application. Also, the site could potentially be bordered on two sides by a proposed multi use footpath/cycle way which needs a far more detailed traffic assessment for that specific site.

The TRICS output information also appears to reference an address in the West Midlands.

Woodbury And Lympstone - Cllr Geoff Jung 22/2719/FUL

I have viewed the further information documentation for 22/2719/FUL for the change of use from poultry farm to industrial (Use Class E(g)) and storage (B8) at the Stables and premises Bond Lane Farm Bonds Lane Woodbury Salterton. The information provided was a Highway Statement. Seeing the location is along a narrow Devon Lane, and the permission requires the change of use from agriculture to industrial and storage, but the tenants are as yet unknown, and therefore I cannot see how a comprehensive highway prediction can be estimated. Therefore, I cannot support this application due to the rural location which is unsuitable for industrial and storage use.

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

Technical Consultations

County Highway Authority

The CHA gratefully receives the Transport Assessment, and acknowledges there is no recorded collision data within the vicinity of this site, within our current rolling reference period, January 2018 - December 2022. The CHA has also reviewed the Transport Assessment trip generation data and accepts that there will be no HGV trip

generation intensification over that of the existing benchmark position of the existing permitted poultry farm.

Environmental Health

No objections subject to conditions

Other Representations

Three representations have been received as a result of this application raising the following issues:

- Lack of detail;
- Increase in traffic;
- Noise on residents and wildlife;
- Impact on wildlife that has only recently returned to the site;
- Roads are not suited to these uses.

PLANNING HISTORY

Reference	Description	Decision	Date
20/2424/PDQ	Prior approval for proposed change of use of existing poultry building to 3 no. larger dwellinghouses and 2 no. smaller dwellinghouses (use class C3) and associated operational development under Class Q(a) and (b)	PDQB Prior Approval refused Appeal dismissed	14.01.2021
00/P0827	Removal Of Factory Farm Buildings & Erection Of Dwellings & Alterations To Access	Refusal Appeal dismissed	27.06.2000
10/0494/COU	Change of use of redundant agricultural building to private horse stabling	Approval with conditions	09.04.2010

POLICIES

Adopted East Devon Local Plan 2013-2031

Strategy 3 – (Sustainable Development)
 Strategy 5 – (Environment)
 Strategy 5B – (Sustainable Transport)
 Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONB's)
Strategy 47 – (Nature Conservation and Geology)
D1 (Design and Local Distinctiveness)
D7 (Agricultural Buildings and Development)
D8 (Re-use of Rural Buildings Outside of Settlements)
D3 (Trees and Development Sites)
E5 – (Small Scale Economic Development in Rural Areas)
EN5 (Wildlife Habitats and Features)
EN14 (Control of Pollution)
TC2 (Accessibility of New Development)
TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

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

ANALYSIS

Site and Surroundings

The site is a former chicken farm and stables within a rural setting in the countryside. It lies over 1km as the crow flies to the north west of the closest part of Woodbury. It is further by road and also on foot via the PRow (Watery Lane, Woodbury Footpath 5), as the PRow runs from the nearest point in Woodbury, past the site and pedestrians have to then walk up the drive. The access track rises gently from north to south, curving eastwards into the site, where the land rises gently from west to east.

The location is c. 4km north of the northern outskirts of Exmouth and c. 6 km south east of the south eastern edge of Exeter/ c. 10km from the centre.

The site is served off an unclassified rural lane and via a private drive, which abuts the private access to the nearest residential neighbour 'Bedside Manor'. The PRow, which runs along the western boundary of the site and site access lane, also exits onto the lane, such that the PRow, site access and residential access all converge in close proximity at the junction with the public highway.

The area is rural in character, with sporadic built development. On the site, the two main poultry buildings are large, long, low structures, appearing towards the end of their useful life. They and the other buildings appear in generally poor condition.

Proposal

The proposal seeks a change of use from poultry farm to industrial (Use Class E(g)) and storage (B8).

The proposed site plan shows:

Even though the description of development is for the change of use from poultry farm to industrial (Use Class E(g)) and storage (B8) with no specified end user, a plan accompanying the application includes reference to:

Building 1 Poultry Building to storage pods
Building 2 Retained and unused
Building 3 Stable Block to Storage and workshop for local builder
Area 4 Exterior area used for storage of plant and scaffolding
Building 5 Storage Barn used for various storage areas within

The application has been amended during its determination as originally submitted it was proposed to demolish building 2 and replace it with open storage of boats and caravans, the visual impact of this was considered to be unjustified in policy terms and its impacts would be unacceptable visually; this building would now be retained.

Analysis

The main issues are considered to be the principle of development having regard to sustainable development and local plan policies and national guidance surrounding protection of the countryside, character considerations, highways matters, the rural economy and amenity considerations.

Principle of Development

The proposal is evaluated against local plan policies and national guidance.

The National Planning Policy Framework (PPF) advises that in achieving sustainable development the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): an economic objective - to help build a strong, and competitive economy, by ensuring sufficient land is available in the right places at the right time to support growth; a social objective - to support strong, vibrant and healthy communities, by fostering well-designed, beautiful and safe places, with accessible services that reflect current and future needs and support communities' health, social and cultural well-being; and an environmental objective - to protect and enhance the natural and built environment, including making effective use of land, improving biodiversity and minimising pollution.

The key policies surrounding the principle of the use are Strategy 7 Development in the Countryside and D8 Re-use of Rural Buildings Outside of Settlements. The key transport policies are TC2 Accessibility of New Development, and TC7 Adequacy of Road Network and Site Access, considered in detail below. Other policies are also relevant to considerations including D1.

Under strategy 7 the site is within the countryside (defined as all those parts of the plan area that are outside the Built-up Area Boundaries/ site specific allocations on the Proposals Map), where development will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development - and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located including:

1. Land form and patterns of settlement.

2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.
3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.

In this instance, the relevant local plan policy is D8 - Re-use of Rural Buildings Outside of Settlements. Under policy D8, the re-use or conversion of buildings in the countryside outside of Built-up Area Boundaries will be permitted where a number of criteria are met:

1. *The new use is sympathetic to, and will enhance the rural setting and character of the building and surrounding area and is in a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality.*

Comment

The location of the proposed development, remote from safe and convenient access by means other than the car, is not a sustainable location for new build commercial development, however, the redundant buildings offer an opportunity to be re-purposed in relatively close proximity to an existing settlement. The nature of the storage use means that a high proportion of the visits would not be applicable by means other than the private motor vehicle and the frequency of visits is predicted to be low. The existing poultry units are of a design that is unsuited to intensive commercial use other than for sectional storage purposes of items such as motor vehicles, domestic storage and commercial storage, there are no windows in the building with only one large existing opening at the eastern end of the building for access purposes.

The proposed business use under use class E(g) would be for a local carpentry business that does not use power tools such that the use would be acceptable in a residential area or tranquil countryside, the use of the building for this purpose would accord with Policy D8 being sympathetic and taking into account former traffic movements on site the intensity of uses would be comparable.

Policy D1 design and local distinctiveness requires proposals respect the key characteristics and special qualities of the area in which they are located, and do not adversely affect the amenity of occupiers of adjoining residential properties. Due regard should also be had to measures to create a safe environment, use appropriate lighting and mitigate potential adverse impacts, such as noise, both during and after construction. No external works are proposed to the poultry building or other storage buildings to enable them to perform their storage use such that other than traffic movements there would be no impact upon the rural surroundings.

The use of landscaping to integrate the development into its surroundings and more appropriate management of the existing landscaping would lead to an enhancement to the current disused nature of the site.

- 2. The building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting;*

Comment

No physical works are proposed to any of the buildings on site, they have been redundant since the poultry business ceased use of the site, they are in an obvious state of being underused but are not structurally unsound either internally or externally.

- 3. The form, bulk and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials;*

Comment

The existing poultry buildings are relatively low in the landscape and not readily visible outside of the confines of the application site, similarly the other buildings are of an agricultural appearance that assimilate well into the rural surroundings, no changes are proposed to these buildings.

- 4. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures;*

Comment

The application is accompanied by a transport statement which seeks to explain the existing/former poultry business' traffic movements and those of the proposal, please see the highways impact section for more detail on this matter.

- 5. The proposal will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function.*

Comment

The site does not form part of an agricultural enterprise, the former poultry business, which was successful until legislation and the economic climate changed, has ceased and the buildings are largely redundant.

There is also support for rural employment in Policy E5 small scale economic development in rural areas and in national guidance, and the development would contribute towards the rural economy and re-use existing buildings, however, these cannot be considered to be on brownfield land or previously developed land as they were in use for agricultural purposes. However, this support is predicated upon the suitability of the local highway network, no detrimental impact upon any nearby residential properties and no harm to environmental interests.#

Accordingly, in principle, the proposal is considered acceptable in relation to Strategy 7 and Policy D8 of the EDDC Local Plan together with advice contained in the NPPF which seeks to encourage the re-use of buildings in rural areas for economic re-use.

Landscape Character

The site lies within landscape character area 3B lower rolling farmed and settled valley slopes. Key characteristics of this landscape include gently rolling lower valley slopes, pastoral farmland with a wooded appearance, variable field patterns and sizes, many hedgerow trees, winding often narrow sunken lanes with very tall earth banks, some parts tranquil and intimate all year round, enclosed and sheltered landscape and wider views often restricted by vegetation.

Policies D1 and EN14 seek to protect against the impacts of noise and light pollution.

The application as originally submitted with the demolition of building 2 to provide a large area of open storage, would give rise to concerns regarding noise and disturbance and visual impact on countryside character and the wider tranquillity of the rural area. With commercial use, including open storage, lighting for security gives rise to potential impacts on rural night time character and dark skies. These concerns are now considered to have been reduced such that it is considered necessary only to seek details of any external lighting by way of a suitably worded planning condition.

The PRoW passes the site and any noisy commercial activity or extensive open storage could impact on the enjoyment of users of this countryside amenity. The proposed use for E(g) which would be a former B1 use that could be carried out in a residential area would not allow for business that undertake noisy industrial processes.

The proposal is considered to respect the key characteristics and special qualities of the area in which the development is proposed and policy D8 for any new use to be sympathetic to, and enhance the rural setting and character of the surrounding area. The proposal is supported on rural character impact grounds.

Highways impact considerations

The key transport policies are TC2 - Accessibility of New Development, and TC7 - Adequacy of Road Network and Site Access. Other policies and guidance are also relevant to considerations.

An objection from County Highways advised that while they considered access and visibility to be satisfactory and the storage would typically not produce a large trip generation, the class E aspect could potentially produce a high trip generation in a rural environment, with the potential for HGV's. Consequently the application has been supplemented by a Transport Assessment (TA).

On review of the submitted TA Devon County Highways no longer raise objections on the basis the TA acknowledges there is no recorded collision data within the vicinity of this site from January 2018 to December 2022 and having reviewed the TA trip generation data, accept that there will be no HGV trip generation intensification over that of the existing benchmark position of the existing permitted poultry farm.

The TA report assesses only the Use Class E(g) GFA of 325sqm, disregarding the traffic generated by the Use Class B8 storage comprising 1,800sqm. The reason given

for disregarding the B8 trip generation is that the highway officer confirmed that "the storage element of the application would not typically incur a great trip generation intensification, as storage sites tend not to produce a large trip generation."

The TA advises at paragraph 4.4 "On this basis the proposed storage element (Use Class B8) has been accepted and has been excluded from this trip attraction exercise". The TA disregards the storage trip generation, which the LPA considers to be a flaw of the report, and does not present a full representation of potential impacts.

The TA reviews the traffic likely to have been generated by the previous poultry farm, which reared around 40,000 chickens to an age of 49 days. It advises there was then a 10-day period when the site was cleaned in readiness for the next crop. The production cycle would continue so that each year the farm would produce $(365/59) = 6.18$ crops per year. It estimates:

Each crop would typically attract the following vehicle movements:

- i. 1 or 2 deliveries of day-old chicks in a small HGV;
- ii. 8 deliveries of feed in either 32 tonne rigid HGV's or 44 tonne artic HGV's;
- iii. Removal of mature Chickens in 8 loads of 44 tonne artic HGV's;
- iv. 2No., deliveries of heating gas in rigid HGV's;
- v. Delivery of 1 load of bedding in a 44 tonne HGV and a forklift lorry;
- vi. 1No., removal of deadstock in rigid HGV;
- vii. Washing equipment delivered and collected once each crop on a small HGV; and
- viii. Spent litter removal at the end of the flock in 8 to 10 large tractor and trailer combination.

There would also have been a range of service providers visiting the farm on a regular basis to service equipment etc. There were 2 staff visiting the farm once per day together with 1 member of staff performing an evening inspection of the stock.

Extrapolating this data on an annual basis would be as follows:

- i. 25 HGV vehicle movements x 6.18 crops = 154 HGV vehicle movements; and
- ii. 10 large tractor and trailer movements x 6.18 crops = 62 vehicle movements.

The stable operation would involve the following:

- i. Once per month removal of manure using a tractor and trailer; and
- ii. 6No., tenant visits twice per day in cars or pickups.

In summary, the TA estimates the previous trip generation to be 44 vehicles daily and 1 HGV. This doesn't seem to correspond with the extrapolated data.

The TA estimates the proposed Class E use would generate one two-way vehicular movement during the AM peak hour and none during the PM peak hour and attract zero trips by HGV.

The LPA consider the TA over-estimates the poultry farm and stables traffic generation and under-estimates the future traffic generation.

Whilst Policy TC2 requires new development to be located so as to be accessible by pedestrians, cyclists and public transport and minimise the need to travel by car, the

nature of the B8 use means that access other than by private motor vehicle would be difficult to uphold, the site could be accessed by bicycle for the E(g) use, however, this may not be an acceptable form of transport for most users given the country lanes and that the only nearby settlements would be Woodbury and Woodbury Salterton.

Development to which the public have access, must provide adequate provision for persons with reduced mobility.

Policy TC7 advises planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

While County Highways no longer raise concerns and the TA considers the access to be suitable, observations from the site visit shows the access lane is narrow with no passing places and curves at the top, such that vehicles entering are not visible by those exiting towards the southern end of the track and vice versa. The removal of the open caravan and boat storage involving large vehicle and trailer movements, including at unpredictable hours has to a certain extent removed the majority of access concerns. At the junction, it may be possible for two cars to pass, but it is not sufficiently wide that that two large vehicles/ HGVs (of which there is likely to be only a very limited number attracted to the site) could pass. There is limited capacity to widen the junction or provide passing places within the red line site boundary, particularly without removing hedges which would be unacceptable on character and ecology grounds.

In summary, whilst the traffic movements have been overestimated for the former use but underestimated for the proposed use, the level of traffic would still remain similar to that of the former use and the nature of traffic from HGVs to light commercial vehicles or domestic vehicles is such that no objections can be raised from a traffic point of view, furthermore Devon County Highways Engineer who is a professional in this field raises no objections to the proposed development.

The proposal is considered to be acceptable in relation to Policies D8, TC2 and TC7 and advice contained in the NPPF which sets a high bar on the impact of traffic needing to be 'severe' to warrant refusal on highway grounds, that is not that case with this application.

Rural Economy

The agricultural use has ceased, and therefore the employment lost. Commercial use of the site would create employment, which would assist the rural economy. Policy E5 supports small scale economic development in rural areas and there is similar support in national guidance. Employment creation would contribute towards the rural economy.

This weighs in favour in the balance of considerations. However, this support is predicated upon the suitability of the local highway network, no detrimental impact upon any nearby residential properties and no harm to the environmental interests.

Amenity Issues

Local Plan policy, including Policy D1, seeks to protect the living conditions of the occupiers of residential properties from the impacts of development, the access lane abuts the entrance to residential property 'Bedside Manor'. The potential increase in traffic gives rise to considerations of the impacts of increased noise and disturbance from traffic on the amenities of neighbouring occupiers and the wider tranquillity of the rural area. Such impacts cannot reasonably be mitigated.

Noise from the commercial use within buildings could be mitigated through insulation, secured by conditions, together with reasonable hours of use and internal/external lighting.

Given that it has been concluded that the level of traffic attracted to the site would be similar to that of the former use and changed in character to less heavy goods vehicles to a more domestic scale of vehicles using the access, it is considered that there would not be a detrimental impact on the living conditions of the occupiers of 'Bedside Manor'.

The proposal is therefore considered to be acceptable in relation to Policies D1 and EN14 of the EDDC Local Plan.

Conclusion

The proposal represents the economic re-use of former buildings that are no longer required for the poultry business that occupied the site, the B8 use and E(g) use would assimilate well into the surrounding without having a severe impact on the local highway network through the change in character of traffic attracted to the site.

Restrictive conditions would control the long term use and on site lighting and ventilation/noise mitigation inside the proposed work units.

Accordingly, in the absence of any detrimental impacts and compliance with local and national planning policy the proposal 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. Buildings 1 and 4 as identified on Drawing Number 3731/02A shall be used for B8 Storage and Distribution and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
(Reason - To protect adjoining occupiers from noise, disturbance in accordance with the requirements of Policy EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)
4. Buildings 3 and 5 as identified on Drawing Number 3731/02A shall be used for E(g iii) Light Industry and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
(Reason - To protect adjoining occupiers from noise, disturbance in accordance with the requirements of Policy EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)
5. Prior to occupation of Buildings 3 and 5 hereby approved details of noise insulation measures sufficient to provide effective resistance to the transmission of airborne and impact sound between the uses hereby permitted and neighbouring properties shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be completed before the uses of the building the mitigation measures effect begins.
Reason: To protect the amenity of local residents from noise in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan.
6. Prior to occupation of Buildings 3 and 5 hereby approved a suitable and sufficient means of extract ventilation and/or air conditioning shall be provided within the buildings. All windows and door are to remain shut when the building is in operation. The specific noise level of any fixed plant or equipment installed and operated on the site must be designed as part of a sound mitigation scheme to operate at a level of 5dB below daytime (07:00 - 23:00 expressed as LA90 (1hr)) and night-time (23:00 - 07:00 expressed as LA90 (15min)) background sound levels when measured or predicted at the boundary of any noise sensitive property. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.
Reason: To protect the amenity of local residents from noise in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan.
7. 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 tranquillity of the open countryside and residential amenity of nearby residents in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan.

8. Prior to the instillation of any lighting on site, a lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable. The development shall thereafter be carried out on accordance with the agreed details

Reason: For the avoidance of light pollution in the open countryside to comply with Policy EN14 (Control of Pollution) of the East Devon Local Plan.

9. Deliveries of goods to or from the application site, including to and from each storage unit, shall only take place between the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no access on Sundays or Bank Holidays.

Reason: To protect the tranquillity of the open countryside and residential amenity of nearby residents in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan

10. The hours of use of the light industrial units shall be limited to between the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no use permitted on Sundays or Bank Holidays

Reason: To protect the tranquillity of the open countryside and residential amenity of nearby residents in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan

11. Building number 1 shall be used for compartmentalised storage pods only and not as a single use storage, prior to building 1 being converted floorplans of the proposed internal arrangement of the building shall be submitted to and approved in writing by the Local Planning Authority. The building thereafter shall only be laid out as approved unless varied by a further grant of planning permission.

Reason: The transport statement assesses the use of the building for storage pods only by smaller vehicles and not HGVs, use as single storage has the potential to change the character of traffic which may have a severe impact on highway safety in accordance with Policy TC7 (Adequacy or Road Network and Site Access) of the East Devon Local Plan.

NOTE FOR APPLICANT

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

Plans relating to this application:

3731/02 A	Proposed Site Plan	25.01.24
	Location Plan	30.12.22

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

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

Equality Act:

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

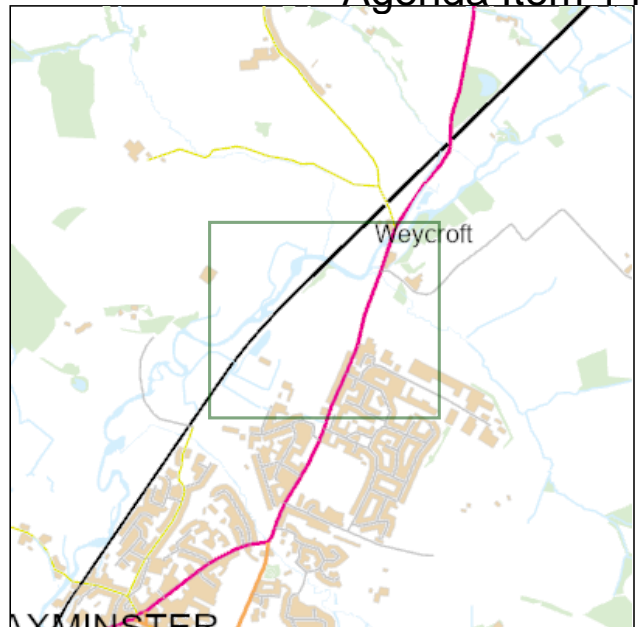
Ward Axminster

Reference 23/0685/MOUT

Applicant Hortons Estate Developments Ltd

Location Land Adjacent Cloakham Lawn And Chard Road Chard Road Axminster

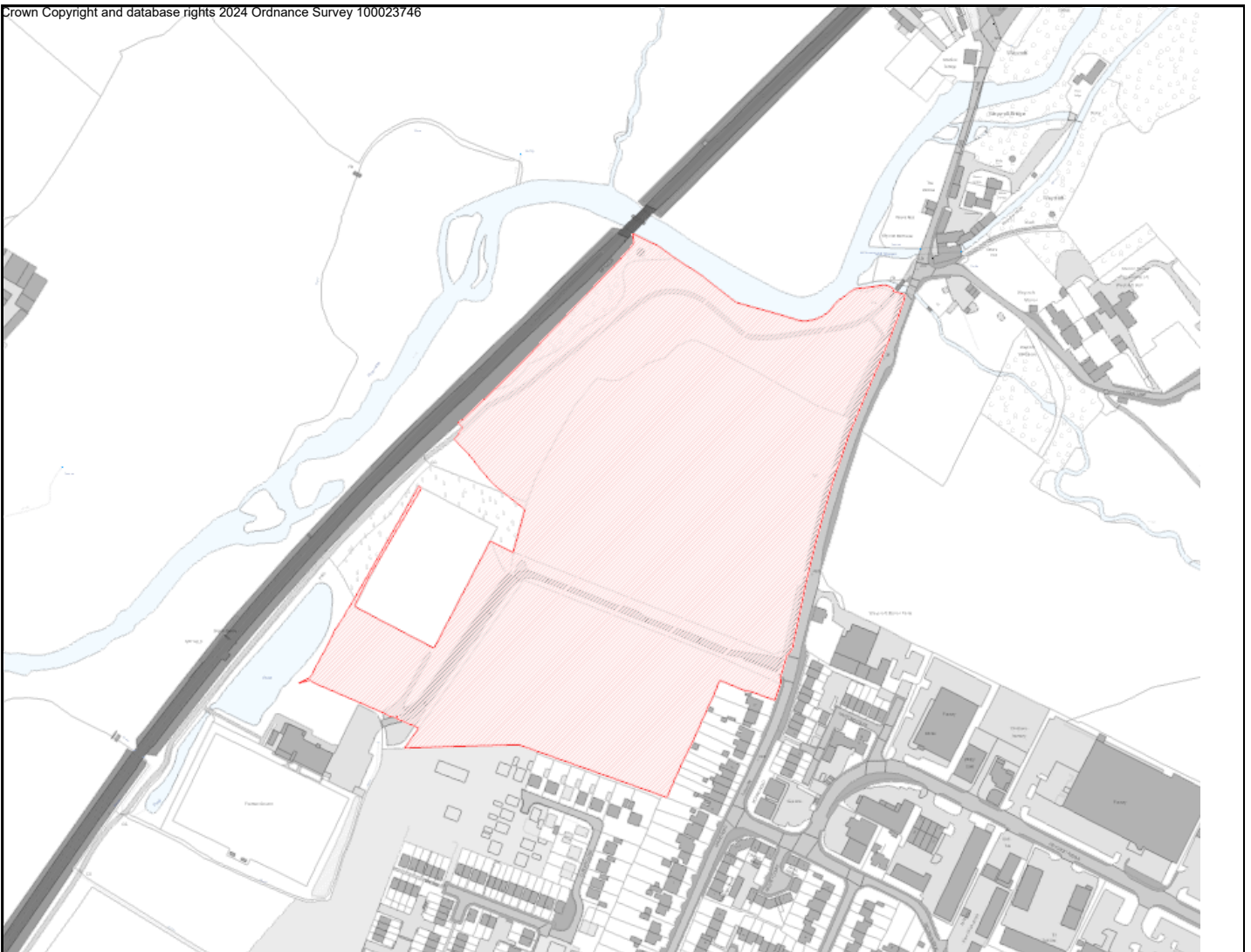
Proposal Hybrid application: Outline application for the erection of up to 140 dwellings, 0.8 hectares of Class-E employment land, public open space, drainage and ancillary works (all matters reserved except access). Full application for works to football training pitch including drainage improvement work, 4x 15m tall floodlighting columns and erection of 6m high ballstop netting on west side of football pitch and training ground.



RECOMMENDATION:

- 1. Adopt the appropriate assessment**
- 2. Secure financial contributions and other matters through a Section 106 legal agreement.**
- 3. Approve with conditions**

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		Committee Date: 21.05.2024
Axminster (Axminster)	23/0685/MOUT	Target Date:
Applicant:	Hortons Estate Developments Ltd	
Location:	Land Adjacent Cloakham Lawn and Chard Road, Chard Road, Axminster.	
Proposal:	Hybrid application: Outline application for the erection of up to 140 dwellings, 0.8 hectares of Class-E employment land, public open space, drainage and ancillary works (all matters reserved except access). Full application for works to football training pitch including drainage improvement work, 4x 15m tall floodlighting columns and erection of 6m high ballstop netting on west side of football pitch and training ground	

- RECOMMENDATION:**
- 1. Adopt the appropriate assessment**
 - 2. Secure financial contributions and other matters through a Section 106 legal agreement.**
 - 3. Approve with conditions**

EXECUTIVE SUMMARY

This application is being considered by the Planning Committee because it is a major application and the officer's recommendation of approval differs from the Ward Member and Town Council who object.

The proposal is not in accordance with the Local Plan, specifically Strategy 7 which limits development outside of Built Up Area Boundaries. It does not form part of the Strategy 20 allocation for Axminster which proposes significant housing and employment development adjacent to the town. As planning applications must be determined in accordance with the development plan this would suggest that planning permission ought to be refused, unless material considerations indicate otherwise.

The development can be delivered without detriment to the safety of the local highway network. The proposal would provide an access with better visibility than exists presently when using the football club vehicular access. Therefore, the reserved matter of access, for which approval is sought now, is considered to be acceptable.

The site does not lie within a designated landscape but the Blackdown Hills National Landscape lies a short distance away to the west on the other side of the River Axe. Great weight should be afforded to the protection of these landscapes. It is not expected that the proposed development would have a significant adverse effect on the NL. The character and appearance of the site itself naturally would be changed significantly from being an undeveloped field to urban built form. However, this would be seen in the context of butting up against the existing town edge and in some respects constrained by the railway line, the river and Chard Road. The landscape and visual effects are considered to be acceptable, noting that details of the design scale layout and landscaping have yet to be approved.

The site lies in close proximity to the River Axe, which is designated as an SAC and SSSI. The proposal includes mitigation measures to ensure that no additional phosphate loading off the river will occur thereby ensuring the integrity of the SAC.

The site has some site specific ecological interests concentrated around the river corridor. The council's ecologist is satisfied that the development could proceed without undue detriment to the different habitats and species of the site, provided the suggested conditions are applied and the mitigation is put in place.

The drainage strategy appears to be sound but further details will be required to be approved at the reserved matters stage once the design and layout of the development is clearer.

The development proposes to provide Class E type of commercial development which is generally the type of development that is compatible in residential areas. The application does not appear to be supported by robust evidence in relation to the need for this particular type of land use and it is noted that the economic development officer suggests there is evidence of a need for general industrial and storage and distribution commercial development instead. Strategy 20 of the local plan proposed 8 hectares of land for mixed job generating commercial and employment uses. This seems unlikely to be delivered under the current local plan and the provision of the proposed commercial use would go some way to offsetting the lack of provision. This weighs in favour of the proposal being granted permission as a failure to deliver the employment land as part of strategy 20 is a significant issue for the spatial strategy of the local plan and risks Axminster missing out on these opportunities.

It is considered necessary to apply planning conditions limiting the amount of retail floor space that may come forward, so that any proposals for over 500 square metres of retail floor space either in a single block or cumulatively, must be tested through a retail impact assessment to ensure the vitality and viability of the town centre is maintained.

Strategy 20 has also not delivered what was proposed to be a significant amount of housing in the local plan (650 houses, later updated to 850 in the master planning exercise). This also is a very significant issue undermining the spatial strategy of the local plan and potentially leaving many people in Axminster with

nowhere to live and undermining sustainability of the settlement. It is therefore considered that significant weight should be afforded to the proposed housing.

In accordance with adopted policy as a site that is outside of the BUAB it requires any housing provided to deliver 50% affordable housing, which is what is proposed here. Whilst providing policy compliant level of affordable housing is not an exceptional benefit, in a situation where none of the strategy 20 allocation is likely to be delivered, this is also considered to be a significant benefit in favour of granting permission.

The proposed improvements to the football club will be delivered by the developer. This will be of benefit to those who use the facility but it is not required as part of the wider development under any policy and therefore cannot be secured in any legal agreement with the council and so no weight should be attached to this consideration.

The site lies near to a number of heritage assets including listed buildings and non-designated heritage assets. Any harm identified by the conservation officer is considered to be at worst less than substantial and concerns their setting rather than any direct effect to those buildings. In this respect it is necessary to consider the public benefits of granting permission over any harm. The benefits identified above are considered to outweigh any such harm.

It is noted that the Council is able to demonstrate the necessary 4 year housing land supply required through recent changes to the NPPF such that the tilted balance need no longer be applied to the assessment of housing development. Nevertheless, this planning application has addressed the main technical considerations identified by the draft consultation local plan and the responses it received. It therefore is considered to be a good site for development and that there are significant material considerations which indicate that permission be granted as a departure from the adopted local plan. It is recommended therefore that the Shadow Appropriate Assessment be adopted, that full planning permission is granted for the football club proposals and outline permission (with access approved) is granted subject to the completion of a S106 agreement and the conditions set out below.

CONSULTATIONS

Local Consultations

Axminster - Cllr Paul Hayward

19/5/23

May I firstly declare an 'affects NRI' in this matter as I live on the estate immediately to the south of the proposed site and regularly walk through the land for recreational reasons.

Whilst I would wish to thank the applicants for the comprehensive and clear format of their application documents, I regret that I cannot support this application for a number of reasons as follows:

1) The current moratorium on development in the Axe Valley Catchment due to Natural England warnings on nitrate and phosphate loading in the River Axe appears contrary to what is proposed here, on a site barely metres from the river in question. That alone would lead me to support refusal.

2) The application skirts over the issue of environmental impact to habitat and species nearby and I would need to see a far more robust and demonstrative approach to these issues before giving any amended plans more consideration.

3) The issues of traffic congestions, delays and volumes on this stretch of the A358 just south of the single lane Weycroft Bridge (already suffering from structural integrity problems with existing loadings) are well known to anyone living in the town and using this North-South access point. Any traffic congestion as a result of 140 new dwellings with the ingress/egress point proposed (and perhaps 200 new private vehicle movements and associated delivery vehicles, service vehicles etc) would have an immediate detrimental effect of the quality of life for all living in this area, particularly at Weycroft itself.

4) Drainage and flooding (downhill) from this elevated position are serious concerns to all living south of the Mill Brook in those lower developments. I note that officers have asked for further clarity and evidence in this regard from the applicant and, as such, I'd wish to see those responses/amended plans before making further comment in that respect.

5) Whilst accepting that this application is just outline, I share the Town Councillors concerns about infrastructure delivery in the Axminster area and would wish to see some stronger assurances from the development applicant about what would be delivered in what order, so that existing residents could be confident that any future development on this site (if ultimately approved) was not disadvantageous to them and the new occupants of the dwellings.

6) I am happy to see that the proposals include improvements to the Axminster FC site which provides amenity, recreation and enjoyment to many in the town, including sporting facilities to hundreds of our younger citizens. This is to be welcomed and supported generally. I do have reservations however about the proposed new access into the site, and they're on, into the Football Club grounds to the south. Currently, the visiting supporters access the club via a straight road off Chard Road. The new proposals would remove this access and require visitors (including coaches perhaps) to wind their way through the housing estate road layout to reach their destination.

This seems counter-intuitive and could lead to even more congestion on the proposed site once residents start using the access roads for additional parking (as they inevitably will due to car ownership and the constraints of smaller roads within such build-outs)

Axminster - Cllr Paul Hayward
18/10/23

I thank the applicant for the additional planning information submitted. Regrettably, I still have grave concerns about the effects of this development on the River Axe and the wider Axe Catchment and would wish to see more information provided to support their argument that off-site package treatment (non-mains sewerage) plants would effectively deal with the effluent and nitrate loadings from this development. On that basis, I would maintain my opposition to these proposals as submitted.

Parish/Town Council
16/5/23

The Town Council considered this application at the FULL Council meeting held on 15th May 2023 (agenda item FC23/082AM refers).

After receiving representations from members of the Axminster community, and taking on board written comment submission from community stakeholders and organisations, the Town Council resolved the following:

That this Council does NOT support the Outline planning application (23/0685/MOUT) on the following grounds:

- a) The proximity of the River Axe to this proposed development is a cause of concern to the Council. There would be an expectation that nutrient neutrality should be taken further to actively improve the health of the watercourse, rather than simply aiming to maintain its current unhealthy status quo.
- b) The issues of traffic volumes, congestion and resident safety have not been adequately addressed. The additional housing would inevitably lead to increased vehicle numbers joining the A358 south of a single-carriageway heritage bridge, and a short distance from another major junction; the road currently suffers from significant congestion at peak times ' this proposed development would simply exacerbate the problems that already exist.
- c) Drainage from the site is a huge concern to the Town Council. Recent flooding events downstream from other sites nearby has caused catastrophic damage to dwellings and immeasurable hardship to the residents therein. The Council would wish to see incontrovertible evidence that this development would NOT impact negatively on other existing dwellings in the town.
- d) The density of housing proposed on the site is higher than the Council would wish to see in a rural, out-of-town development.
- e) There is a huge amount of biodiversity in the development area. Particularly, the Council is concerned over the impact of building on the site to the emerging Otter community, and also upon the habitat of the Brown Hair Streak Butterfly which uses the hedgerow as its food supply and home.

This insect is protected in the UK under the Wildlife and Countryside Act, 1981 and is a priority species within the definition of the UK Post-2010 Biodiversity Framework. Proposals to cut the hedges at certain times of year will cause harm to this species which is already dramatically suffering from over-development and habitat loss in this area.

f) The Council maintains its opposition to any new residential development in the Axe Valley catchment area until suitable mitigation and protection of the River Axe in respect of nitrate and phosphate loading can be introduced as per the Natural England guidance & direction from 2022.

g) The issue of infrastructure in the town as a whole is a matter of concern to all Councillors and the Town Council would wish to see a robust schedule of the planned infrastructure improvements which the existing town residents would expect to benefit from as a result of these proposals. Any such infrastructure should be forwarded delivered.

In summary, the Town Council is opposed to this application as submitted.

Parish/Town Council

23/10/23

The Town Council maintains its objections to these proposals citing uncertainty as to the efficacy and suitability of the proposed nitrate mitigation measures.

Parish/Town Council

28/11/23

The Town Council has no further comment to add at this time other than to reiterate previous concerns raised over the development of this site.

Technical Consultations

County Highway Authority

Acceptable subject to conditions.

Natural England

12 February 2024

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of the River Axe Special Area of Conservation (SAC).
- damage or destroy the interest features for which the River Axe Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

Mitigation measures set out in the shadow Habitats Regulation Assessment (sHRA) and accompanying Nutrient Neutrality Report (Revision 2 30/11/2023) need to be secured. We advise that appropriate planning conditions and obligations are attached to any planning permission to secure these measures. Natural England's further advice on designated sites is set out below.

EDDC District Ecologist 5.3.24

The application is supported by a Nutrient Neutral Assessment/Mitigation Strategy (NNAMS)iv and shadow Habitats Regulation Assessment (sHRA) screening report and Appropriate Assessment. The NNAMS and sHRA have been subject to amendments following two separate reviews from Natural England, the statutory consultee. Natural England raise no objection to the proposal, subject to appropriate mitigation being secured. The NNAMS and sHRA have also been reviewed by district ecologist.

In summary the proposed mitigation measures include:

- Provision of an onsite wastewater treatment facilities managed by an OFWAT-appointed statutory sewage undertaker. It is proposed to use an iron dosed package treatment plant (PTP). An agreement in principle to adopt the management of the onsite chemical dosed PTP has been provided by Albion Water, subject to necessary consents for discharge and construction.
- Provision of onsite suitable urban drainage systems in accordance with CIRIA 808 guidance.
- Replacement of two septic tanks with efficient (in terms of P removal) PTPs. The locations of the proposed septic tank replacements have been screened against the small-scale thresholds criteria and are upstream of the development site within the River Axe affected catchment. Therefore, these replacements would qualify for nutrient mitigation.

Therefore, assuming suitable planning obligations and conditions are applied to ensure the proposed mitigation measures are provided and maintained in perpetuity, the proposed mitigation measures are considered to mitigate for the predicted increase in P from the proposed development.

Based on the submitted NNAMS and sHRA it is considered that an Adverse Effect on the Integrity of the River Axe SAC can be ruled out.

It is considered that the conclusions of appropriate assessment can be adopted by the Local Planning Authority, in its role as the competent authority under the Habitats Regulations.

EDDC District Ecologist 4.12.23

Revised Ecological Impact Assessment (EclA)

Comments raised previously have mostly been addressed in an amended EclA (Grassroots Ecology, September 2023). This included further clarification of habitat condition, details of a pill box, bat survey effort, bat and dormouse mitigation, and the submission of the biodiversity net gain spreadsheet and condition assessment sheets. No change to the recommended number of bird boxes has been made, although this detail could be secured within a Landscape and Ecological Management Plan (LEMP).

The submitted biodiversity net gain spreadsheet indicates the development could result in an enhancement for biodiversity above the baseline habitat value, even if assuming a precautionary approach to the predicted habitat condition and strategic significance.

The submitted proposal provides a lighting strategy indicating that a dark corridor (<0.5 lux) would be provided along the north and west boundaries of the built development form (Plan ref 1290 Rev B), to be detailed within a supporting lighting impact assessment at the reserves matters stage.

Acceptability of the proposals

The submitted ecological survey information including ecological avoidance, mitigation, and enhancement measures are generally considered acceptable notwithstanding the above comments and assuming the following conditions are imposed and the successful implementation of the mitigation and enhancement measures.

Housing Enabling Officer
7/7/23

Response: OBJECTION

The Affordable Housing Enabling team have the following comments to make:

Percentage of affordable housing – Strategy 34 of the adopted Local Plan states that land that sits outside the built up area boundary for Axminster should provide 50% affordable housing. The applicant has not submitted a viability assessment to demonstrate why they are only offering 35% affordable housing.

Tenure - The adopted Affordable Housing SPD seeks a tenure split of 70% social rent and 30% intermediate housing. The applicant has suggested in their planning statement that they will provide Affordable Rent tenure, this is not acceptable and would not be affordable to households on local incomes in East Devon. The applicant also mentions First Homes, these are not acceptable either as they are also not affordable in relation to local incomes.

Section 106 requirements – percentage of affordable housing, tenure mix, unit size of affordable dwellings, arrangements for transfer to a Registered Provider and local connection.

DCC Flood Risk SuDS Consultation

24 April 2024

Recommendation:

Objection is withdrawn and no in-principle objections to the above planning application at this stage, assuming conditions imposed for further details on both the outline and full permissions.

Observations:

The applicant has submitted 23/0685/MOUT - Chard Road Axminster Covering Letter (Letter Ref. IMA-22-013/LLFA, dated 16th February 2024).

Outline Planning:

The applicant has revised Proposed Residential Development at Chard Road, Axminster, Devon Site Specific Flood Risk Assessment & Drainage Strategy (Report Ref. FRA1-2, Rev. -, dated June 2023) to support the development of 140 residential dwellings and associated estate roads and infrastructures, with an allocation of 0.8ha of Class E employment.

The applicant has carried out soakaway testing which confirmed that ground conditions will not support infiltration.

A pond is present adjacent to the Axminster Football Club. It is anticipated that a drainage ditch runs parallel to the base of the railway embankment, and connects to pond, prior to crossing below the railway, south west of the football club and converging with the River Axe.

The Drainage Strategy Catchment Areas Drawing (Drawing No. P/510 Rev. P3, dated June 2023) indicates that the proposed residential area is 22,280m² and the Class E Employment area is 8,080m² (total of 3.036ha). The whole site restricting greenfield runoff rate is 29.5l/s (for 3.036ha) and 7.9l/s for the Class E employment area. However, greenfield runoff calculation in Appendix D indicates an area of 2.813ha for the proposed residential area. The 10% urban creep shall only be applied to the residential property element only. The applicant mentioned in their covering letter above that the corrected information will be submitted during the detailed design. areas used in the model shall also be reviewed.

The applicant mentioned that Class E employment development will be subject to further standalone planning application. The applicant shall ensure that this proposed development will not impact on the overall drainage strategy. Any changes would need to be incorporated.

The applicant will consider bio retention area, rainwater gardens, tree pits, swales etc to capture and treat surface water runoff during detailed design. The downstream section from the attenuation basin shall be changed to swales to provide further amenity, biodiversity and water quality purposes. This shall be looked into detailed during detailed design although the applicant mentioned that the existing pillbox

structure require that the landscape fronting the structure are retained and undeveloped.

The area for the footway or cycleway link to connect to existing football club access is not included as part of this application.

Full Planning:

The applicant proposed a new drainage system of land drains under the training pitch of an area of 60m x 50m. The land drains or lateral drains are further discharging into the carrier drain before outfalling into the adjacent swale. The applicant further clarified in their covering letter that the pitch drains by nature of its gradient to the existing drainage swales. The applicant shall demonstrate during the detailed design that the existing drainage swales have been designed to cater for the flow from this training pitch.

Environment Agency

25.10.23

Environment Agency position

Following review of the additional information submitted we are able to advise that we have no objection to the proposed development subject to a condition which relates to retaining the functionality of the land within the flood zone.

EDDC Landscape Architect

9 August 2023

Summary and Conclusions

While the LVIA generally assesses the level of landscape and visual effects of the proposal as moderate or minor at year 1 and minor or negligible at year 15 it is considered in a number of instances that the level of impact is understated as noted above.

The impact of the proposed development on landscape and visual receptors will be greatest within the Central field due to a number of factors particularly, its existing rural character, relative prominence, the proposed felling of all existing trees to its Chard Road boundary and the extent of built development which are considered likely to give rise to unacceptable landscape and visual harm.

Limiting building heights to two storey within the central field and retaining a greater proportion of trees along the Chard Road boundary would go some way toward reducing impacts on the central field but would not overcome these concerns.

The height of proposed floodlighting the mini pitch should be reconsidered to reduce them to 12m or less and provide stronger screen planting to the western edge.

Conditions suggested.

Conservation

30.5.23

Recommend approval with conditions for interpretations boards.

Environmental Health

10.5.23

No objection, conditions suggested.

Contaminated Land

10.5.23

No objection, suggest conditions regarding potential contaminated land.

EDDC Trees

13/6/23

In principle I have no objection to the proposal, however I do question the location of the proposed new access onto the A358 due to the impact on the existing trees and requirement for a large number to be removed to facilitate the access. It is noted that there are many Ash which will require appropriate management in the future due to Ash Dieback but alternative access points to the south including the existing access are considered possible.

Police Architectural Liaison Officer

28.4.23

No objection to the proposal at this stage.

Devon County Archaeologist

25/4/23

No objection subject to conditions.

Economic Development Officer

31 July 2023

Support proposals which could generate employment but their available evidence suggests a greater demand for B2 and B8 uses than what is proposed.

Other Representations

20 letters of objection raising the following matters:

- River Axe SAC/SSSI; very little in mitigation that would balance, the damage and disturbance on the river, its wildlife and this important green corridor. As the ecology report points out, many protected and rare species use this green space notably Horseshoe bats, otters, kingfishers and dormice to name but a few. This development would block connectivity in the landscape along this important river corridor. Wildlife will be impacted both directly through loss of

habitat but also indirectly through increase in light, noise and increased footfall causing disturbance. The river itself is in poor health, this development will increase phosphate and nitrates levels and increase flood risk impacting the whole river system.

- Proposed Access to the site is going to have a big impact on traffic flows through Weycroft bridge, and all traffic to the football ground will now pass through the residential area ,rather than the current direct route .
- The applicant has carried out traffic surveys in 2022. However, they have used 2011 data from the census on commuting around the area. In 2011 the 340 Cloakham properties were not built and so many of the figures quoted are not relevant.
- Urban sprawl.
- No proper cycle path into town, nor room to build one.
- Should regenerate brownfield sites in town before developing greenfield sites.
- Will add more noise disturbance to area from development following Cloakham Lawn development.
- Impact on traffic in town centre.
- More traffic will block Weycroft residents from getting out of junction.
- No more development should be allowed until the bypass is built.
- Need 1 or 2 bed properties for young people, not 3 or 4 bed properties.
- Lack of employment opportunities in town due to economic downturn leading to more travel away from town.
- Will make flooding worse in town.
- What will happen to hedgerow alongside existing homes?
- Harmful to the listed buildings at Weycroft.

7 letters of support:

- A good addition giving more houses and local work opportunities.
- In favour of looking after our environment, the football club has done much for the development of our new facilities to offset the impact of the new housing development had on the environment. The new facilities have enabled us to run youth teams for boys and girls of all ages and the money for the new housing development will go towards improving and maintaining our facilities to allow the club to continue and further develop our youth team structure.
- Sustainability of our local communities depend on the building of a range of houses (affordable and open market) so that young families can continue to live in Axminster.

PLANNING HISTORY

Reference	Description	Decision	Date
11/1661/MFUL	Change of use of land to recreational land, provision of 2 no full size football pitches with floodlighting to main pitch, clubhouse building and third generation floodlit pitch including new access to Chard Road,	Granted	27.6.2011

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 2 (Scale and Distribution of Residential Development)

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5 (Environment)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 20 (Development at Axminster)

Strategy 34 (District Wide Affordable Housing Provision Targets)

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

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

E11 (Large Stores and Retail Related Uses in Area Centres)

EN5 (Wildlife Habitats and Features)

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

EN8 (Significance of Heritage Assets and their setting)

EN13 (Development on High Quality Agricultural Land)

EN14 (Control of Pollution)

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

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Site Location and Description

The site lies adjacent to the outside of the built up area boundary at the northern end of Axminster. It is bounded by Chard Road to the east the river axe to the north and West and also the London to Penzance railway line on the western boundary. On the southern boundary awesome existing dwellings along child road and also the cloak and launch development which continues to be built out. The site includes parts of football ground Axminster football club but mostly is comprised of agricultural lands currently used for growing maize.

The application is a hybrid application with full planning permission sort for works to the football training pitch including drainage improvement work, 4x 15m tall floodlighting columns and erection of 6m high ballstop netting on west side of football pitch and training ground. Outline planning permission is sought for the erection of up to 140 dwellings, 0.8 hectares of class E employment land, public open space, drainage and ancillary works. Permission is sought for access at this point with layout appearance scale and landscaping reserved for future determination. The existing access to the football club would be closed and used instead for pedestrian access and then you vehicular and pedestrian access would be provided further north along Chard Road. The indicative layout and an accommodation schedule illustrate that 140 dwellings on site is feasible, with the provision of some units as flats/apartments.

There are no landscape designations on the site. There are a number of listed buildings close to the site to the east and north. The northern and eastern boundaries include a public footpath which also makes up a section of the Sustrans route 33 cycle route. The River Axe close to the site is designated as a Special Area of Conservation (SAC) and as a Site of Special Scientific Interest (SSSI).

ANALYSIS

Main Issues

The main issues in the consideration of this application are:

- The principle of development

- Sustainability of location
- Housing Land Supply Position
- Affordable Housing requirements
- Employment/Town Centre Impact
- Access
- Flooding and drainage
- River Axe SAC and SSSI
- On site ecology
- Illustrative Masterplan & Parameters Plan
- Landscape & Trees
- Heritage
- Effects on nearby dwellings
- Other matters
- Planning balance
- Planning obligations

Principle

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The site falls outside of any allocation for development at Axminster. The main allocation at Axminster is dealt with under Strategy 20 of the Local Plan. While planning applications for these main parcels of land within this allocation were submitted, and the requisite master planning work was carried out, among other issues the uncertainty over the funding of the relief road means that the delivery of these schemes is unlikely to be viable at present. These applications remain undetermined. A smaller parcel of land under application 21/3025/MFUL may yet deliver a minor portion (29 houses) of the Strategy 20 housing but at the time of writing is undetermined.

As the site is not allocated it falls to be considered under Strategy 7. Strategy 7 only permits development outside Built-Up Area Boundaries where permitted by some other policy in the Local Plan or any Neighbourhood Plan. There are no other policies or strategies in the Local Plan that would permit the development proposed in principle and there is no Neighbourhood Plan in effect in this location. The proposal would therefore be in conflict with Strategy 7 and unacceptable in principle. Despite being adjacent to the boundary of Axminster, the prevailing Development Plan should not be set aside lightly and several appeal decisions (albeit on smaller sites) have recently affirmed the importance of the development plan in determining applications (i.e., APP/U1105/W/20/3246861). Conflict with Strategy 7 attracts significant weight in the balance of considerations.

Sustainability of location

The site lies at the northern end of Axminster along Chard Road. The nearest bus stop is a simple flag-type on Second Avenue at Millwey Court, 120m southeast from the site. There are also stops at First Avenue with shelters and bus

boarders either side of the A358 just south of Cloakham Drive, 380m from the site.

The Millwey Court stops are served by route 30 running 8 times a day each way between Axminster and Taunton via Chard and Ilminster, Monday to Saturday. Route 885 also uses the stops, running hourly between Axminster and Beer via Seaton and Colyton, Monday to Saturday.

The First Avenue stops are also served by route 4/4A/4B running hourly between Axminster and Exeter via Honiton and Ottery St Mary, in addition to routes 30 and 885 that stop closer to the site at Millwey Court.

The buses run at times suitable for commuting with journey times as follows to main destinations (times from TravelineSW.com):

- 5 minutes to Axminster Hospital & the Axe Valley Academy
- 5 minutes to Axminster Town Centre
- 6 minutes to a Tesco Superstore
- 9 minutes to Axminster Railway Station
- 29 minutes to Chard

There is a wide range of amenities within a direct bus ride from the site, including employment, education, retail a railway station.

Axminster railway station is a short bus or cycle ride from the site, with hourly services between London and Exeter. Direct journey times to main settlements are as follows:

- 12 minutes to Honiton
- 13 minutes to Crewkerne
- 22 minutes to Yeovil
- 42 minutes to Exeter

The site therefore has good links to main day to day amenities by bus and rail, as well as having a wide range of daily facilities within reach on foot and by bicycle.

The site is served by a footway on the eastern side of Chard Road, which extends south to the network of footways serving the town. The nearest formal crossing over the A358 is at Cloakham Drive some 380m south of the site.

The surfaced footway ends at the existing football club access, but a pedestrian route has been extended along the A358 within the site as a Permissive Path with an unconsolidated surface, linking National Cycle Route 33.

There are a good range of sustainable travel options for residents to access local services, facilities and employment opportunities. The site is therefore considered to be sustainably located and complies with Strategy 5b (Sustainable Transport) and policy TC2 (Accessibility of New Development) of the Local Plan.

4/5 Year Housing Land Supply (4/5YHLS)

The National Planning Policy Framework, Dec 2023, states at paragraph 77 that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of

housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply. Paragraph 226 states: "From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need.

The draft local plan consultation undertaken by East Devon District council in November 2022 to January 2023 was carried out under Regulation 18 and so the Local Plan is sufficiently progressed to benefit from this provision. On this basis, as the Council can demonstrate a 4.5 year housing land supply, policies within the adopted Local Plan most important for determining the application remain up to date and the tilted balance in favour of sustainable development need not be applied. Therefore, unless there are material considerations that indicate otherwise, the development remains unacceptable in principle and is contrary to Strategy 7 of the Local Plan. For instance, there would have to be significant benefits over and above meeting normal local plan requirements for a scheme to be supported contrary to adopted policy.

Affordable Housing

As the site lies outside the BUAB for Axminster and in accordance with Strategy 34 the development should provide 50% affordable housing. Full weight can be given the Local Plan policies on housing as the Council has the requisite housing land supply as noted above. This would equate to 70 dwellings (based on 140 dwelling total). The proposal initially offered affordable housing of 35%. At the time of the submission of the planning application (when the Council did not have the requisite housing land supply and therefore our housing policies were out of date) the requirement would have been 25%, so an overprovision. Since the publication of the new NPPF, to reflect the new position the Council now finds itself in with regard to having an up to date set of housing policies, the developer has confirmed it will propose 50% affordable housing in line with Strategy 34.

There are over 5000 households on the housing register in East Devon and 412 of those registering a preference for Axminster. This is a substantial need. The allocation under Strategy 20 should have delivered 25% of the 650 homes as affordable homes, which would have been 162.5 affordable units. Recalling that the masterplan for Axminster was based on nearer to 850 homes (uplifted to improve the viability and therefore deliverability of the plan) this would have been 212.5 affordable homes. The proposed scheme could deliver up to 70 affordable homes. (50% of 140 homes).

Additionally, the affordability of housing in East Devon is worse than the national average in England and Wales as shown in the following table. These figures show the affordability ratios nationally versus East Devon. The figures show house prices relative to earnings as a ratio. So for England and Wales in 2021 house prices were 8.93 times earnings whereas in East Devon they were 10.88

Year	2013	2014	2015	2016	2017	2018	2019	2020	2021
England & Wales	6.74	6.95	7.37	7.59	7.77	7.85	7.73	7.75	8.93
East Devon	10.00	10.05	10.34	9.39	9.84	9.93	10.56	10.08	10.88

Based on the above it is considered that the provision of affordable housing should be given significant weight in the planning balance.

The developer is offering a tenure that the Housing Enabling officer finds unacceptable (affordable rent and First Homes). The Affordable Housing SPD adopted by the Council identifies that either affordable rent or social rent dwellings would be acceptable. Social rent is set at a level that takes into account local earnings and property values, typically around 50-60% of market rents; affordable rent levels are set at a maximum of 80% of market rent. The Housing Enabling officer considers that only social rent would be truly affordable in this location. The exact tenure would be agreed as part of the S106 negotiations and having discussed the matter with the Housing Enabling Officer some flexibility might be acceptable.

The provision of 50% affordable housing, while only a policy compliant position, would provide a significant benefit in Axminster where affordable housing delivery is significantly stalled due to the problems in delivering the Strategy 20 allocation. Within the District as a whole affordable housing delivery is below targets. This should be afforded significant weight in the planning balance.

Employment/Town Centre Impact

The Economic Development Manager indicates that employment development would be welcome, particularly when Strategy 20 has not delivered the employment land it allocated. The application is light on evidence as to whether the proposed commercial uses are those specifically needed, and it is reported by the ED team that B2 (general industrial) and B8 (storage and distribution) uses are in demand locally. These are not proposed in this application. The ED team do state that the market for office uses (Class E) is somewhat reduced in this area presently and it would be unfortunate if this land was instead turned over to housing instead in the future.

As originally proposed the development could give rise to a substantial development of retail floorspace were a subsequent reserved matters application submitted for a single retailer, even possibly a food retailer. It is necessary at this stage to consider

the possible effects of that on the town centre as the uses proposed are town centre uses.

Policy E11 of the LP requires any out-of-town retail development above 500m² floorspace to demonstrate that it would not have an unacceptable impact on the town centre. Normally this would be demonstrated through the submission of a retail impact assessment (where retail is proposed). The use class being proposed (Class E) includes retail and so the applicant has been asked how this would be addressed.

In addition, it should also be considered that policy E12 does permit neighbourhood centres and shops. This policy permits development within built up area boundaries, which this is not, “for new local facilities predominantly selling convenience goods of a scale to serve new residential areas or housing areas, provided the vitality and viability of no existing centre is prejudiced”. There are other criteria with this policy but this demonstrates that small convenience shopping is not entirely inappropriate in residential areas. So a balance needs to be struck between promising appropriate commercial development and safeguarding the existing town centre commercial activity.

In response the applicant has suggested a planning condition be used that prevents any retail uses on the Class-E parcel of land unless it has been fully assessed in terms of its retail impacts and associated sequential testing at the reserved matters stage. It is agreed that a condition could be used to restrict any retail uses without such prior assessment and subsequent authorisation, although this seems somewhat heavy handed. Alternatively, a threshold could be set so that only proposals for any individual retail unit over 500m², and/or several smaller units with a cumulative floorspace of over 500m² would be caught by this restriction, thereby not encumbering a proposal for a smaller neighbourhood scale convenience store. It will also be necessary for a separate condition withdrawing permitted development rights for changes of use from retail to dwellinghouses so further housing results where the full considerations of this have not been assessed.

The proposed commercial uses are welcome, especially when the employment allocation in Strategy 20 has not been delivered. This adds some weight to the case for granting permission although this is somewhat tempered because as noted by the ED team the proposed commercial uses are not necessarily those that were envisaged in Strategy 20 or are evidenced as being in demand locally.

Access

The only reserved matter in relation to the housing and commercial proposal is the access arrangements from the highway. The existing access to the football club would be closed and used instead for pedestrian access and then vehicular and pedestrian access would be provided further north along Chard Road.

The vehicular access point is located approximately opposite the proposed access for application 19/0108/MOUT which is the application for the northern parcel of the Strategy 20 allocation i.e., opposite the start of the northern part of the relief road.

The application will provide a benefit through the removal of the sub-standard access to the football ground, which the County Highway Authority notes is a safety gain. The road would be widened to provide a dedicated right-turn lane for southbound traffic turning into the site. Visibility splays of 2.4m x 43m in each direction would be provided. A 3m wide shared footway/cycleway would be provided at the edge of the carriageway from within the site and turning south to meet a new pedestrian/cycle access which will replace the existing football club vehicular access. Access to the football club by vehicles would be provided via the new estate. A pedestrian island/refuge is provided to assist access to the existing industrial estate opposite.

Subject to conditions set out by the highways officer for a Construction Management Plan, delivery of highways and parking, the proposed access is acceptable in accordance with policy TC7 of the Local Plan.

Flooding and Drainage

The outer fringes of the site lie within Flood Zones 2 and 3 which relate to the adjoining River Axe. The illustrative masterplan indicates that the built up areas will avoid flood zone 3 areas completely but some areas of the northern parcel of housing look like they fall within flood zone 2 as indicated on the Council's mapping database (using EA provided data). As the site falls in these flood zones technically both the sequential test and the exceptions test would be applicable.

However, the EA has accepted the applicant's analysis of the site specific flood level analysis and has commented it recognises that "all built development will be located outside of the zones of medium and high flood risk, so the applicability of the Sequential Test is the decision of your authority."

Sequential Test

The approach to the test is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding. There is some limited national guidance (NPPG) on what information is required to inform the Sequential Test, which essentially suggests that a developer discuss with a local planning authority (LPA) what it requires.

The guidance states that for individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration.

The NPPG does state that local factors can be considered when deciding the area of search to draw up. It is considered relevant that the strategic allocation in Strategy 20 has not been demonstrated to be deliverable and that this leaves a strategic deficit of

housing and employment land in Axminster, undermining the spatial strategy of the Local Plan. This proposal, in principle, would offset that failing. Therefore it is considered that in this particular circumstance it would be appropriate to limit the area of search to Axminster and areas immediately adjoining the town. There are no sites in Axminster which could deliver a similar scale of development. While there are undeveloped fields adjoining the town on its southern and south-eastern flank which lie in areas of lower flood risk, it is considered that as the proposal (in illustrative terms) limits built development to areas outside of floods risk zones 2 & 3 (the precise location of those zones now being agreed by the EA to be as stated by the applicant), the need for the sequential test is actually only the result of the application red line site boundary containing the landscaped and amenity areas and existing football club pitches falling in these zones. Consequently it is considered that the Sequential Test is passed in respect of the housing and employment proposals. The Sequential Test is not considered necessary in respect of the football pitch proposals as these are considered to be minor works . Given that the application for housing and commercial uses in in outline it is not possible to carry out the Exceptions Test at this point.

Sustainable Drainage

Ground infiltration investigations have confirmed that conditions on site will not be suitable for infiltration techniques. The proposed strategy is therefore for surface water to be attenuated on site before being discharged to a river, watercourse feature or local land drainage feature, mimicking the existing drainage characteristics of the site.

Following revisions to the FRA and drainage strategy, Devon County Council as the Lead Local Flood Authority has now removed its previous objections. Planning conditions are suggested by DCC in order to ensure the reserved matters application is fully detailed in respect of surface water drainage plans. Other conditions are proposed in respect of the full permission for the football club. These conditions are considered reasonable in all respects and will make the development acceptable in respect of surface water drainage.

Overall, the proposal is considered to comply with policies EN21 and EN22 of the Local Plan.

River Axe SAC and SSSI

Natural England has recently issued guidance in relation to the current conservation status of the River Axe Special Area of Conservation (SAC) which is considered to be in an 'unfavourable condition'. The advice is that the condition status is affected by increased phosphate levels in the river. Excessive levels of such nutrients can lead to rapid growth of certain plants through the process of eutrophication, leading to a loss of biodiversity and the decline in the condition of designated sites. In order to achieve improvements in water quality it is advised that substantial reductions in nutrients are needed and that mitigation solutions will be needed to enable new development to proceed without causing further harm.

New residential development can increase the impacts on the designated sites due to wastewater discharge from water treatment works or from private treatment works that discharge within the catchment area and lead to increase in phosphate levels.

The Council as the Competent Authority should only grant permission if they are certain at the time of Appropriate Assessment that a plan or project (in this case the proposed development) will not adversely affect the integrity of a habitats site i.e., where no reasonable scientific doubt remains as to the absence of effects. In this regard, new residential development, such as that proposed will, without appropriate mitigation, lead to increased phosphate loading (from greywater discharge) and as such should not be permitted.

A Nutrient Neutral Assessment and Mitigation Strategy (NNAMS) and a Shadow Habitat Regulations Assessment (sHRA) has been submitted to assess the effects on nutrient loading and describe the necessary mitigation proposals. In summary the proposals are:

- Provision of an onsite wastewater treatment facilities managed by an OFWAT-appointed statutory sewage undertaker. It is proposed to use an iron dosed package treatment plant (PTP). An agreement in principle to adopt the management of the onsite chemical dosed PTP has been provided by Albion Water, subject to necessary consents for discharge and construction.
- Provision of onsite suitable urban drainage systems in accordance with CIRIA 808 guidance.
- Replacement of two septic tanks with efficient (in terms of Phosphate removal) PTPs. The locations of the proposed septic tank replacements have been screened against the small-scale thresholds criteria and are upstream of the development site within the River Axe affected catchment. Therefore, these replacements would qualify for nutrient mitigation.

Therefore, assuming suitable planning obligations and conditions are applied to ensure the proposed mitigation measures are provided and maintained in perpetuity, the proposed mitigation measures are considered to mitigate for the predicted increase in Phosphate from the proposed development.

Based on the submitted NNAMS and sHRA it is considered that an Adverse Effect on the Integrity of the River Axe SAC can be ruled out.

The sHRA has been submitted to Natural England as the statutory consultee for comment. Natural England raises no objections to the proposed development with the mitigation proposed, therefore it is considered that the conclusions of appropriate assessment could be adopted by the Local Planning Authority, in its role as the competent authority under the Habitats Regulations.

The mechanism for delivery of the mitigation would be via a S106 agreement between the developer, the Council and the third-party landowners whose septic tanks are being replaced. This may involve a separate S106 from the 'usual' S106 used to secure affordable housing and other matters, as the third parties would not want to, nor need to be, bound up in liability for matters beyond the septic tank replacements.

On-site ecology

The Ecological Impact Assessment (ECIA) submitted with the application. This identified that protected species use the site, including bats and dormice. This riverine corridor provides a suitable habitat area for many species and is of the most value on the site.

A dormouse survey has demonstrated that dormice are present on the site. A licence from Natural England will be necessary for the development to go ahead (under the Conservation of Habitats and Species Regulations 2010).

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

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

The proposals are assessed against the three tests as follows:

1. The activity is for a certain purpose

The activities are required to develop the site which is not allocated for development in the Local Plan, but is proposed to offset the failure of Strategy 20 to deliver the housing it proposed at Axminster. This is to help meet an identified and robustly tested housing need to meet the needs of the town and district, which is considered to be a matter of overriding public interest. Further, benefits to the local economy would be gained through the employment in relation to the construction works which will add a significant if temporary uplift to the economy.

2. There is no satisfactory alternative to the activity that will cause less harm to the species

The layout of the development on the site is not yet fixed and the ecological surveys can inform an appropriate scheme which avoids or mitigates any harm.

3. The development does not harm the long term conservation status of the species

The proposed avoidance, mitigation and compensation measures for the dormice identified in the ECIA have been sympathetically designed, in consultation with suitably qualified experts, so as to appropriately safeguard their conservation status.

In conclusion, it is considered likely that a licence for the works affecting dormice would be granted and is therefore not a barrier to granting planning permission.

The submitted proposals includes a lighting strategy indicating a dark corridor (<0.5 lux) would be provided along the north and west boundaries of the built development form, to be detailed with a lighting impact assessment at the reserved matters stage. Following revisions to the ECIA the Council's ecologist is satisfied that the effect of the development on the on-site ecology is generally acceptable. Suitable conditions are

proposed to secure the submission of further necessary information and mitigation at the reserved matters stage.

Biodiversity Net Gain

This planning application was submitted prior to BNG becoming mandatory in February 2024. Nonetheless the applicant had set out to provide a net gain in biodiversity.

From 12 February 2024 all major planning applications consented in England will be deemed subject to the general biodiversity gain condition to secure the biodiversity gain objective. This objective is to deliver at least a 10% increase in relation to the pre-development biodiversity value of the development granted permission. This legal requirement does not apply to application submitted before 12 February 2024.

The applicant is claiming on-site net change as follows; (Habitat Units +38.69%, Hedgerow Units, +10.4%, Watercourse Units +29.5%). The Council's Ecologist reviewed the data and came out with some lower figures for (Habitat Units +17%, Hedgerow Units +3.32%, Watercourse Units +23%). The Council's ecologist concludes that the development could result in an enhancement for biodiversity above the baseline habitat value, even if assuming a precautionary approach to the predicted habitat condition and strategic significance. While there is some disagreement about whether it meets the 10% threshold which is now required for applications submitted after February 12 2024, there is an overall biodiversity net gain which the developer is not obliged to deliver as the application was submitted last year. This is a benefit and weighs in favour of granting permission, provided this gain is secured and it is suggested that it forms part of the S106 legal agreement to ensure delivery.

Illustrative Masterplan & Parameters Plan

The plans indicate how the proposed different land uses are positioned. Immediately north and west of the proposed vehicular access is the largest proposed residential block. The key indicates this area could include development up to two storeys in height, although scale is a reserved matter. Between the vehicular and pedestrian/cycle access to the site is the propose commercial/employment area butting against Chard Road.

South of the pedestrian/cycle access lies another block of residential development which would abut the Cloakham Lawns development. The scale of development suggested against the boundary with Cloakham Lawns is two storey while the more central part could be up to three storeys. Public open space is proposed alongside the river and railway line, as well as through the middles of the site on the route through the site to the football club.

Overall there are no objections to the suggested parameters or indicative layout noting that both layout and scale are still reserved matters.

Landscape & Trees

The site does not lie within a protected landscape. However the Blackdown Hills National Landscape (NL) lies around 350 metres to the west.

There are some disagreements between the applicant and the Council's landscape architect over the value and sensitivity of some receptors. The change to the site's character for instance is suggested by the applicant as being less than the Council's view, both after 1 year and 15 years. Other differences relate to the National Cycle route through the site, Chard Road residents east of the site, Chard Road motorists, users of Axminster public footpath 45 (on boundary of NL), walkers and cyclists on Uphay Lane, users of All Saints public footpath 66 and residents at Smallridge.

It is possible to make an assessment nonetheless. The Landscape and Visual Impact Assessment (LVIA) seems to underplay the landscape and visual effects. Some plating and trees (category C) would be removed to make way for the vehicular access. These need to be replaced and the landscaping proposed as part of any reserved matters application needs to address this point. While the access could be moved to retain trees, this has not been assessed in terms of highway safety. The location of the access was also selected to avoid prejudicing access into the land east of the site forming the allocation for Strategy 20.

The landscape officer suggests reducing the height of the floodlighting columns to reduce effects on views from the west in the NL. The planning approval for the football club (11/1661/MFUL) included the provision of two pitches with floodlighting, with 6 lighting columns on the main pitch at 15m height and 6 columns of the training pitch under 12m in height. The training pitch floodlighting does not seem to have been installed but still could be. The current proposal is for floodlighting to the training pitch with 4 lighting columns of 15 metres in height. Overall it is considered that the effects are broadly similar and given that there would be fewer but slightly taller columns. The 6m high ballstop netting proposed on the west side of the pitches is generally accepted to have a negligible landscape and visual effect.

Clearly the proposed development would change the character and appearance of the site from undeveloped fields to urban form. There are likely to be, at worst, moderate adverse effects on views of the site from different receptors (as shown in the landscape architects table) in the surrounding countryside from the east, north and west (the latter being in the NL). Great weight should be given to conserving and enhancing landscape and scenic beauty of NLs (NPPF para 182) but this development is not in one. While views from the nearby NL are important, the effects of the development will be seen against the backdrop of the townscape of Axminster. Overall the development (both full and outline) are considered to comply with policies D2 and D3 of the Local Plan.

Heritage

The site lies near to a number of heritage assets, the closest being the Grade II Water Mill at Weycroft which lies immediately adjacent to Chard Road. The northern tip of the site lies only 32m from this building, although looking at the parameter plan, the nearest buildings on the development site could be 143m away. 140m north of the site lies the Grade II Weycroft Bridge. 100-110m east of the site lie the Grade II* Weycroft Manor, the Grade II Weycroft Hall and Garden Wall, and the Grade I Weycroft Hall.

In addition, the site is situated within a landscape in which there is known evidence for numerous Second World War defence structures and earthworks relating to the Taunton Stop Line and the Weycroft Defence Area. Including three Pillarboxes to the north-west of the site boundary.

The effect of the development of these heritage assets is a material consideration and Section 66 of the Listed Building and Conservation Area Act 1990 (amended) establishes a statutory duty to preserve listed buildings / structures and their settings.

Such requirements are reflected in policy EN8 of the LP. Where proposals are likely to affect heritage assets there is a requirement to consider the significance of the asset and how such significance may be affected by the development proposed. Policy EN9 of the EDLP and the National Planning Policy Framework (NPPF) at paras. 205-209 require, where harm is considered to arise, for consideration to be given to the degree of harm and where this is considered to be less than substantial for this to be weighed against the public benefits of the proposal.

The conservation officer has considered the proposals. Having considered the effects of both the outline proposals and the full proposals (particularly the floodlighting) the conservation officer considers that there would be no significant or less than significant harm to the heritage assets and recommends approval subject to conditions requiring the provision of some interpretation boards.

It is not clear if this means 'less than substantial harm', the terminology used in the NPPF. A similar phrase has been used and it should be noted that the recommendation is positive i.e., that permission should be granted. In the event that this is interpreted as meaning there would be 'less than substantial harm' it is necessary to carry out the 'public benefits' balancing exercise.

The main concern raised appears to be with the proposed floodlighting. The conservation officer's advice that it will visually intrude as an uncharacteristic feature within the agricultural landscape that surrounds and forms the historic setting of Weycroft Hall, a feature that will have an impact on the contribution the wider setting makes to the historic interest of the group of heritage assets. This consideration needs to be balanced though against the fact that permission already exists for 6 floodlighting columns on the training pitch, albeit at a lesser height. There is already therefore some effect 'baked in' from the permission in 2012 for these columns. In terms of public benefits, the proposal would deliver much needed housing, including 50% affordable housing, which will offset some of the housing that Strategy 20 has failed to deliver thus far. The scheme also will provide improvements to the football club, which although not generally what would be called a public facility, is of benefit to the local community. Some employment could also be generated which also has not been delivered under strategy 20. Given the lack of concern over the identified level harm expressed by the conservation officer it is considered that the public interests outweigh any such harms. The reserved matters proposals will still need to consider these matters at the later design stages. The proposal is considered to comply with policy EN8 of the LP.

Archaeology -

The County Archaeologist has noted the findings of the survey work provided and is content to propose a planning condition requiring survey work to take place to record any findings prior to development taking place.

Effects on nearby dwellings/residents

The application for housing and commercial use is in outline form only at this stage and so effects on neighbouring dwellings cannot be assessed. Designs submitted at the reserved matters stage will need to consider this matter.

The proposed commercial use would be before Use Class E, which includes shops, food and drink units for consumption on site, financial and professional services, office use light industrial uses, and other uses which can be carried out in residential areas without detriment to the amenity of that area. Any subsequent applications on this section of the site will need to take account appropriate designs, layout, scale and control of specific uses that might be necessary.

The floodlighting proposed could potentially have an effect due to light spill. The nearest houses would be located on the development site for which outline permission is sought in this application. There are also as yet unbuilt houses at the Cloakham Lawns development that might be affected but are further away. The Environmental Health Officer has asked for a condition to assess the lighting in this respect. While permission already exists for 6 floodlights on the training pitch these are lower stands (11.3m) and it would be appropriate to ensure that they do not harm amenity of future occupiers of either site. The former consent for the lighting also imposed a cut off time for the floodlighting of 10pm and so it is considered appropriate to include this in the condition.

Overall the proposal is considered acceptable on these matters subject to condition and the approval of further reserved matters.

Other matters

NHS request

The Royal Devon University Healthcare NHS Foundation Trust has commented on the planning application. It seeks a £96,021.00 contribution towards health services. However the request is not considered to be robustly justified to warrant such a contribution.

Census data from 2011 is used when data from 2021 is available. The main concern though is with the contracts for service delivery. At paragraph 29 of its letter it states that it predominantly uses a tariff approach for funding but does not explain either in the body of the report, nor in the glossary, what this means. The tariff is a fixed payment per patient seen that is set centrally for the delivery of an identified service - effectively it is payment by results. Without evidence to the contrary, it therefore stands

to reason that any service paid under this mechanism is unaffected by population growth.

Paragraph 32 of its letter states that outpatient services are paid for via a block contract. There's relatively minimal explanation of what this means in its letter but more detail is given in some recent high court cases (The University Hospitals of Leicester NHS Trust, R (On the Application Of) v Harborough District Council [2023] EWHC 263 (Admin) (13 February 2023) and Worcestershire Acute Hospitals NHS Trust, R (On the Application Of) v Malvern Hills District Council & Ors [2023] EWHC 1995 (Admin) (31 July 2023)) . It is a fixed amount of money paid for the delivery of services that may or may not make some allowance for population growth.

The request seems to be based on an amount of money for a variety of services - outpatient, elective and acute/emergency. Based on their own evidence it appears as though a proportion of this would be subject to a tariff approach which would bring the request down, if any request can be legally justified. Consequently, no contribution can be sought in respect of this development based on the information provided.

Consultation Draft Local Plan allocation

The site is identified as preferred site in the consultation draft. Draft Strategic Policy 19 states 'this land is proposed for 150 dwellings and 0.6 hectares of employment land. This is a preferred allocation.' The consultation draft states the site is 'quite well related to an excellent range of services and facilities within Axminster. The site borders the River Axe and development has the potential to affect an internationally recognised site of conservation importance. Further work is required to assess the impact of development on nearby heritage assets.'

Paragraph 48 of the NPPF states that LPAs may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Draft Consultation is the very first draft of the new Local Plan and generally at such an early stage no weight can be afforded to the proposed policies. The Draft East Devon Local Plan - Consultation feedback report – July 2023 summarises the responses made in respect of the site.

The Axminster Neighbourhood Plan Steering Group reports that its survey findings in relation to the site were "concerns were raised about the additional HGV traffic on Weycroft Bridge and impacts on the adjacent stream together with the need to manage the relationship with the important group of listed buildings to the north. The vast majority of respondents agreed with the comments and even those who said they did not comment on additional traffic congestion, pollution, flooding, archaeological impact

and potential impacts on listed buildings.” The summary of comments from the public consultation broadly reflects the matters raised by the different consultees and the public comments received in respect of this planning application. That being the case, and given that many of these matters, having been examined in detail during this application process, appear to be resolvable and therefore making the draft allocation consistent with the NPPF. Whilst no weight can be attributed to the draft local plan at present the outcomes of these assessment are notable.

Football Club Improvements –

The developer is offering to fund the proposed football club improvements that are subject of this planning application. These proposals have been found to be acceptable in terms of normal material considerations. The funding of these items however is not considered necessary in relation to the application for outline planning permission and so do not add any weight in favour of the outline application, nor could they be secured via the S106 agreement with the Council.

Planning balance and conclusion

The proposal is not in accordance with the Local Plan, specifically Strategy 7 which limits development outside of Built Up Area Boundaries. It does not form part of the Strategy 20 allocation for Axminster which proposes significant housing and employment development adjacent to the town. As planning applications must be determined in accordance with the development plan this would suggest that planning permission ought to be refused, unless material considerations indicate otherwise.

The current adopted local plan can be relied upon as due to changes to the National Planning Policy Framework in December 2023 the council now has the requisite supply of land for housing required through those changes.

The development can be delivered without detriment to the safety of the local highway network and there are no objections from the County Council as the highway authority in this regard. The proposal in fact would provide an access with better visibility than exists presently when using the football club vehicular access. Therefore the reserved matter of access, for which approval is sought now, is considered to be acceptable.

The site does not lie within a designated landscape, but the Blackdown Hills National Landscape lies a short distance away to the west on the other side of the River Axe. Great weight should be afforded to the protection of these landscapes. It is not expected that the proposed development would have a significant adverse effect on the NL. The character and appearance of the site itself naturally would be changed significantly from being an undeveloped field to urban built form. However, this would be seen in the context of butting up against the existing town edge and in some respects constrained by the railway line, the river and Chard Road. The landscape and visual effects are considered to be acceptable, noting that details of the design scale layout and landscaping have yet to be approved.

The site lies in close proximity to the River Axe, which is designated as a Special Area of Conservation (for ecological reasons) (SAC) and a Site of Special Scientific Interest (SSSI). The proposal includes mitigation measures to ensure that no additional phosphate loading off the river will occur thereby ensuring the integrity of the SAC.

The site has some site specific ecological interests concentrated around the river corridor. The council's ecologist is satisfied that the development could proceed without undue detriment to the different habitats and species of the site, provided the suggested conditions are applied and the mitigation is put in place.

The drainage strategy appears to be sound but further details will be required to be approved at the reserved matters stage once the design and layout of the development is more clear.

The development proposes to provide Class E type of commercial development which is generally the type of development that is compatible in residential areas. The application does not appear to be supported by robust evidence in relation to the need for this particular type of land use and it is noted that the economic development officer suggests there is evidence of a need for general industrial and storage and distribution commercial development instead. Strategy 20 of the local plan proposed 8 hectares of land for mixed job generating commercial and employment uses. This seems unlikely to be delivered under the current local plan and the provision of the proposed commercial use would go some way to offsetting the lack of provision. This weighs in favour of the proposal being granted permission as a failure to deliver the employment land as part of strategy 20 is a significant issue for the spatial strategy of the local plan and risks Axminster missing out on these opportunities.

It is considered necessary to apply planning conditions limiting the amount of retail floor space that may come forward, so that any proposals for over 500 square metres of retail floor space either in a single block or cumulatively, must be tested through a retail impact assessment to ensure the vitality and viability of the town centre is maintained.

Strategy 20 has also not delivered what was proposed to be a significant amount of housing in the local plan (650 houses, later updated to 850 in the master planning exercise). This also is a very significant issue undermining the spatial strategy of the local plan and potentially leaving many people in Axminster with nowhere to live and undermining sustainability of the settlement. It is therefore considered that significant weight should be afforded to the proposed housing.

In accordance with adopted policy as a site that is outside of the BUAB it requires any housing provided to deliver 50% affordable housing, which is what is proposed here. Whilst providing a policy compliant level of affordable housing is not an exceptional benefit, in a situation where none of the strategy 20 allocation is likely to be delivered, this is also considered to be a significant benefit in favour of granting permission.

The proposed improvements to the football club will be delivered by the developer. This will be of benefit to those who use the facility but it is not required as part of the wider development under any policy and cannot be

secured in any legal agreement with the council and so no weight should be attached to this consideration.

The site lies near to a number of heritage assets including listed buildings and non-designated heritage assets. Any harm identified by the conservation officer is considered to be at worst less than substantial and concerns their setting rather than any direct effect to those buildings. In this respect it is necessary to consider the public benefits of granting permission over any harm. The benefits identified above are considered to outweigh any such harm.

Due to the recent changes to the NPPF local planning authorities need not apply the tilted balance in favour of sustainable housing development where its housing land supply exceeds 4 years. This Council currently has a 4.5 year housing land supply. As set out above the Council should therefore determine applications in accordance with the development plan unless material considerations indicate otherwise.

Delivery of housing in Axminster has been significantly constrained in recent years due to the inability to deliver the highway improvements needed to open up the housing allocations in Strategy 20 and due to the issue of nutrient neutrality. The failure to deliver any significant housing or employment growth in Axminster is a material planning consideration.

This planning application has addressed the main technical considerations identified by the draft consultation local plan and the responses it received. It therefore is considered to be a good site for development. The scheme will deliver up to 140 dwellings of which 70 would be affordable, it will also deliver employment land and improved access to the football club in a town which has seen no notable growth within the current plan period. It is considered that these are significant material considerations which indicate that permission should be granted as a departure from the adopted local plan. It is recommended therefore that the Shadow Appropriate Assessment be adopted, that full planning permission is granted for the football club proposals and outline permission (with access approved) is granted subject to the completion of a S106 agreement and the conditions set out below.

RECOMMENDATION

For the outline element of the proposal:

- 1. Adopt the shadow Habitat Regulations Assessment as its Appropriate Assessment.**
- 2. Approve subject to the following matters to be secured by a Section 106 legal agreement:**

- 50% Affordable Housing;
- Delivery of Public Open Space on-site and future management;

- Travel Plan Measures and Monitoring (to be based on PROPOSED RESIDENTIAL DEVELOPMENT LAND AT CHARD ROAD, AXMINSTER, EAST DEVON Travel Plan March 2023 IMA-16-196);
- Offsite highways improvements – specifically improvements to the A358/B3261 junction a detailed in the submitted Transport Assessment ;
- Details, delivery, final inspection and future management of on-site package treatment plant to ensure nutrient mitigation is delivered.
- Delivery and future management/maintenance of all other nutrient mitigation proposals. (Off-site septic tank upgrades may be subject to separate Unilateral Undertakings).
- Monitoring fee including monitoring of LEMP
- Delivery of Biodiversity Net Gain (subject to revised details at reserved matters stage)

3. Approve subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).
2. Approval of the details of the layout, scale and appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline with one or more matters reserved.)
3. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
4. Prior to commencement of development a Lighting Impact Assessment (LIA) including lux contours, based on the detailed site design, most recent guidelines (currently GN08/23 and DCC 2022), and recommendations within the bat survey report (Grassroots Ecology, September 2023 - Plan ref 1290 Rev B), shall be submitted to and approved in writing by the local planning authority. The LIA should clearly demonstrate that dark corridors are achievable without the attenuation of habitat features which long-terms management cannot be guaranteed. All lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
(Reason: To ensure lighting from the development does not adversely affect bats that may be present on the site in accordance with Strategy 47 (Nature Conservation and Geology) and EN5 (Wildlife Habitats and Features) of the

East Devon Local Plan 2013-2033. This is a pre-commencement condition as it must inform the design of the development.)

5. Prior to commencement of development a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority based on the Ecological Impact Assessment (Grassroots Ecology, September 2023) and comments made from the District Ecologist. It should include the location and design of biodiversity features including bird boxes (at a ratio of 1 per unit), bat boxes, permeable fencing, and other features to be shown clearly on submitted plans. The content of the LEMP also include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum 30-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

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

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

6. Prior to commencement of development (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.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.

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

f) Responsible persons and lines of communication, including reporting compliance of actions to the LPA

g) The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements.

h) Use of protective fences, exclusion barriers and warning signs.

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

(Reason: To ensure the development does not adversely affect wildlife that may be present on the site in accordance with Strategy 47 (Nature Conservation and Geology) and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2033. This is a pre-commencement condition as it needs to inform the development design and procedure.)

7. The development shall not be first occupied until the local planning authority has been provided with evidence, including photographs and completed toolbox talk sheets, that all ecological mitigation and enhancement features, including bat boxes, bird boxes (1 per dwelling), have been installed/constructed, and compliance with any protected species licences, and ecological method statements in accordance with details within the submitted LEMP and CEcoMP. (Reason: To ensure the development does not adversely affect wildlife that may be present on the site in accordance with Strategy 47 (Nature Conservation and Geology) and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2033.)
8. Within the flood zone as identified on drawing P/500 "Drainage Strategy Conceptual Layout" (within the Flood Risk Assessment) there shall be no storage of, or spreading of excavated material or construction materials during construction of the development hereby approved nor any alterations to the existing land levels within the area of flood zone. (Reason - To ensure flood waters are not displaced and therefore, in the interests of limiting the risk to people and property in a flood event in accordance with policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2033.)
9. No dwellings or other buildings, fences or walls shall be erected in Flood Zones 2 or 3 as defined in the Site Specific Flood Risk Assessment and Drainage Strategy June 2023 IMA-22-013. (Reason - To ensure the proposed development and its occupants are not unnecessarily exposed to flooding risks in accordance with policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2033.)
10. Prior to commencement of development the Planning Authority shall have received and approved in writing a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;

- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works;
- (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; and
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

(Reason To ensure that adequate facilities are available for the traffic attracted to the site in accordance with policy TC7 (Adequacy of the Road Network and Site Access) of the East Devon Local Plan 2013-2033. This is a pre-commencement condition as it concerns how the development is carried out.)

11. No part of the development hereby approved shall be brought into its intended use until the:
- o Access
 - o parking facilities
 - o commercial vehicle loading/unloading area
 - o visibility splays
 - o turning area
 - o parking space and garage/hardstanding
 - o access drive
 - o and access drainage

that relate to that part of the development have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and shall be retained for that purpose at all times.

(Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with policy TC7 (Adequacy of the Road Network and Site Access) of the East Devon Local Plan 2013-2033).

- 12.

The reserved matters application shall include details of secure cycle/scooter storage facilities. These facilities shall be provided before the first occupation of the buildings with which they are associated accordance with the approved details.

(Reason: To promote sustainable travel in accordance with policy 5B (Sustainable Transport) of the East Devon Local Plan 2013-2031. This is a pre-commencement condition as these details need to be agreed to inform the design of the development).

13. Prior to commencement of development the following information shall have been submitted to and approved by the Local Planning Authority:
- a) A full set of hard landscape details for proposed walls, fencing, retaining structures, hedgebanks, pavings and edgings, site furniture, play equipment and signage.
 - b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.
External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK.
 - c) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls at 1:250 scale or greater. This shall be accompanied by a minimum of 6 sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.
 - d) A landscape and green infrastructure strategy plan showing existing trees, hedgerow and habitat to be retained and removed; proposed tree and structure planting and new habitat to be created; existing and proposed watercourses, ponds and wetland areas; pedestrian and cycle routes through the site and how they connect to the existing network beyond.
 - e) Surface water drainage strategy incorporating an appropriate SuDS treatment train and details of SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc. The SuDS scheme shall be designed to enhance bio-diversity value and engineered elements should have a positive or neutral impact on visual amenity.
 - f) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:
 - o a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
 - o methods for stripping, stockpiling, re-spreading and ameliorating the soils.
 - o location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
 - o schedules of volumes for each material.
 - o expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
 - o identification of person responsible for supervising soil management.
 - g) A full set of soft landscape details including:

- i. Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.
- ii. Plant schedule indicating the species, form, size, numbers and density of proposed planting.
- iii. Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
- iv. Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.

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

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

- 14. Prior to commencement of development a Landscape and Ecology Management Plan (LEMP) for a minimum period of 30 years shall have been submitted to and approved in writing by the Local Planning Authority which should include the following details:
 - o Extent, ownership and responsibilities for management and maintenance accompanied by a plan showing areas to be adopted, maintained by management company or other defined body and areas to be privately owned/ maintained.
 - o Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
 - o A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
 - o Landscape and ecological aims and objectives for the site.
 - o Condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
 - o Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
 - o Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
 - o New trees, woodland areas, hedges and amenity planting areas.
 - o Grass and wildflower areas.
 - o Biodiversity features - hibernaculae, bat/ bird boxes etc.

- o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- o Arrangements for Inspection and monitoring of the site and maintenance practices.
- o Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.
- o Management, maintenance and monitoring shall be carried out in accordance with the approved plan.

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

15. The works agreed as part of condition 14 shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.

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

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

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

17. Details of the interpretation board(s) and supporting structure in respect of the Stop Line and Pillbox shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of these works. The submitted details shall include the content, scale, design, profiles, materials and finishes. The works shall be carried out in accordance with the approved details before the occupation of 50% of the houses.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

18. Prior to commencement of development until the developer shall have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.
(Reason: To ensure, in accordance with Paragraph 211 of the NPPF and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan 2013-2031 that an appropriate record is made of archaeological evidence that may be affected by the development. This is a pre-commencement condition as archaeology needs to be recorded before development destroys or removes it.)
19. The development shall not be first 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 211 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.)
20. The specific noise level of any fixed plant or equipment installed and operated on the site must be designed as part of a sound mitigation scheme to operate at a level of 5dB below daytime (07:00 - 23:00 expressed as LA90 (1hr)) and night-time (23:00 - 07:00 expressed as LA90 (15min) background sound levels when measured or predicted at the boundary of any noise sensitive property. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.
(Reason: To protect the amenity of local residents from noise in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2033).
21. No use is hereby permitted on the site of any proposed building(s) for retail use [Class E(a)] with either over 500m² of floorspace individually, or proposals for smaller retail units with a cumulative floorspace of over 500m², without being supported by, in any application for the approval of reserved matters, a retail impact assessment and updated transport assessment that demonstrates to the satisfaction of the Local Planning Authority that there would be no adverse impacts on the vitality and viability of Axminster town centre or the safety of the local highway network from such a use on the application site. Thereafter and following completion of the development, 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) and the provisions of The Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification), no further building(s) hereby permitted shall be used for retail purposes [Class E(a)] without further express consent from the Local Planning Authority where it would result in a cumulative total of more than 500m² of retail floor space being provided within the application site.

(Reason: To ensure there is no adverse effect of the vitality and viability of Axminster Town Centre or unacceptable impacts on the local highways network in accordance with policies E11 (Large Stores and Retail Related Uses in Area Centres) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2033.)

22. Prior to commencement of development a remediation strategy to deal with any identified risks associated with contamination of the site in respect of the development hereby permitted, shall have been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 1. A site investigation scheme, based on the already submitted preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.
 4. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of (2) above. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with (3) above.
 5. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of plans on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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

(Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN16. This is a pre-commencement condition as it concerns potential existing contamination in the ground.)

23. As part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed drainage design based upon the approved Proposed Residential Development at Chard Road, Axminster, Devon Site Specific Flood Risk Assessment & Drainage Strategy (Report Ref. FRA1-2, Rev. -, dated June 2023).
- (b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (d) A plan indicating how exceedance flows will be safely managed at the site.

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

(Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and policy EN22 (Surface Run-Off Implications of New Development) nation of the East Devon Local Plan 2013-2033 and the National Planning Policy Framework and National Planning Practice Guidance. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.)

24. Notwithstanding the provisions of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), none of the Use Class E buildings hereby permitted shall change use to a dwellinghouse (Use Class C3) without further express consent of the Local Planning Authority.

(Reason: In order to allow the Local Planning Authority to fully assess the impacts of such development and to ensure that reasons for approving this development as a departure from the East Devon Local Plan 2013-2033 are not undermined).

NOTE FOR APPLICANT

Informative:

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

Informative: Confirmation - CIL Liable

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

Any queries regarding CIL please email cil@eastdevon.gov.uk.

Plans relating to this application:

015 : site access	Other Plans	29.03.23
1001 G	Location Plan	18.04.23
026 : proposed pedestrian/cycle access links	Other Plans	18.04.23

For the full element of the proposed development

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 hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Proposed Residential Development at Chard Road, Axminster, Devon Site Specific Flood Risk Assessment & Drainage Strategy (Report Ref. FRA1-2, Rev. -, dated June 2023).

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

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

(d) A plan indicating how exceedance flows will be safely managed at the site. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

(Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and policy EN22 (Surface Run-Off Implications of New Development) nation of the East Devon Local Plan 2013-2033 and the National Planning Policy Framework and National Planning Practice Guidance. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.)

4. Prior to commencement of development an assessment shall be carried out of the potential impact of the floodlights on nearby residences and a scheme for ensuring that residents do not suffer loss of amenity due to light pollution shall be submitted to, and agreed in writing with, the Local Planning Authority. Works shall be carried out in accordance with the approved details. The floodlighting shall not be operated any later than 2220 hours on any day.

(Reason -To protect the amenity of neighbouring residents and to regulate and control light spillage to protect the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2033.

Plans relating to this application:

P/2203/02 REV B : pitch drainage	Layout	18.04.23
P/2203/01 REV C : training pitch	Layout	18.04.23

1001 G	Location Plan	18.04.23
D1 Training field 200 Lux 0.5	Other Plans	03.10.23
E1 Issue A4 15m Elevation drawing	Proposed Elevation	03.10.23
P2203_03_C Ballstop netting 230914	Other Plans	03.10.23

List of Background Papers

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

Natural England

12 February 2024

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of the River Axe Special Area of Conservation (SAC).
- damage or destroy the interest features for which the River Axe Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

Mitigation measures set out in the shadow Habitats Regulation Assessment (sHRA) and accompanying Nutrient Neutrality Report (Revision 2 30/11/2023) need to be secured. We advise that appropriate planning conditions and obligations are attached to any planning permission to secure these measures. Natural England's further advice on designated sites is set out below.

Further advice on mitigation

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions, and to be confident that there is sufficient information to support the values used in the nutrient neutrality report. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority. We would be grateful for confirmation that this is the case.

The revised sHRA has addressed the points raised in Natural England's previous response of 17 November 2023 and has provided further evidence to support the conclusions made. It is noted that to achieve nutrient neutrality it is now necessary to upgrade two septic tanks to PTP at Yeabridge and Whetley Cross Farms. Natural England confirms that these two locations currently discharge into and are upstream of the River Axe SAC. In addition, securing the SuDS features of retention basin, swales and permeable paving to address surface water runoff is necessary to achieve nutrient neutrality.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice below on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority. As submitted, the application could have potential significant effects on the River Axe Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question.

Having considered your assessment, and the measures proposed to mitigate for any adverse effects, Natural England's advice is that your assessment is not sufficiently rigorous or robust to justify this conclusion and therefore it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question. We advise that your authority should not grant planning permission at this stage. We advise that additional work on the assessment is required to enable it to be sufficiently rigorous and robust. Natural England should be re-consulted once this additional work has been undertaken and the appropriate assessment has been revised.

Additional Information required and comments on the Habitats Regulations Assessment (HRA)

1. Section 2.7. Given the proximity of the development to the River Axe SAC, further assessment of impacts on the designated site in addition to nutrient neutrality is required. No reference is made to the Supplementary Advice on Conservation Objectives for the site (available on Designated Sites View) which include attributes and targets for the functioning of the riparian habitat and potential fish entrapment from intakes and discharges for example.

2. Section 2.9. Although Natural England does not disagree with the conclusion of no likely significant effect on the SAC from constructional noise and lighting, this is not because fish are not a priority reason for the designation. Sea lamprey, brook lamprey and bullhead are all qualifying features of the SAC and should be fully considered in any assessment.

3. Section 3.3. Natural England notes Environment Agency's in-principle support for the onsite wastewater treatment system being adopted by a NAV to undertake management and future responsibilities. Our previous advice (9 October) on the avoidance of aluminium salts for chemical dosing within the PTP should be considered in conditioning any permissions.

4. Justification for water usage figure. The Natural England methodology and calculator recommends the addition of 10 litres per person, per day to the Building Regulations standard being applied to the planning permission (e.g. 120 litres per person, per day). The calculations for this development have removed this additional 10 litres per person, per day and relies on the Building Regulations standard which is secured as part of the planning permission. We advise that the removal of the additional 10 litres per person, per day makes this assessment less precautionary than the approach set out in the Natural England methodology, and the Natural England calculator. Our methodology was informed by the analysis by Waterwise of homes in London built to a stricter 105 l/person/day under the Code for Sustainable Homes which showed that actual water usage ranged between 110 to 140.75 litres per person, per day, depending on the occupancy rates (<https://www.waterwise.org.uk/knowledge-base/advice-on-water-efficient-new-homes-forengland-september-2018>).

5. Section 3.4. Further justification required for the calculations relating to the urban phosphorus export value for the proposed development. We advise that the reduction in percentage impervious area from 80% to 40% may not be sufficiently precautionary during the lifetime of the development given the tendency for urban creep (the paving over of pervious surfaces). Use of the Modified Rational Method plus attenuation basin plus swales plus the new addition of pervious paving has reduced the total annual phosphorus load to mitigate from 6.76 kg TP from the calculator results to 1.17 kg TP now mitigated by the upgrade of a single septic tank to PTP. Your authority needs to have confidence that these calculations are sufficiently precautionary during the life of the development to be certain that nutrient neutrality has been achieved.

6. Appendix 1 of the HRA (NNAMS) states it is Revision R4 dated September 2023 when it has been updated to include a new location for septic tank upgrade and the addition of permeable paving. The NNAMS version currently on the application site is superseded.

7. The new location for the septic tank upgrade is upstream and on the same river channel as the proposed development and therefore meets that aspect of the nutrient neutrality principles.

8. We advise that further information on how the various proposed mitigation measures will be secured as part of any planning permission should form part of the HRA. Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Habitats Regulation Assessment (HRA) Adoption Statement

23/0685/MOUT - Land Adjacent Cloakham Lawn and Chard Road, Chard Road, Axminster

The above site is located within the River Axe Special Area of Conservation (SAC) catchment affected by excessive phosphorus (P) causing eutrophication of the designated site. The SAC is protected under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).

The principles underpinning Habitats Regulations assessments are well established. At the screening stage, plans and projects should only be granted consent where it is possible to exclude, on the basis of objective information, that the plan or project will have significant effects on the sites concernedⁱⁱ. Where it is not possible to rule out likely significant effects, plans and projects should be subject to an appropriate assessment. That appropriate assessment must contain complete, precise and definitive findings which are capable of removing all reasonable scientific doubt as to the absence of adverse effects on the integrity of the siteⁱⁱⁱ.

Habitats Regulations Assessments (HRAs) of new residential developments therefore need to consider whether nutrient loading will result in 'Likely Significant Effects' (LSE) on a Habitats site. If an HRA cannot exclude a LSE due to nutrient loading, the Appropriate Assessment will need to consider whether this nutrient load needs to be mitigated in order to remove adverse effects on the Habitats site.

The application is supported by a Nutrient Neutral Assessment/Mitigation Strategy (NNAMS)^{iv} and shadow Habitats Regulation Assessment (sHRA) screening report and Appropriate Assessment^v. The NNAMS and sHRA have been subject to amendments following two separate reviews from Natural England, the statutory consultee. Natural England raise no objection to the proposal, subject to appropriate mitigation being secured. The NNAMS and sHRA have also been reviewed by district ecologist.

The nutrient budget calculations are based on the 2022 Natural England methodology, River Axe SAC catchment calculator, and CIRIA 808 guidance for removal of phosphorus (P) using sustainable urban drainage systems (SUDS). In summary the proposed mitigation measures include:

- Provision of an onsite wastewater treatment facilities managed by an OFWAT-appointed statutory sewage undertaker. It is proposed to use an iron dosed package treatment plant (PTP). An agreement in principle to adopt the management of the onsite chemical dosed PTP has been provided by Albion Water, subject to necessary consents for discharge and construction.
- Provision of onsite suitable urban drainage systems in accordance with CIRIA 808 guidance.

- Replacement of two septic tanks with efficient (in terms of P removal) PTPs. The locations of the proposed septic tank replacements have been screened against the small-scale thresholds criteria and are upstream of the development site within the River Axe affected catchment. Therefore, these replacements would qualify for nutrient mitigation.

Therefore, assuming suitable planning obligations and conditions are applied to ensure the proposed mitigation measures are provided and maintained in perpetuity, the proposed mitigation measures are considered to mitigate for the predicted increase in P from the proposed development.

Based on the submitted NNAMS and sHRA it is considered that an Adverse Effect on the Integrity of the River Axe SAC can be ruled out.

It is considered that the conclusions of appropriate assessment can be adopted by the Local Planning Authority, in its role as the competent authority under the Habitats Regulations.

EDDC District Ecologist

4 December 2023

1. Introduction

This report forms an update to the EDDC's Ecology's response to the outline 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

Revised Ecological Impact Assessment (EclA)

Comments raised previously have mostly been addressed in an amended EclA (Grassroots Ecology, September 2023). This included further clarification of habitat condition, details of a pill box, bat survey effort, bat and dormouse mitigation, and the submission of the biodiversity net gain spreadsheet and condition assessment sheets. No change to the recommended number of bird boxes has been made, although this detail could be secured within a Landscape and Ecological Management Plan (LEMP).

The submitted biodiversity net gain spreadsheet indicates the development could result in an enhancement for biodiversity above the baseline habitat value, even if assuming a precautionary approach to the predicted habitat condition and strategic significance.

The submitted proposal provides a lighting strategy indicating that a dark corridor (<0.5 lux) would be provided along the north and west boundaries of the built development form (Plan ref 1290 Rev B), to be detailed within a supporting lighting impact assessment at the reserves matters stage.

Nutrient Neutral Assessment and Mitigation Strategy

The Nutrient Neutral Assessment and Mitigation Strategy (NNAMS) proposes a combination of onsite chemical dosing package treatment plant (PTP) and SUDS features with proposed off-site septic tank replacement with efficient PTP to provide

nutrient mitigation. The NNAMS has been amended since the previous iteration and a shadow Habitats Regulation Assessment (sHRA) has been submitted.

It is understood the client is currently engaged with Natural England using the Discretionary Advice Service (DAS) to assess the proposed nutrient mitigation strategy to ensure the proposals are endorsed by Natural England.

There are issues identified in the sHRA and nutrient strategy by Natural England that still need addressing before the scheme would be considered to achieve nutrient neutrality.

3. Conclusions and recommendations

Acceptability of the proposals

The submitted ecological survey information including ecological avoidance, mitigation, and enhancement measures are generally considered acceptable notwithstanding the above comments and assuming the following conditions are imposed and the successful implementation of the mitigation and enhancement measures.

The proposed nutrient mitigation measures are yet to be considered sufficient to demonstrate nutrient neutrality, and as such an adverse impact on the River Axe SAC cannot be ruled out.

Therefore, until the nutrient strategy can be demonstrated to provide nutrient neutrality, with acceptance of the proposed scheme by the statutory consultee, I would continue to object to the proposal.

Reason

In absence of the necessary information identified above, it has not been demonstrated that the proposals would not result in an adverse impact on a protected site (River Axe SAC) and the proposal is not in accordance with Strategy 47 (Nature Conservation and Geology) and Strategy 20 (Development at Axminster) of the East Devon Local Plan 2013 to 2031

Draft conditions

Should this application be approved, the following conditions should be imposed.

o No works shall commence on site until a Lighting Impact Assessment (LIA) including lux contours, based on the detailed site design, most recent guidelines (currently GN08/23 and DCC 2022), and recommendations within the bat survey report (Grassroots Ecology, September 2023 - Plan ref 1290 Rev B), has been submitted and approved in writing by the local planning authority. The LIA should clearly demonstrate that dark corridors are achievable without the attenuation of habitat features which long-terms management cannot be guaranteed. All lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

o A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development based on the Ecological Impact Assessment (Grassroots Ecology, September 2023) and comments made from the District Ecologist. It should include the location and design of biodiversity features including bird boxes (at a ratio of 1 per unit), bat boxes, permeable fencing, and other features to be shown clearly on submitted plans. The content of the LEMP also include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum 30-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

o 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.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication, including reporting compliance of actions to the LPA
- g) The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements.
- h) Use of protective fences, exclusion barriers and warning signs.

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

o The development shall not be occupied until the local planning authority has been provided with evidence, including photographs and completed toolbox talk sheets, that all ecological mitigation and enhancement features, including bat boxes, bird boxes (1 per dwelling), have been installed/constructed, and compliance with any protected species licences, and ecological method statements in accordance with details within the submitted LEMP and CECoMP.

EDDC District Ecologist

26 July 2023

1. Introduction

This report forms the EDDC's Ecology's response to the outline 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

Ecological Impact Assessment (EclA)

The submitted ecological impact assessment (EclA) indicated that the majority of the ecological survey work including the extended phase 1 habitat survey, and survey for bats, nesting birds, and dormice were undertaken in 2020, with a preliminary ecological appraisal undertaken in 2018 and an updated walkover survey in February 2023.

The report does not discuss any changes to the site over the survey period and it is not obvious from the photographs included when these were taken or include any comparison photographs between years/seasons, e.g., different months/year.

BS 42020:2013 Code of Practice for planning and development states that "ecological information should be sufficiently up to date (e.g., not normally more than two/three years old, or as stipulated in best practice guidance)". Given that the majority of the surveys are within three years, and an updated walkover survey was undertaken in February 2023, the current age of the survey data would be acceptable.

Bat activity survey

The site was assessed as having moderate suitability for foraging and commuting bats in accordance with current bat survey guidelines (Collins, 2016).

The north boundary of the site consists of the River Axe, a riparian area with mature trees, and the site also consisted of species-rich hedgerows connecting to the wider landscape. Therefore, given the suitability of riparian habitat for foraging and commuting bats and the connectivity of the river corridor for landscape connectivity, the assessment could under value the site for bats. It is accepted that the arable fields and the built development to the south of the site would reduce its value slightly.

Bat survey guidelines (Table 8.3) recommends to achieve a reasonable survey effort for sites considered of moderate suitability habitat for bats that they be surveyed with one visit per month (April to October), with at least one dusk and pre-dawn survey (or dusk to dawn survey) within one 24 hr period.

For static bat activity surveys survey guidelines recommend that two static bat detectors be deployed during each transect survey, i.e., between April and October for a minimum 5 night period.

In terms of survey effort, four transect surveys were undertaken between May and September 2020. The May 2020 manual activity survey ended at 22:40h, which is 1h

40m after sunset (21:00). Survey guidelines recommend that surveys should span 2-3 hrs from sunset.

The static bat activity survey consisted of the deployment of one static bat detector in Hedgerow 3 (H3) on three occasions spanning late-May, June, late-August/early September for 37 nights in total. One static bat detector was deployed in Hedgerow 5 (H5) on two occasions in late-June/early-July and late-August/early-September for 27 night in total.

The surveys undertaken are in not in accordance with current bat survey guidelines in terms of recommended survey effort and no explanation or expansion on this has been made. In particular, no surveys have encompassed the transitional survey periods (April and October) which is when bats will be moving between their summer and winter roosts, e.g., Beer Quarry and Caves Special Area of Conservation (SAC). The static bat detector deployment on H3 only accounted for 27 nights, when 35 nights is the expected minimum deployment period for sites of moderate suitability, i.e., 5 nights per month (April to October).

Consideration should be given for the potential of the site to support late emergingaverse bat species and whether later transect surveys and use of full spectrum bat detectors would provide additional information. No predicted adverse impacts are considered from the development of the site (other than lighting -see below). However, consideration should also be given to the potential cumulativecombination impacts of the development and those to the south.

Bats and lighting

The issues of lighting is discussed and references ILP 2018 guidance for onsite lighting. However, the lighting design should also follow Devon County Council (2022) guidance - Maintaining dark corridors through the landscape for bats. In particular, major development proposals with potential impacts on light adverse bat species should include a network of dark corridors, with a minimum 10 m width open grassy corridor maintained next to natural linear features. The dark corridors should be no more than 0.5 lux (or above existing baseline lighting levels) as shown on a horizontal illuminance contour plan, measured at 1.5m and be managed to maximise insect prey. The use of vegetation should also be incorporated to provide a buffer from the built development.

The submitted Luminaire Schedule (Drawing D1) indicates that the predicted lux levels contours on by hedgerow H5 in the south-west part of the site (confirmed to be used by both Annex II lesser and greater horseshoe bats) and the attenuation feature to the east are within the region of 5 lux, which is far in excess of the recommended 0.5 lux to avoid impacts on light adverse (including horseshoe) bat species.

Bat roosts

The EclA identified that one pillbox is located on the site but the Design and Access Statement indicated there are two and no mention of the second box is discussed. The report indicates that the box surveyed offered potential suitability to support

hibernating bats and the transect surveys included a partial emergence survey of the boxes. It is accepted that access to the box was constrained but does not include any considerations of alternative survey methods such as infra-red, data loggers, thermal imaging or use of endoscope. The potential use as a night roost is also not mentioned.

Details regarding the second pill box should be provided and measures to ensure the retained boxes remain free from disturbance, e.g., through structured planting, fencing etc.

Hazel dormouse

Dormice are confirmed as nesting on site and clearance of woody vegetation, including hedge severance, prior to development will require a European protected species licence from Natural England.

Mitigation is proposed to provide approximately 500 m of new hedge, predominantly (~285 m) adjacent to/bounded by residential dwellings where continued management and issues of disturbance need to be considered in assessing their viability to support dormice (and to provide biodiversity net gain).

Recommendations to supplement dormouse nest boxes are made but not quantified. At least 10 dormouse nest boxes should be provided in existing suitable habitat over the site, including hedges and area of woodland to the north. New hedges should be Devon bank hedges and species-rich using native woody species of local provenance.

Nesting birds

The site supports a wide assemblage of nesting birds and recommendations are made for nest boxes to be provided at a ratio of 50% of units. In accordance with BS42021:2022 integral nest boxes should be provided at a ratio of one per unit and do not have to be within each unit, e.g., some could be located in clusters adjacent to suitable habitat.

Reptiles and Section 41 protected species

No reptiles were found during the reptile survey and a statement regarding a re-assessment of the site pre-development is made and measures to include protection/avoidance measures provided within a Construction Ecological Management Plan (CEcMP).

This is considered acceptable but should also include consideration and measures for other species protected under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, in particular amphibians and hedgehogs which are commonly found in Devon bank hedgerows. It is accepted presence of great crested newts (GCN) is considered unlikely.

Biodiversity Net Gain

The EclA is supported by a Biodiversity Net Gain (BNG) calculation using the Biodiversity Metric 3.1 and include the headline results summary. It includes all habitat parcel types (areas, hedge, and water courses) and indicates there would be net gain provided for all habitat types (between ~15-89%) and that trading rules has been satisfied.

The proposed onsite habitat gains are largely due to provision of species-rich grassland provision, as well as hedgerow provision, enhancement, and riparian enhancements.

The application should include the full Excel document with assessor's comments as well as the completed condition assessment sheets to ensure proposed created habitats are realistic in their proposed habitat conditions.

Details regarding additionally should also be provided and clearly indicated in the assessors comments in the metric/proposed plans. Measures provided for protected species compensation can contribute to BNG up to no net loss, i.e., 10% gain is required in addition to any habitat being provided as protected species compensation.

Nutrient Neutral Assessment and Mitigation Strategy

The submitted Nutrient Neutral Assessment and Mitigation Strategy (NNAMS) proposes a combination of onsite chemical dosing package treatment plant (PTP) and SUDS features with proposed off-site septic tank replacements with efficient PTP to provide nutrient mitigation.

The site is located within 60 m of the River Axe SAC, with the proposed outflow of the SUDS/waste water entering the SAC from the development site. While the replacement of poorly performing septic tanks with PTPs can provide nutrient mitigation, further consideration of the proposals are required given the scale of the development, the proximity to the designated site, and that the outflow from the waste water flowing directly into the SAC.

3. Conclusions and recommendations

I currently submit a holding objection until the above comments are addressed to satisfaction, in particular details regarding bats, dormice and biodiversity net gain.

Given the large scale of the proposed development, its proximity to the designated site, and that the outflow from the waste water flows directly into the SAC it is recommended that the client seeks formal advice using Natural England's Discretionary Advice Service (DAS) to assess the proposed nutrient mitigation strategy to ensure the proposals are endorsed by Natural England.

It is also recommended following the DAS advice that a shadow Habitats Regulation Assessment (HRA) be submitted with the amended (if required) NNAMS and include the DAS advice letter.

4. Reasons:

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."

Consideration of impacts on protected species is a material consideration of planning permission. It is not possible to properly consider the impacts of the proposals on priority and protected habitats and species, or designated sites, in absence of all survey information and suitable avoidance/mitigation/compensation measures.

In absence of the necessary information identified above, it has not been demonstrated that the proposals would not result in an adverse impact on protected sites, protected and priority species and priority habitats. In absence of this information, the proposal is not in accordance with Policies EN5, and Strategy 47 of the East Devon Local Plan 2013 to 2031

Economic Development Officer

31 July 2023

We have reviewed the documents associated with this application. Our main observations are as follows:

- o 4.1.2 of the Design & Access Statement holds that 'The site will also provide approximately 0.8ha of employment land. This will be restricted to Use Class E which includes potential uses such as offices, shops and research and development'. On the face of it, we welcome provision of additional employment land in Axminster, which has taken a high volume of new housing in recent years and without employment development to sustainably balance this. Our concern is that the proposed employment use is quite a broad in range. We would like the applicant to provide evidence of specific local demand for workspace covered by this fairly general resi-friendly Class E use. The current market for office accommodation is somewhat reduced in the east of our district and we would seek assurance that what could be a valuable workspace element would not be lost to residential development through COU or PD following from any future lack of Class E demand. This potential loss would be especially damaging if it could be shown that there were an opportunity to promote high GVA employment, perhaps with a R&D focus on site.

- o We're conscious of a critical undersupply in the provision of available B2 workspace across our district and we'd welcome any reflection of this within the proposals if there were opportunity to address this shortage. Analysis of our own vacant NNDR premises data suggests that between 2019 and 2022, the volume of vacant office premises in East Devon has doubled (predominantly as a result of the transition to home/remote working), whereas the amount of vacant B2 and B8 space has more than halved.

- o The applicant's Planning Statement rightly highlights that the 'employment land that was to be delivered as part of the eastern expansion is now no longer

coming forward'. Within that context, around 0.8ha of employment provision is welcome on one level, though inadequate in meaningfully addressing both the type and scale of evidenced local need. The construction jobs noted are not sustained local employment and provide little impact on longer term GVA.

o We have lost local employers from the area as a result of constrained B2 and B8 supply and no significant new employment areas have come forward in Axminster to address local demand. In Sept 2018, 26 Directors of companies across Millwey Rise Industrial Estate were surveyed (see attached) and articulated a net future emp. land requirement of 3.82 hectares over 5 years. Millwey Rise is completely full now as it was in 2018 and none of their reported additional employment land need has been delivered over the 5 year timeframe.

o Lastly, it should be noted that as much as we'd welcome employment provision to meet local need, on this particular site, we can't see how this would outweigh the observations of Natural England pertaining to unacceptable nitrate and phosphate loading in the River Axe.

We'd be happy to provide additional comment on request.

Kind regards,

Rob

Robert Murray PhD, MIED
Economic Development Manager - Growth, Development and Prosperity

Environment Agency

26.5.23

Thank you for consulting us on this application.

Environment Agency position:

We recommend that this application is not determined until further information is submitted relating to the proposed nutrient mitigation scheme. Whilst we have no in-principle objections to the proposal, further information is required to satisfactorily demonstrate that the proposed off-site mitigation will contribute sufficiently to delivering a nutrient-neutral development and that there is no detrimental impact to the water environment.

Further, we recommend that this application is not determined until you have received comments from Natural England advising that they are content with the details submitted pertaining to the nutrient neutrality.

Our comments regarding flood risk are also provided below. We note a Sequential approach has been taken by the applicant and it will be up to your authority to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF).

Reason for position - Foul Drainage and nutrient neutrality:

The proposal constitutes major development which proposes to use a new non-mains drainage system. The applicant highlights the reason that a mains connection is not proposed is due to the sewer capacity and water quality issues in the area. As you will be aware, the River Axe Special Area of Conservation (SAC) is affected by the requirement of the nutrient neutrality due to the high Phosphorus loads in the river.

The applicant explains that they propose for a NAV (a limited company which provides a water and/or sewerage service to customers in an area which was previously provided by the incumbent monopoly provider i.e., SWW) to adopt the infrastructure and take on the future responsibilities. The applicant details the proposed drainage infrastructure which provides sufficient capacity to treat the expected effluent volumes to the required standard and in line with the British Standards Flows and Loads 4 which is acceptable. As this is the case, we would consider the approach to be essentially equivalent to discharging to the incumbent sewerage undertaker's network which we can support in-principle.

Notwithstanding this, consideration needs to be given to whether the proposed outfall would be located in a significantly different location to that which the current SWW treatment plant outfalls into the River Axe. The SWW discharge is currently at Kilmington Waste Water Treatment Works (WWTW) which is downstream of the development site. Whilst it is positive that the applicant proposes to replace/enhance septic tanks at three sites to the west of Axminster, these sites are within the catchment of the River Yarty rather than the Axe, and at locations which are essentially 'downstream' of the development site. As such, the development could still increase Phosphate loads in the stretch of river from the development site to the confluence of the River Yarty and River Axe/Kilmington WWTW discharge point. Further confirmation to ensure that an overall balance can be struck to ensure no detrimental impacts to water quality at any point along the River Axe is needed. This will need to be demonstrated to the satisfaction of Natural England.

For your information, we advise that this arrangement would require an Environmental Permit which would also apply conditions to secure an OFWAT-approved undertaker to adopt the infrastructure and future responsibilities. Should the in-principle agreement with Albion Water fall through, a permit for a separate private treatment plant serving the proposed development would not be forthcoming consistent with our policies on non-mains proposals in sewered areas.

Reason for position - flood risk:

The site is located partially within flood zones 2 and 3 associated with the main River Axe which borders to site to the north. We note that this site is included in the emerging local plan as an allocation reference: LP_GH/ED/83 but as this is not yet adopted, the Sequential Test is technically applicable. However, the applicant has taken a sequential approach to the layout of the proposal and our interrogation of the flood risk assessment and mapped flood zones suggests that all built development will be located outside of the zones of medium and high flood risk, so the applicability of the Sequential Test is the decision of your authority.

The areas of higher risk are proposed to be the open space and sports pitch which are defined within the planning practice guidance (PPG) as being 'water compatible' uses. Notwithstanding this, it is important that no land raising within the flood zone occurs to ensure that there are no unintended flood risk impacts, including increase in flood risk to third parties. This includes storage of material in the flood zone during construction or raising levels at any time during the construction and operation of the development. Should our other concerns be addressed, we would look to recommend a condition on this matter.

Addressing outstanding matters:

To address the matters highlighted above, we would advise the applicant submits further information to provide assurances that the proposal will be nutrient-neutral. In particular:

- o further assessment regarding the impact to nutrient levels in the stretch of river directly downstream of the proposed outfall (i.e. to the west and south west of the site),
- o further details that the proposed mitigation measures are contributing to the overall nutrient neutrality of the development, to the satisfaction of Natural England.

Advice to the LPA - other matters:

Please note that, should our concerns be satisfied by further information, we would look to potentially recommend a condition which relates to ensuring no land raising in the flood zone. Where the details of the offsite mitigation are satisfactory, we may recommend a compliance condition on this matter. We would also look to recommend that the 'Illustrative Masterplan' 4002D dated March 2023 is included in the list of approved documents.

Please contact us again if you require any further advice or wish to discuss the contents of this letter.

Yours faithfully

Harriet Fuller
Planning Advisor

Environmental Health

10.5.23

1. A Construction and Environment Management Plan (CEMP) must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays

or Bank Holidays. There shall be no burning on site and no high frequency audible reversing alarms used on the site.

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

2. This application involves the introduction of noise sensitive dwellings in close proximity to new commercial premises. I am concerned that the noise impact from the mixing of these two land uses, has not been assessed. It is possible that due to their close proximity, that new businesses operating in the locality will generate significant amounts of noise and the impact of this noise may cause significant adverse effects on future residents. Therefore, a BS4142:2014+A1:2019 assessment should be undertaken in order to determine the noise impact from the introduction of any commercial businesses on the development. The purpose of these noise assessments are to determine whether or not future residents are likely to be adversely affected by noise. This will help inform the decision making process for the proposed development. If the noise impact assessment highlights noise as an issue, mitigation will need to be considered and assessed in order to determine if it is at an appropriate level to achieve the 'Good Standard' internal and external noise levels as detailed within BS8233.

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

3. The specific noise level of any fixed plant or equipment installed and operated on the site must be designed as part of a sound mitigation scheme to operate at a level of 5dB below daytime (07:00 - 23:00 expressed as LA90 (1hr)) and night-time (23:00 - 07:00 expressed as LA90 (15min) background sound levels when measured or predicted at the boundary of any noise sensitive property. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

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

4. Before the development commences an assessment shall be carried out of the potential impact of the floodlights on nearby residences and a scheme for ensuring that residents do not suffer loss of amenity due to light pollution shall be submitted to and agreed in writing with the Local Planning Authority. Works shall be carried out in accordance with the approved details.

Reason -To protect the amenity of neighbouring residents and to regulate and control light spillage to protect the character and appearance of the area.

Conservation

30.5.23

CONSERVATION CONSULTATION ON PLANNING APPLICATION AFFECTING THE SETTING OF LISTED BUILDINGS.

23/0685/MOUT

Land Adjacent Cloakham Lawn and Chard Road, Chard Road, Axminster

Hybrid application: Outline application for the erection of up to 140 dwellings, 0.8 hectares of Class-E employment land, public open space, drainage and ancillary works (all matters reserved except access). Full application for works to football training pitch including drainage improvement work, 4x 15m tall floodlighting columns and erection of 6m high ballstop netting on west side of football pitch and training ground.

Site surroundings

The application site is located north of Axminster's Conservation Area adjoining Chard Road, identified as undeveloped fields in arable use. Including an access road to Axminster Town Football Club, land which makes up part of Axminster Town Football Club's grounds.

In appearance the northern boundary of the site is formed by a mature tree belt, which borders the River Axe. This tree belt continues down part of the western boundary, separating the site from the railway line. The remaining part of the western boundary is open and is within Axminster Town Football Club's grounds.

The southern boundary of the site is currently open to the Football Club in the south west and adjoining development under construction to the south east.

The eastern boundary is formed by Chard Road and the back gardens of existing properties along Chard Road to the south. Following which, the boundary comprises a hedgerow with scattered trees along Chard Road and varying types of fence and hedgerows where it adjoins existing rear gardens.

Built Heritage Significance

The proposed development site is located within agricultural north of Axminster town centre, the surrounding area includes assets that comprise of; one Grade I Listed Building, one Grade II* Listed Building and nine Grade II Listed Buildings, including non-designated assets which fall within the site.

Heritage assets surrounding the site.

- o Grade I Listed Weycroft Hall is located east of the proposed development site and forms part of a former manor house with origins dating to c.1400.
- o The southern part of the former manor house now forms a separate dwelling which, has an attached well house and is Grade II* Listed.
- o A stone rubble wall of medieval origin, which now forms the kitchen garden wall, is designated as a Grade II Listed structure
- o An outbuilding to the southeast of Weycroft Manor and a stone rubble garden wall adjoining this outbuilding are also Grade II Listed.

- o The water mill, mill buildings and mill house at Weycroft date to the 18th and 19th centuries and are located northeast of the proposed development site.
- o The Grade II Listed Weycroft Bridge is located the north of the mill complex identified as a 17th century road bridge over the River Axe.
- o The Grade II Listed Cloakham House is located west of the proposed development site and was built in 1732, with alterations and extensions undertaken during the 19th century.

Non-designated heritage assets within the site

- o In addition the site is situated within a landscape in which there is known evidence for numerous Second World War defence structures and earthworks relating to the Taunton Stop Line and the Weycroft Defence Area. Including three Pillarboxes to the north-west of the site boundary.

The potential harm on the heritage assets significance and setting as a result of the proposed development works, has been balanced against paras. 202 and 206 of the NPPF21 as discussed in the assessment of harm which forms part of this report.

Assessment of harm

A Heritage Impact Assessment on the direct physical impact and/or impact on setting of the identified heritage assets from the development site, has been undertaken by AC Archaeology. In response to the proposed development to provide a residential development of 140 dwellings with associated infrastructure, employment land, green space, orchard, attenuation ponds, and play trail on the site.

Physical impact on heritage assets

Within the proposed development site there are Second World War pillboxes, identified as defensive structures forming part of the Taunton Stop Line. These structures are recorded by AC Archaeology as being in-situ and located toward the north-west corner of the site. With an additional pillbox, in situ, located within the north-west corner of the site.

Due to their location, the pillboxes do not fall within the built envelope of the development and will remain in situ, which will result in no physical impact on their historic or architectural interest.

Impact on setting of the surrounding heritage assets

The medieval manorial complex at Weycroft Hall is due to the topography of the rural landscape, elevated on the east side of the historic Fosse Way Roman Road and the River Axe.

In context of views from the group that makes up Weycroft Hall towards the proposed development, the verdant character of the landscape would only allow for glimpsed views of the proposals roofscapes. However and going beyond views and inter-visibility between the manorial complex and the proposed development, the introduction of '4 x 15m tall floodlighting columns and on west side of football pitch and training ground' has the potential to visually intrude as an uncharacteristic feature within the agricultural landscape that surrounds and forms the historic setting of Weycroft Hall, a feature that will have an impact on the contribution the wider setting makes to the historic interest of the group of heritage assets.

In this respect the development site would fail to preserve, enhance or better reveal the contribution to the setting makes to the significance of Weycroft Hall as a historic group. The scale of harm of which is however considered moderate when balanced against the existing verdant landscape, to the west and south of Lodge Lane and Weycroft Hall, which allows for the listed group to continue to be experienced as a complex of medieval manorial buildings, in an elevated position that continues to be experience within a verdant landscape, which forms part of its immediate setting.

The land immediately to the south and west of Weycroft Hall drops down steeply towards a tributary of the River Axe and Weycroft Mill, which is located west of Weycroft Manor and is on the site of one of the mills mentioned within the Domesday Survey. The current buildings at Weycroft Mill however dates to the 18th and 19th centuries.

Although the proposed development site is at the same level and located in close proximity to the Grade II Listed Weycroft Mill and Mill House. Key views of the mill buildings will remain prominent within the streetscene, as a built form that is set of the back edge of the street, the vernacular materials of which provide a contrasting landmark to the hedgerows that define the edges and contours of the A358, when travelling towards Chard.

A key view that will continue to be preserved as a result of the northern part of the site being maintained as a field parcel dedicated 'for people and wildlife, incorporating tree planting and attenuation features which will be enhanced for ecological betterment. This could include the introduction of an orchard to restore historic floodplain features.'

Turning to the immediate setting of the pillboxes that fall within the site, the impact the development proposal would have in the contribution the open setting makes to these non-designated heritage assets, is outweighed by the proposal for interpretation panels within the field parcel to the north-west of the site. Allowing for the historic and architectural interest of these assets to be understood as part of Weycroft Defence Area and Taunton Stop Line.

In summary the proposed development would result in no significant or less than significant harm to the heritage assets, while continuing to preserve the contribution the wider setting makes to the historic and architectural interest of the identified heritage assets that surround the immediate vicinity and wider setting of the heritage assets. Satisfying paras. 202 and 206 of the NPPF21

Recommend approval subject to conditions

Conditions

Interpretation boards

Details of the interpretation board(s) and supporting structure including scale, design, profiles, materials and finishes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of these works. The works shall be carried out in accordance with the approved details.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

Interpretation boards information

Details of the information to be included on the interpretation board(s) including scale, design, materials and finishes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of these works. The works shall be carried out in accordance with the approved details.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

SLG

30.05.2023

Contaminated Land Officer

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

1. A site investigation scheme, based on the already submitted preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete.

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

4. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken and where remediation is necessary a new

remediation scheme must be prepared in accordance with the requirements of condition 2. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

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

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

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

DCC Flood Risk SuDS Consultation

24 April 2024

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

Outline Planning:

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

(a) A detailed drainage design based upon the approved Proposed Residential Development at Chard Road, Axminster, Devon Site Specific Flood Risk Assessment & Drainage Strategy (Report Ref. FRA1-2, Rev. -, dated June 2023).

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

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

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

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

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

Full Planning:

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

(a) A detailed drainage design based upon the approved Proposed Residential Development at Chard Road, Axminster, Devon Site Specific Flood Risk Assessment & Drainage Strategy (Report Ref. FRA1-2, Rev. -, dated June 2023).

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

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

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

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

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

Observations:

The applicant have submitted 23/0685/MOUT - Chard Road Axminster Covering Letter (Letter Ref. IMA-22-013/LLFA, dated 16th February 2024).

Outline Planning:

The applicant have revised Proposed Residential Development at Chard Road, Axminster, Devon Site Specific Flood Risk Assessment & Drainage Strategy (Report Ref. FRA1-2, Rev. -, dated June 2023) to support the development of 140 residential dwellings and associated estate roads and infrastructures, with an allocation of 0.8ha of Class E employment.

The applicant have carried out soakaway testing which confirmed that ground conditions will not support infiltration.

A pond is present adjacent to the Axminster Football Club. It is anticipated that a drainage ditch runs parallel to the base of the railway embankment, and connects to pond, prior to crossing below the railway, south west of the football club, and converging with the River Axe.

The Drainage Strategy Catchment Areas Drawing (Drawing No. P/510 Rev. P3, dated June 2023) indicates that the proposed residential area is 22,280m² and the Class E Employment area is 8,080m² (total of 3.036ha). The whole site restricting greenfield runoff rate is 29.5l/s (for 3.036ha) and 7.9l/s for the Class E employment area. However, greenfield runoff calculation in Appendix D indicates an area of 2.813ha for the proposed residential area. The 10% urban creep shall only be applied to the residential property element only. The applicant mentioned in their covering letter above that the corrected information will be submitted during the detailed design. areas used in the model shall also be reviewed.

The applicant mentioned that Class E employment development will be subject to further standalone planning application. The applicant shall ensure that this proposed development will not impact on the overall drainage strategy. Any changes would need to be incorporated.

The applicant will consider bio retention area, rainwater gardens, tree pits, swales etc to capture and treat surface water runoff during detailed design. The downstream section from the attenuation basin shall be changed to swales to provide further amenity, biodiversity and water quality purposes. This shall be looked into detailed during detailed design although the applicant mentioned that the existing pillbox structure require that the landscape fronting the structure are retained and undeveloped.

The area for the footway or cycleway link to connect to existing football club access is not included as part of this application.

Full Planning:

The applicant proposed a new drainage system of land drains under the training pitch of an area of 60m x 50m. The land drains or lateral drains are further discharging into the carrier drain before outfalling into the adjacent swale. The applicant further clarified in their covering letter that the pitch drains by nature of its gradient to the existing drainage swales. The applicant shall demonstrate during the detailed design that the existing drainage swales have been designed to cater for the flow from this training pitch.

DCC Flood Risk SuDS Consultation
9 February 2024

Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to

demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant have submitted 23/0685/MOUT - Chard Road Axminster Covering Letter (Letter Ref. IMA-22-013/LLFA, dated 27th June 2023).

Outline Planning:

The applicant have revised Proposed Residential Development at Chard Road, Axminster, Devon Site Specific Flood Risk Assessment & Drainage Strategy (Report Ref. FRA1-2, Rev. -, dated June 2023) to support the development of 140 residential dwellings and associated estate roads and infrastructures, with an allocation of 0.8ha of Class E employment.

The applicant have carried out soakaway testing which confirmed that ground conditions will not support infiltration.

A pond is present adjacent to the Axminster Football Club. It is anticipated that a drainage ditch runs parallel to the base of the railway embankment, and connects to pond, prior to crossing below the railway, south west of the football club, and converging with the River Axe.

The Drainage Strategy Catchment Areas Drawing (Drawing No. P/510 Rev. P3, dated June 2023) indicates that the proposed residential area is 22,280m² and the Class E Employment area is 8,080m² (total of 3.036ha). The whole site restricting greenfield runoff rate is 29.5l/s (for 3.036ha) and 7.9l/s for the Class E employment area. However, greenfield runoff calculation in Appendix D indicates an area of 2.813ha for the proposed residential area. The areas used in the model shall also be reviewed.

The 10% urban creep shall only be applied to the residential property element only. This should be refined during the detailed design.

The applicant mentioned that Class E employment development will be subject to further standalone planning application. The applicant shall double check with the LPA to confirm this.

The applicant will consider bio retention area, rainwater gardens, tree pits, swales etc to capture and treat surface water runoff during detailed design. The downstream section from the attenuation basin shall be changed to swales to provide further amenity, biodiversity and water quality purposes. This shall be looked into detailed during detailed design although the applicant mentioned that the existing pillbox structure require that the landscape fronting the structure are retained and undeveloped.

The area for the footway or cycleway link to connect to existing football club access is not included as part of this application.

Full Planning:

The applicant proposed a new drainage system of land drains under the training pitch of an area of 60m x 50m. The land drains or lateral drains are further discharging into the carrier drain before outfalling into the adjacent swale.

The applicant shall confirm the location of the swale and as to whether the swale was previously designed to accommodate the flow from the proposed training pitch.

Yours faithfully
Hock Lee

DCC Flood Risk SuDS Consultation
9 May 2023

Recommendation:

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

Observations:

Outline Planning:

The applicant have submitted Proposed Residential Development at Chard Road, Axminster, Devon Site Specific Flood Risk Assessment & Drainage Strategy (Report Ref. FRA1-1, Rev. -, dated March 2023).

The applicant mentioned that it is not envisaged that infiltration will be a suitable means of dispersal for the development. It was mentioned also in Section 4.3.4 of the above report that soakaway testing has been undertaken and confirmed that ground conditions will support infiltration. However, no information was submitted to demonstrate this. Also, both the statements contradicted one another.

A pond is present adjacent to the Axminster Football Club. It is anticipated that a drainage ditch following the existing topography, prior to crossing below the railway, south west of the football club, and converging with the River Axe.

The Drainage Strategy Catchment Areas Drawing (Drawing No. P/510 Rev. P1, dated February 2023) indicates that the proposed residential area is 22,280m² and the Class E Employment area is 8,080m² and the associated restricting greenfield runoff rate of 27.4l/s and 7.9l/s. However, greenfield runoff calculation in Appendix D indicates an area of 2.813ha for the proposed residential area. The areas used in the model shall also be reviewed.

The greenfield runoff rates have been calculated using the FEH method. The applicant must submit a screenshot of the FEH web service to evidence the values used.

The applicant is in disagreement with the Environment Agency regarding the modelled flood level provided by the Environment Agency. The applicant would need to obtain an agreement with the Environment Agency as this will impact on the proposed drainage strategy as no above ground attenuation pond is allowed to be located within the flood zone. The Environment Agency also raised the potential risk of the bend in the watercourse migrating into the site. To safeguard the development and provide the necessary access and maintenance corridor, an undeveloped corridor adjacent to the river shall be maintained.

Depending on the outcome of the above agreement with the Environment Agency, the applicant shall review the underground tank proposal for the Class E Employment area as underground systems cannot be considered as truly sustainable means of drainage because they do not provide the required water quality, public amenity and biodiversity benefits, which are some of the underpinning principles of SuDS. Consequently, above-ground SuDS components should be utilised unless the applicant can robustly demonstrate that they are not feasible; in almost all cases, above- and below-ground components can be used in combination where development area is limited.

The applicant will consider bio retention area, rainwater gardens, tree pits, swales etc to capture and treat surface water runoff during detailed design. The downstream section from the attenuation basin shall be changed to swales to provide further amenity, biodiversity and water quality purposes. The area for the footway or cycleway link to connect to existing football club access is not included as part of this application.

Full Planning:

The applicant proposed a new drainage system of land drains under the training pitch of an area of 60m x 50m. The land drains or lateral drains are further discharging into the carrier drain before outfalling into the River Axe.

The applicant have not provided any detail information regarding the natural tuft pitch and the surface water runoff from the proposed land drains are not being attenuated. The provide shall provide detail of how the surface water runoff will be managed.

Yours faithfully

Hock Lee

Flood and Coastal Risk SuDS Engineer

Devon County Archaeologist

25/4/23

I refer to the above application. The Historic Environment Team has now received the report setting out the results of the archaeological evaluation of the area subject to this proposed development. These investigations have demonstrated evidence of human activity on the site from the Mesolithic and Neolithic periods - by the recovery

of flint tools from these periods - as well as deposits showing later Bronze Age, Iron Age and Roman settlement here. The report from AC Archaeology suggests that the Roman settlement here may have early origins and may have been deliberately sited adjacent to the Fosse Way that the current A58 follows.

The development of this area will effectively destroy the heritage assets with archaeological interest present here, as such the impact of development upon the archaeological resource should therefore be mitigated by a programme of archaeological work that will investigate, record and analyse the archaeological evidence that would otherwise be destroyed by the proposed development.

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

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

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

Reason

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

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

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

'The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and

archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'

Reason

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

I would envisage a suitable programme of work as taking the form of the archaeological excavation of all areas affected by the proposed development that have been shown to contain archaeological or artefactual deposits associated with the prehistoric and Roman activity across the site to ensure an appropriate record is made of these heritage assets prior to their destruction by the proposed development. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

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

Yours sincerely,

Stephen Reed

Senior Historic Environment Officer
My ref: Arch/DM/ED/38500a

I refer to the above application and your recent consultation. An archaeological geophysical survey has been undertaken across the proposed development site that has identified anomalies that are indicative of prehistoric and Romano-British activity. A programme of archaeological field evaluation is currently being undertaken by the applicant's archaeological contractor, AC Archaeology. The scope of these investigations has been agreed with this office and is designed to investigate the anomalies identified as well as the efficacy of the survey itself.

The Historic Environment Team will be able to provide informed advice to your Authority upon receipt and consideration of the report setting out the results of the archaeological investigations. I would therefore advise that this planning application is not determined until such information is available to ensure that an informed and reasonable planning decision can be made.

Please do contact me if you need any additional information or clarification of any of the above.

Yours faithfully,

Stephen Reed
Senior Historic Environment Officer

EDDC Landscape Architect

9 August 2023

1 INTRODUCTION

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

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

2 SITE DESCRIPTION & CONTEXT

The site comprises three fields with an overall area of 8ha, set between Chard Road and the mainline railway on the northern edge of Axminster. The central and southern fields are roughly rectangular under arable, the narrow northern field is an L-shaped meadow which wraps around the northern and western boundaries of the central field. The fields are bounded by native hedgerow which are mostly tall and thick with numerous trees. The landform slopes gently to moderately steeply to the west and northwest towards the river floodplain.

The eastern and southern boundaries of the southern field and the southeast corner of the central field abut existing residential development. Chard Road follows the eastern boundary of the central field. Axminster football club is situated to the west of the southern field. Land use to the north east and west of the site is agricultural, predominantly pasture with parcels of mixed woodland and scattered farms and settlements.

The boundary of the Blackdown Hills AONB lies to the west, 350m from the site. The grade I listed Weyford Hall and grade II Weyford Mill are situated 200m to the northeast.

Access is currently from Chard Road from a field gate directly into the Central field or the metalled access road serving the football club which runs between the central and southern fields.

There is very limited intervisibility between the three fields. Views out from the northern field are restricted in most directions by a combination of vegetation cover and landform. There are extensive views of the AONB from the central field to the north, west and southwest and west and northwest from the southern field. Views to the south and east from the southern field are of the urban edge of Axminster with higher ground beyond. The railway line to the west of the site is barely noticeable due to level difference and vegetation cover. Chard Road is only visible from the southeast corner of the central field. A national grid pylon stands in the field to the

northwest of the site beyond the floodplain and is visible from the southern and central field.

Principal views into the site are from Chard Road and Weyford Bridge to the east and north east, and from higher ground to the north, northwest and west. There are more restricted views over the site from higher ground to the east in which the tops of existing boundary trees only are visible.

An off-road section of National Cycle route (NCR) 33 runs through the northern field from Weyford bridge and continues westward beyond the site boundary to the town centre via Willhay Lane. A permissive footpath runs along the northern edge of the central field from the football club access to meet the NCR just before Weyford bridge.

REVIEW OF SUBMITTED DETAILS

Review of LVIA

Methodology

The methodology generally follows best practice guidance as set out in Guidelines for Landscape and Visual Impact Assessment 3rd Edition.

The assessment attaches great importance to primary mitigation in the form of new planting to reduce the impact of development. It should be acknowledged that the success of such measures cannot be taken for granted and there is always a risk that plant establishment and growth rates may fail to achieve expectations.

Presentation of viewpoint photographs

Photographs are presented as panoramas with 90 degree horizontal field of view. This is not in accordance with LI guidance note 06/19 - Visual representation of Development Proposals - which recommends, where possible, that photographs are presented at A3 size with 40 degree horizontal field of view (HFoV), and which can be supported by up to two 60 degree HFoV images to show context. The guidance states also that 'Where panoramic images are required to capture the site, they may be presented as cylindrical panoramas of up to 90° HFoV at A1 width' For the selected LVIA viewpoints in all instances A3 size 40 degree HFoV images could have captured the view. This is an important point as this format more readily represent the actually viewing experience of an observer on site and can be easily be printed at A3 or viewed at correct scale on a medium size computer screen. To read 90 degree HFoV images correctly they need to be printed at A1 size and held in an arc at arms-length from the viewer. The likelihood is that 90 degree images will be viewed at sizes much less than A1 giving a false impression of the scale of the subject in the centre of the image and underrepresenting the extent of impact of the development particularly for long views. Images for viewpoints 5 and 6 at appendix A to this report illustrate this compared to corresponding LVIA views.

In a few instances viewpoint photographs are taken in poor weather conditions and clarity of images for VPs 5 and 12 is particularly poor, making it difficult to pick out the site and immediate surroundings.

Baseline assessment

At para. 4.24 the railway and A358 are noted as being visual detractors within the northern field parcel. However, due to intervening topography and screening vegetation, these elements exert very limited influence on what is a green field bounded by hedgebanks with a cycle way through it, as clearly shown in the accompanying LVIA photographs for viewpoints (VPs) 1a and 1b.

At para. 4.25 it is stated that the central and southern fields are more closely related to neighbouring development to the south and east. While this is not disputed, it is much less the case for the central field where existing adjacent development is limited to the southeast corner.

In consideration of views from the east, at para 5.10 it should have been noted that there are attractive views across the site to the Blackdown Hills AONB beyond, through the existing field entrance gate on the A358 and the adjacent remnant hedgerow to either side.

Potential visual receptors listed at para. 5.14 should have included residents and visitors at Weycroft Hall, Weycroft Mill and Mill House.

Proposals

At para. 8.7 it is stated that the retention of the northern field as a green corridor will limit the potential perceived extension of Axminster when viewed from the west. This is not correct as the central field is notably higher than the northern field and is clearly visible in views from the west and northwest as illustrated in figures 1-4 in Appendix A below.

Value and sensitivity of receptors

The landscape value of the site and its immediate surrounds is assessed in the LVIA as **medium-low**. This is accepted in respect of the southern field, which has no public access and which abuts existing housing to the east and south and the football club to the west. The central and northern fields, however, retain a rural character with public access through them, and a closer relationship with the grade I and II listed buildings at Weyford Hall and Weyford Mill. They are generally more prominent than the southern field and in views from the west (VP6) they are seen, in the context of the urban edge of Axminster and Weycroft Hall, as a swathe of undeveloped countryside separating the two and connecting with the Wooton Hills LCA to the east. Accounting for these factors the landscape character of the site should be considered to have a **medium** sensitivity overall to the type of development proposed.

The sensitivity of other landscape receptors, including the Blackdown Hills AONB, identified in the LVIA is accepted.

For residential receptors on Chard Road the LVIA gives a medium sensitivity. In accordance with the LVIA methodology Table 2, sensitivity should have been assessed as **high** - 'residents with extensive views towards the development' – particularly given that views at present look out to the AONB. Similarly in accordance with Table 2 of the methodology, for motorists on Chard Road sensitivity should have been assessed as **medium** rather than **low**.

Assessment of landscape effects

In consideration of the likely effects on the site character and landscape features, in Appendix 6 the LVIA refers to 'some vegetation loss to accommodate access' but it should have been noted that all the trees along the boundary of the central field with Chard Road are to be felled as indicated on the arboricultural impact assessment. Even with replacement planting this will have a significant impact in the short-medium term and open the site up to views during the construction and early operational phase from Chard Road.

Mention is made of floodlighting for the mini-pitch which is shown on drawing no. D1 to comprise 15m high columns. The proposed flood lit mini pitch is to be situated on an existing terrace and will have limited impact but the proposed 15m floodlights will have a more significant impact with limited opportunity for screening from sensitive receptors within and on the boundary of the AONB.

Effects on the setting of the grade I listed Weycroft Hall and the visual impact of its visitors and residents have not been assessed in the LVIA but should have been. It is difficult to verify at present whether there is intervisibility between Weycroft Hall and the site, as the central field has a standing maize crop and intervening trees and hedgerow are in full leaf. It is however likely that, as proposed, the roofs and upper storeys of proposed dwellings in the central field would be visible from Weycroft Hall above the existing northern boundary hedgerow.

Assessment of visual effects For National cycle route users (NCR 33) through the northern field, the proposed attenuation basins will introduce engineered slopes adjacent to the path. The neighbouring arable fields will be developed for housing which will be set at a higher level behind the dividing hedgebanks and proposed housing will be visible above the hedge line along the route. Proposed mitigation planting will help to soften these effects over time but they will still have a noticeable urbanising influence and should be considered **moderate adverse** at year 15 rather than **minor adverse** as identified in the LVIA.

For Chard Road residents the magnitude of effect at year 1 should be considered **high not medium-high** as their views across agricultural fields to the hills of the AONB will be completely blocked by new housing extending up to the boundaries of their properties, giving rise to a **major adverse** level of effect at year 1 reducing to **moderate adverse** at year 15.

For users of Axminster footpath 45, particularly in the vicinity of Sisterhood Farm (VP 6), a finger of development would be seen to extend beyond the apparent built envelope of the town through open countryside, obscuring Wayford Hall and

breaking the flow of undeveloped countryside east of the town across the valley to the Wooton Hills. The magnitude of effect at year 1 should be considered **high** not **moderate** as indicated in the LVIA with **major-moderate** level of effect reducing to **moderate** level of effect at year 15 rather than **moderate-minor**.

These and other more minor differences in the LVIA and EDDC assessment of landscape and visual impact are summarised in table 1 below.

Table 1 – Comparison of landscape and visual sensitivities, magnitudes and effects between LVIA and EDDC assessment (differences highlighted in orange)

Assessor	Receptor	Sensitivity	Magnitude yr 1	Level of effect yr 1	Magnitude yr 15	Level of effect yr 15
TG	Blackdowns AONB	High	Not assessed	Not assessed	Medium-low	Minor adverse
EDDC		High	Medium	Moderate-minor adverse	Medium - low	Minor adverse
TG	LCT 3B	Medium	Low	Minor adverse	Low	Minor adverse.
EDDC		Medium	Low	Minor adverse	Low	Minor adverse.
TG	Site character	Medium-low	Medium	Moderate adverse	Medium	Minor adverse
EDDC		Medium	High	Major-Moderate adverse	Medium	Moderate adverse

Assessor	Receptor	Sensitivity	Magnitude yr 1	Level of effect yr 1	Magnitude yr 15	Level of effect yr 15
TG	National cycle path users in northern field (VP 1a & 1b)	High	High-medium	Moderate adverse	Low	Minor adverse
EDDC		High	High-medium	Moderate adverse	Medium	Moderate adverse
TG	Chard Road residents to east of site	Medium	High-medium	Moderate adverse	Medium	Minor adverse
EDDC		High	High	Major adverse	High-medium	Moderate adverse
TG	Chard Road motorists	Low	Medium	Moderate adverse	Low	Minor adverse
EDDC		Medium	High	Major - Moderate adverse	Low	Minor adverse
TG	Walkers on Cloakham Drive/ Axminster FP80 (VPs 4 & 5)	High-medium	Medium	Moderate adverse	Medium-low	Minor adverse
EDDC		High-medium	Medium	Moderate adverse	Medium-low	Minor adverse
TG	Users Axminster FP45 on boundary of ANOB (VP 6)	High-medium	Medium	Moderate adverse	Medium-low	Moderate-minor adverse
EDDC		High-medium	High-medium	Major - Moderate adverse	Medium	Moderate adverse
TG	Residents at Sisterhood Farm (VP5)	Medium	Medium	Moderate adverse	Medium-low	Minor adverse
EDDC		Medium	Medium	Moderate adverse	Medium	Minor adverse
TG	Axminster FPS (VP 8 & 9)	Medium	Medium	Moderate adverse	Medium	Moderate-minor adverse
EDDC		Medium	Medium	Moderate adverse	Low	Moderate - minor adverse
TG	Walkers and cyclists on Uphay Lane (VP10)	Low	Low	Minor adverse-negligible	Low-negligible	Negligible
EDDC		Medium	Low	Minor adverse-negligible	Low-negligible	Negligible
TG	Users of Axminster BW 46 in	Medium	Medium-low	Moderate-minor adverse	Low	Minor adverse

Assessor	Receptor	Sensitivity	Magnitude yr 1	Level of effect yr 1	Magnitude yr 15	Level of effect yr 15
EDDC	AONB (VP 11)	High-medium	Medium-low	Moderate-minor adverse	Low	Minor adverse
TG	Users of All Saints FP 66 (VP12)	Medium	Medium-low	Minor adverse	Medium-low	Negligible
EDDC		Medium	Medium-low	Minor adverse	Medium-low	Minor adverse
TG	Residents at Smallridge	Medium	Low	Minor adverse-negligible	Low	Negligible
EDDC		Medium	Medium-low	Moderate-minor adverse	Low	Minor adverse

Overall assessment of effect

The LVIA generally assesses the level of landscape and visual effects as **moderate** or **minor** at year 1 reducing to **minor** or **negligible** at year 15 with the most significant effects identified being on users of Axminster footpaths 5 and 45 (**moderate** at year 1 reducing to **moderate-minor** at year 15). The assessment appears to understate the level of effect in a number of instances and EDDC assessments summarised above indicate more significant effects ranging from **major-moderate** adverse at year 1 in respect of site character, residents and motorists on Chard Road and users of Axminster footpath 45, with year 15 effects more typically being **moderate** or **minor**.

2.2 Review of scheme proposals

Parameter plan dwg. no. 3501b

The Parameter plan indicates building heights of up to 3 storey over more than half of the southern and central fields. Given the greater prominence and more rural character of the central field buildings within it should be restricted to maximum two storeys.

Where existing planting is to be removed along the Chard Road frontage new replacement tree and hedgerow planting should be shown.

Site Access

Proposals for the site access are illustrated on drawing no. 026. The extent of required visibility splays should be clearly marked together with the extent of tree removal required to accommodate junction construction and sightlines.

Mini-pitch floodlighting and ball-stop netting Drawing. no. D1 shows proposed floodlighting for the mini football pitch to comprise four 15m high columns. Consideration should be given to reduction of height to 12 m or less and providing tree planting on the adjacent bank to the west to help screen lighting from the AONB and other sensitive receptors to the west.

6m high ball stop netting mounted on steel posts is proposed along the western edge of the mini pitch and the existing adjacent pitch and is likely to have negligible landscape and visual impact.

Illustrative masterplan, drawing no. 4002D

The general design principles appear appropriate.

The extent of parking provision for the employment land appears excessive and should be reduced to encourage active travel.

A stronger landscape buffer should be provided along the Chard Road boundary and to the western edge of the central field to help screen views from the AONB and other sensitive receptors to the west.

There is opportunity for a swale to be provided to the western edge of the employment land.

3 CONCLUSION & RECOMMENDATIONS

3.1 Acceptability of proposals

While the LVIA generally assesses the level of landscape and visual effects of the proposal as moderate or minor at year 1 and minor or negligible at year 15 it is considered in a number of instances that the level of impact is understated as noted above.

The impact of the proposed development on landscape and visual receptors will be greatest within the Central field due to a number of factors particularly, its existing rural character, relative prominence, the proposed felling of all existing trees to its Chard Road boundary and the extent of built development which are considered likely to give rise to unacceptable landscape and visual harm.

Limiting building heights to two storey within the central field and retaining a greater proportion of trees along the Chard Road boundary would go some way toward reducing impacts on the central field but would not overcome these concerns.

The height of proposed floodlighting the mini pitch should be reconsidered to reduce them to 12m or less and provide stronger screen planting to the western edge.

3.2 Conditions

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

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

a) A full set of hard landscape details for proposed walls, fencing, retaining structures, hedgebanks, pavings and edgings, site furniture, play equipment and signage.

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

External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 – Guidance notes for the reduction of obtrusive light and GN 08/18 – Bats and Artificial Lighting in the UK.

c) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls at 1:250 scale or greater. This shall be accompanied by a minimum of 6 sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.

d) A landscape and green infrastructure strategy plan showing existing trees, hedgerow and habitat to be retained and removed; proposed tree and structure planting and new habitat to be created; existing and proposed watercourses, ponds and wetland areas; pedestrian and cycle routes through the site and how they connect to the existing network beyond

e) Surface water drainage strategy incorporating an appropriate SuDS treatment train and details of SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc. The SuDS scheme shall be designed to enhance bio-diversity value and engineered elements should have a positive or neutral impact on visual amenity.

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

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

g) A full set of soft landscape details including:

i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.

ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.

iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.

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

3) No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 30 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance accompanied by a plan showing areas to be adopted, maintained by management company or other defined body and areas to be privately owned/ maintained.
 - Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
 - A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
 - Landscape and ecological aims and objectives for the site.
 - Condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
 - Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
 - o Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
 - o New trees, woodland areas, hedges and amenity planting areas.
 - o Grass and wildflower areas.
 - o Biodiversity features - hibernaculae, bat/ bird boxes etc.
 - o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- Arrangements for Inspection and monitoring of the site and maintenance practices.
- Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

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

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

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

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved Page 10 of 15 before development starts to ensure that it properly integrates into the development from an early stage.)

EDDC Landscape Architect

9 January 2024

I have reviewed the additional information submitted by the applicant since my landscape response of 3.10.2023. As these don't appear to cover any specific landscape issues I have no further comment.

Environment Agency

19/10/23

Thank you for re-consulting us on this application.

Environment Agency position:

Following review of the additional information submitted we are able to advise that we have no objection to the proposed development subject to a condition which relates to retaining the functionality of the land within the flood zone. Suggested wording for this condition, the reason for our position and advice is provided below.

Condition:

Within the flood zone as identified on drawing P/500 "Drainage Strategy Conceptual Layout" (within the Flood Risk Assessment) there shall be no storage of, or spreading of excavated material or construction materials during construction of the development hereby approved nor any alterations to the existing land levels within the area of flood zone.

Reason - To ensure flood waters are not displaced and therefore, in the interests of limiting the risk to people and property in a flood event.

Other condition recommendations:

We would suggest that the Illustrative Masterplan 4002E dated September 2023 is included as an approved document to secure the implementation of the built development and more vulnerable development being located outside of the area at higher risk of flooding. This is so that the flood risk principles as agreed at this outline stage are carried through to the reserved matters applications. We will leave the decision and any precise wording of this to your consideration.

Reason - Flood Risk:

As out previous letter highlighted, the site is located partially within flood zones 2 and 3 (on the indicative flood map for planning) associated with the main River Axe which borders to site to the north. We note that this site is included in the emerging local plan as an allocation reference: LP_GH/ED/83 but as this is not yet adopted. As such, the Sequential Test is technically applicable. However, the applicant has taken a sequential approach to the layout of the proposal and our interrogation of the flood risk assessment and mapped flood zones suggests that all built development will be located outside of the zones of medium and high flood risk, so the applicability of the Sequential Test is the decision of your authority.

The areas of higher risk are proposed to be the open space and sports pitch which are defined within the planning practice guidance (PPG) as being 'water compatible' uses. Notwithstanding this, it is important that no land raising within the flood zone occurs to ensure that there are no unintended flood risk impacts, including increase in flood risk to third parties. This includes storage of material in the flood zone during construction or raising levels at any time during the construction and operation of the development. We therefore recommend the above condition.

Any works within 8metres of the main River Axe may require a Flood Risk Activity Permit under the Environmental Permitting (England and Wales) Regulations 2016. The applicant should contact the National Customer Contact Centre on 03708 506 506 or visit: Flood risk activities: environmental permits - GOV.UK (www.gov.uk) for more information.

Reason - Nutrient Neutrality:

The applicant appears to have revised their approach to the proposed nutrient mitigation by proposing to upgrade a septic tank system at Sisterhood Farm (which serves three properties) which is located within the same catchment as the proposal site. The revised strategy report indicates that this would exceed the requirement for neutrality (2.18kg TP/yr) to mitigate for the proposal. The appears to meet the principles of achieving nutrient neutrality and as such, the local plan policy Strategy 20 'Development at Axminster'. However, we will defer to the consideration of Natural England as the competent authority for nutrient neutrality on the detailed design and calculations.

As outlined in our previous letter, we note that the applicant explains that they propose for a NAV to adopt the infrastructure relating to foul drainage. This arrangement would require an Environmental Permit which would also apply conditions to secure an OFWAT-approved undertaker to adopt the infrastructure and future responsibilities. Should the in-principle agreement with Albion Water fall through, a permit for a separate private treatment plant serving the proposed development would not be forthcoming consistent with our policies on non-mains proposals in sewered areas.

Please contact us again if you require any further advice.

Yours faithfully
Harriet Fuller

Planning Advisor

Environment Agency

25.10.23

Thank you for re-consulting us on this application. We confirm that our position remains unchanged from our previous response dated 19 October 2023

Environment Agency position

Following review of the additional information submitted we are able to advise that we have no objection to the proposed development subject to a condition which relates to retaining the functionality of the land within the flood zone. Suggested wording for this condition, the reason for our position and advice is provided below.

Condition

Within the flood zone as identified on drawing P/500 "Drainage Strategy Conceptual Layout" (within the Flood Risk Assessment) there shall be no storage of, or spreading of excavated material or construction materials during construction of the development hereby approved nor any alterations to the existing land levels within the area of flood zone.

Reason - To ensure flood waters are not displaced and therefore, in the interests of limiting the risk to people and property in a flood event.

Other condition recommendations

We would suggest that the Illustrative Masterplan 4002E dated September 2023 is included as an approved document to secure the implementation of the built development and more vulnerable development being located outside of the area at higher risk of flooding. This is so that the flood risk principles as agreed at this outline stage are carried through to the reserved matters applications. We will leave the decision and any precise wording of this to your consideration.

Reason - Flood Risk

As our previous letter highlighted, the site is located partially within flood zones 2 and 3 (on the indicative flood map for planning) associated with the main River Axe which borders to site to the north. We note that this site is included in the emerging local plan as an allocation reference: LP_GH/ED/83 but as this is not yet adopted. As such, the Sequential Test is technically applicable. However, the applicant has taken a sequential approach to the layout of the proposal and our interrogation of the flood risk assessment and mapped flood zones suggests that all built development will be located outside of the zones of medium and high flood risk, so the applicability of the Sequential Test is the decision of your authority.

The areas of higher risk are proposed to be the open space and sports pitch which are defined within the planning practice guidance (PPG) as being 'water compatible' uses. Notwithstanding this, it is important that no land raising within the flood zone occurs to ensure that there are no unintended flood risk impacts, including increase in flood risk to third parties. This includes storage of material in the flood zone during construction or raising levels at any time during the construction and operation of the development. We therefore recommend the above condition.

Any works within 8metres of the main River Axe may require a Flood Risk Activity Permit under the Environmental Permitting (England and Wales) Regulations 2016. The applicant should contact the National Customer Contact Centre on 03708 506 506 or visit: Flood risk activities: environmental permits - GOV.UK (www.gov.uk) for more information.

Reason - Nutrient Neutrality

The applicant appears to have revised their approach to the proposed nutrient mitigation by proposing to upgrade a septic tank system at Sisterhood Farm (which serves three properties) which is located within the same catchment as the proposal site. The revised strategy report indicates that this would exceed the requirement for neutrality (2.18kg TP/yr) to mitigate for the proposal. The applicant appears to meet the principles of achieving nutrient neutrality and as such, the local plan policy Strategy 20 'Development at Axminster'. However, we will defer to the consideration of Natural England as the competent authority for nutrient neutrality on the detailed design and calculations.

As outlined in our previous letter, we note that the applicant explains that they propose for a NAV to adopt the infrastructure relating to foul drainage. This arrangement would require an Environmental Permit which would also apply conditions to secure an OFWAT-approved undertaker to adopt the infrastructure and future responsibilities. Should the in-principle agreement with Albion Water fall through, a permit for a separate private treatment plant serving the proposed development would not be forthcoming consistent with our policies on non-mains proposals in sewered areas.

Please contact us again if you require any further advice.

Harriet Fuller
Planning Advisor

Police Architectural Liaison Officer - Kris Calderhead
28.4.23

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application. I have no objection to the proposal at this stage.

I appreciate that the layout of the site is only illustrative however, I would like to make the following comments and recommendations for consideration. They relate to the principles of Crime Prevention Through Environmental Design (CPTED) and should be embedded into the detailed design of the scheme to reduce the opportunity for crime and anti-social behaviour (ASB). It is welcomed and supported that such principles have been referenced within the Design and Access Statement.

Residential:

- o Detailed design should include a layout that provides overlooking and active frontages to the new internal streets with accessible space to the rear of plots avoided.

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

o Boundary treatments to the front of dwellings are important to create defensible space to prevent conflict between public and private areas and clearly define ownership of space. The use of low-level railings, walls, hedging for example would be appropriate.

o Treatments for the side and rear boundaries of plots should be adequately secure (min 1.8m height) with access to the rear of properties restricted via lockable gates. Defensible space / buffers should also be utilised where private space abuts public space in order to reduce the likelihood of conflict and damage etc.

o Pedestrian routes throughout the development must be clearly defined, wide, well overlooked and well-lit. Planting immediately abutting such paths should generally be avoided as shrubs and trees have a tendency to grow over the path creating pinch points, places of concealment and unnecessary maintenance.

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

o Vehicle parking will clearly be through a mixture of solutions although from a crime prevention point of view, parking in locked garages or on a hard standing within the dwelling boundary is preferable. Where communal parking areas are utilised, bays should be in small groups, close and adjacent to homes in view of active rooms. Rear parking courts are discouraged as they provide legitimate access to the rear of plots and are often left unlit with little surveillance.

o Play areas should be well overlooked and located so as not to cause disturbance or conflict with nearby dwellings.

Commercial:

o Detailed design should include clear boundaries supported by suitable treatments that define public and private space and restrict access to the latter.

o Legitimate access to the rear of units where surveillance opportunities are likely to be limited should be avoided.

o Units should be afforded the required infrastructure for occupiers to easily install monitored alarms and CCTV.

o Consideration should be given to installing vehicle barriers at the entrance to the car park in order to protect against illegal encampments and prevent unauthorised access.

o Vehicle mitigation measures should be in place in order to prevent deliberate or accidental conflict between vehicles and pedestrians/building lines.

o The site should be appropriately lit in line with relevant British standards. For crime prevention measures, lighting should be provided by on-building solutions or pole mounted luminaires if possible. Bollard lighting should be minimised and used for demarcation of routes only, or supplementary as part of a general design. A uniform level of light throughout a site should be provided, thereby eliminating areas of shadowing.

Should the application progress, please don't hesitate to contact me to review any updated plans and designs.

Yours faithfully,
Kris Calderhead
Designing Out Crime Officer

County Highway Authority

Observations:

I have visited the site in question and reviewed the planning documents.

The application involves the removal of a sub-standard access of Football ground with an internal road access instead representing a safety net gain.

The applications Transport Assessment has modelled the potential trip generation increase of this application and the predicted dispersal of this traffic upon the local highway network.

Should this application gain outline permission, a comprehensive Travel Plan will be required for any future reserved matters application, this should include trip generation mitigation methods including a Travel Plan Coordinator and incentive plan to encourage sustainable travel for future residents.

The proposed visibility splays conforms to Manual for Streets (MFS) for 30mph speed roads giving a splay distance of 43m.

Pedestrian refuge crossing will facilitate desired pedestrian movements to Weycroft Industrial estate ect.

The Axminster Bypass project is future proofed with this design, leaving suitable width and services to accommodate a future roundabout, should this be required.

Although the Weycroft bridge situation is appreciated, it is positively controlled with 4-way traffic lights and this site has been put forward for improvement as part of the

Axminster Bypass aspirations, I do not believe that the trip generation from this site will cause such a severity to trigger the highway severity clause under the National Planning Policy Framework (NPPF), particularly as it will only be a percentage of this traffic to head north along Chard Road and past Weycroft Bridge.

Should this application gain permission, I do recommend the provision of secure cycle storage to help encourage sustainable travel and help mitigate the trip generation intensification from this application.

I also recommend the provision of a comprehensive Construction and Environment Management Plan (CEMP) to help mitigate the effects of construction upon the local highway network.

Recommendation:

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

1. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

2.

A) No other part of the development hereby approved shall be commenced until the
B) No part of the development hereby approved shall be brought into its intended use until the
C) access
D) parking facilities
E) commercial vehicle loading/unloading area
F) visibility splays
G) turning area
H) parking space and garage/hardstanding
I) access drive
J) and access drainage
have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

REASON: To ensure that adequate facilities are available for the traffic attracted to the site.

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

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

Officer authorised to sign on behalf of the County Council

NHS Northern Eastern & Western Devon CCG

Please see scanned letter, received 16/06/23, under the documents tab.

The application has been reviewed from a primary care perspective and the response has been informed by the Devon Health Contributions Approach: GP Provision (<https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance>) which was jointly prepared with NHS England.

23/0685/MOUT | Hybrid application: Outline application for the erection of up to 140 dwellings, 0.8 hectares of Class-E employment land, public open space, drainage and ancillary works (all matters reserved except access). Full application for works to football training pitch including drainage improvement work, 4x 15m tall floodlighting columns and erection of 6m high ballstop netting on west side of football pitch and training ground | Land Adjacent Cloakham Lawn And Chard Road Chard Road Axminster (eastdevon.gov.uk)

The GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate.

However, due to the nature of the planning process, please be advised that this response from NHS Devon is a snapshot of the capacity assessment at the date of this letter. Should there be any change to this position, as a result of any current

planning applications that may or may not affect the capacity at Axminster Medical Practice being approved prior to a final decision on this particular development, then this will potentially initiate a further review on the NHS's position.

Such factors could include but are not limited to:

- o Increases in the patient list size which then exceed the practices' capacity during the period between this application being validated and prior to a planning decision
- o Consideration for future 'consented or commenced' planning applications that lead to an increase in the patient list size which then exceed the existing practices' capacity during the period between this application being validated and prior to a planning decision

Therefore, at this stage, it is important to highlight the NHS reserve the right to re-assess and respond to this application at any time, as a result of any planning application(s) received and approved subsequently by the Council that will have an associated impact on the assessed GP Practice(s) linked to this application, which in turn, could have the potential to initiate an NHS contribution request in accordance to regulatory and legislative obligations.

With this in mind, whilst at this time there is no requirement for a Section 106 contribution towards NHS Primary Care from this application, as a contingency, we would recommend you take this into consideration, factoring in an estimated sum of £580 per dwelling towards NHS Primary Care to any viability assessments.

Furthermore, please note this does not reflect any operational pressures, such as workforce or patient activity levels, that might be affecting the surgery/ies and is purely based on an assessment in relation to the current premises' capacity for infrastructure only.

Kind regards,

Mia Smith | LPAE Support

On behalf of NHS Devon Integrated Care Board (ICB)

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.



Shadow Habitat Regulation Assessment (HRA) Screening Report & Appropriate Assessment

Prepared for:

Greatworth Property Managers

Local Planning Authority	East Devon LPA
Application Reference	23/0685/MOUT
Application Address	Land adjacent Cloakham Lawn and Chard Road, Chard Road, Axminster EX13 5NH
Application Description	Hybrid application: Outline application for the erection of up to 140 dwellings, 0.8 hectares of Class-E employment land, public open space, drainage, and ancillary works (all matters reserved except access). Full application for works to football training pitch including drainage improvement work, 4x 15m tall floodlighting columns and erection of 6m high ball stop netting on west side of football pitch and training ground

Revision 2

30/11/2023



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page 246

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1 INTRODUCTION

1.1 HRA Requirement

Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), a Competent Authority is required to conduct a Habitat Regulations Assessment (HRA) for any plans or projects that could impact on a European Site. However, a 'shadow' HRA can be completed by the applicant and adopted by the competent authority. In this case East Devon District Council is the competent authority responsible for undertaking the HRA.

This report will mainly reference the regulations set out by East Devon District Council, as this is the competent authority. East Devon District Council is required to assess the Local Plan through the HRA process as policies and site allocations in the Local Plan can potentially affect the national site network of European Sites in the UK, as well as Ramsar sites.

Following the initial submission comments were received from Natural England (November 2023), these have been considered and the report revised accordingly.

1.2 European Sites of Potential Impact

The River Axe SAC is an area of special ecological importance as designated under the European Community (EC) Habitats Directive. The mixed catchment geology of sandstones and limestones gives rise to calcareous waters where stream water-crowfoot *Ranunculus penicillatus* ssp. *pseudofluitans* dominates, giving way to river water-crowfoot *R. fluitans* further downstream. The diverse flora results from a number of contributing factors. Firstly, the lower reaches of the Axe have high bed stability. Secondly, the river has few trees along its banks, allowing much light to reach the riverbed. Finally, the active geomorphology of the river has generated a range of natural features (including long riffles, deep pools, islands and meanders), which provide a variety of ecological niches. This variety of river channel habitats also supports an important fish community, including Atlantic salmon *Salmo salar*, sea lamprey *Petromyzon marinus*, brook lamprey *Lampetra planeri* and bullhead *Cottus gobio*.

The legal position for development within SACs, SPAs and Ramsar sites has changed. Two joined European Union Court of Justice cases (C-293/17 and C-294/17) relating to the Habitats Directive, were decided. In summary, this judgment concludes that, where a European protected site is in an unfavourable condition, permitting additional nutrient loads is 'necessarily limited' and would need careful justification to ensure that it is compatible with the Habitats Directive.

Natural England advises that any plans or projects in a SAC site which require Appropriate Assessment, need to demonstrate beyond reasonable scientific doubt that there will be no likely additional phosphorus output which could prejudice the ability to restore the protected site.

1.3 Zone of Influence

The Zone of Influence (Zoi) is defined by the potential effects arising from the project or plan and the available pathways for those effects to reach and affect interest features of National Site Network sites. To identify all sites where potential direct, indirect, and in-combination

impacts to National Site Network (NSN) sites could reasonably be considered possible, an initial buffer of 2km around the project area has been considered, with the exception of:

- Recreation pressure where the Zol is 5km
- Loss of functionally linked land, where the Zol is 10km
- Water quality where there is a hydraulic connection to the designated feature

Relevant designated sites include all those that fall within the potential Zol for the project.

1.4 Data sources

All references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017 (and as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019).

- The Defra MAGIC website [www.magic.defra.gov.uk], accessed October 2023
- East Devon Local Plan, adopted 2016
- Information on European Sites from the JNCC website [www.jncc.defra.gov.uk], accessed October 2023;
- River Axe N2K Catchment regulatory project report [www.salmon-trout.org.uk], accessed October 2023
- Habitat Regulations Assessment of the East Devon Local Plan, accessed October 2023
- River Axe evidence pack, accessed October 2023
- East Devon District Council, Phosphates on the River Axe [www.eastdevon.gov.uk] accessed October 2023
- European Site Conservation Objectives for the River Axe SAC [www.naturalengland.org.uk] accessed October 2023
- Supplementary Advice on Conservation Objectives accessed November 2023

This report is undertaken as a desk study i.e., a site visit was not deemed necessary.

2 STAGE 1 – HRA SCREENING ASSESSMENT

Screening under Regulation 63(1)(a) of the Habitats Regulations. The purpose is to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SAC.

2.1 Likely Significant Effects definition

The significance of potential effects was assessed in the absence of mitigation measures other than those which are standard construction practices, such as pollution control or those incorporated into the scheme. The assessment has been made with awareness of the Conservation Objectives for the features of the European Sites.

2.2 Current condition of designated sites

Natural England has advised, based on the best available up-to-date evidence, that the River Axe SAC is failing its water quality target in relation to phosphorus and therefore has an 'unfavourable' conservation status under the Habitats Regulations.

2.3 European Sites potentially impacted by this proposed development.

Below is a list of the designated sites, reason for their designation and distance from the site.

Table 2-3: European Sites subject to HRA screening assessment

Site name	Designation	Approx. distance & direction from site
River Axe	SAC	20m north
Reasons for designation		
Annex I: Habitats that are a primary reason for selection of this site.	3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation	
Annex I: Habitats present as a qualifying feature, but not a primary reason for selection of this site.	Not applicable	
Annex II: Species that are a primary reason for selection of this site.	Not applicable	
Annex II: Species present as a qualifying feature, but not a primary reason for site selection.	<ul style="list-style-type: none"> • 1095 Sea lamprey <i>Petromyzon marinus</i> • 1096 Brook lamprey <i>Lampetra planeri</i> • 1163 Bullhead <i>Cottus gobio</i> 	

2.4 Screening Assessment

2.5 Physical loss

The proposed development is beyond the boundary of The River Axe SAC and will not result any physical loss. Therefore, **there will be no likely significant effect on the designated site and this effect can be screened out.**

2.6 Physical damage / disturbance

The additional population associated can disturb wildlife locally and through increased recreational pressure placed on Natura 2000 sites. The proposed development is located approximately 20m from the River Axe SAC at the nearest point. However, directly surrounding the site is a pre-existing footpath which is used for recreational purposes. Birds are not an identified as a notified feature, which are primarily disturbed by recreation pressures. Additional tree planting will be undertaken along the riparian habitats, whilst maintaining the existing mature trees. These will help regulate river temperatures near the riverbank during the hot periods.

There will be a surface water discharge from the site to the River Axe in the north of the site. However, permeable paving, and attention basins and other nature-based measures are integrated into the SuDS design to ensure water quality discharge will be of the highest possible quality. There are no water intakes proposed, therefore no potential for the entrapment of fish.¹

Therefore, **there will be no likely significant effect on the designated sites and this effect can be screened out.**

2.7 Functionally linked land

Functional linkage occurs where land beyond the boundary of a European Site fulfils a crucial role in ecologically supporting the populations of species for which the site is designated. The River Axe SAC is designated for its vegetation and fish. The notified features do not use the land for feeding purposes. **Therefore, the requirement for Appropriate Assessment can be screened out.**

2.8 Water quality

The CJEU Joined Cases C-293/17 and C-294/17 *Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others* (hereafter 'the Dutch N case') have been handed down. These have informed the way in which Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (and as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) should apply to pollution-related matters. The Dutch N case has resulted in the requirement for greater scrutiny of the effects of plans or projects that either are likely to, directly or indirectly, increase nutrient loads to European Sites where a reason for unfavourable condition is an excess of a specific pollutant. Where the conservation status of a European Site is unfavourable, the possibility of authorising activities that may subsequently compromise the ability to restore the site to favourable condition and achieve the Conservation Objectives is considered to be 'necessarily limited.' LSE will occur as a result of water quality in relation to nitrogen. The Court of Justice of the European Union delivered its judgment in Case C-323/17 *People Over Wind & Peter Sweetman v Coillte Teoranta* ('People over Wind'). The judgment clarified that when making screening decisions for the purposes of deciding whether an appropriate assessment is required, competent authorities cannot consider any mitigation measures.

¹ Supplementary Advice on Conservation Objectives

However, the phosphorus budget calculation does not require mitigation measures due to the significant benefit from the proposed development.

Calculations have been undertaken to assess the phosphorus load generated from the proposed development. For this the River Axe Nutrient budget calculator has been used. A copy of the calculations are provided in **Appendix 1**.

The site is located 20m downstream of the River Axe SAC and has a hydraulic connection to it and **therefore likely significant effects cannot be screened out and an Appropriate Assessment is required**.

2.9 Non-physical disturbance to habitats & species (noise & lighting)

Noise and vibration effects, e.g., during the construction of new housing or other developments, are most likely to disturb bird species and are thus a key consideration with respect to European Sites where birds are the qualifying features, although such effects may also impact upon some mammals and fish species. Birds are not a qualifying feature of the River Axe SAC.

The proposed development is located approximately 20m from the River Axe SAC at the nearest point. Within the East Devon local plan HRA it is deemed that there are sufficient policy safeguards to avoid or mitigate effect from non-physical disturbance on any European site.

It has been assumed (on a precautionary basis and based on our experience of previous HRAs and consultation with Natural England) that the effects of noise, vibration and light pollution can cause an adverse effect if development takes place within 500m of a European Site (or functionally linked habitat) with qualifying features sensitive to these disturbances.

The River Axe SAC is inside of the buffer zone but as the River Axe is designated for water quality and vegetation, sea Lamprey, brook lamprey and bullhead are all qualifying features of the SAC but will not be affected by the new housing. **Therefore, a likely significant effect can be screened out.**

2.10 Potential in-combination effects

Any plan or project likely to have a significant effect on a National Site Network, either individually or in-combination with other plans or projects, shall undergo an Appropriate Assessment to determine its implications for the site. This is to prevent sites, which would not have a significant effect on a site; combining with other plans or projects to the point where an in-combination effect of all of these plans or projects, which would otherwise not be assessed, being significant.

An in-combination effect with respect to water quality cannot be screened out.

2.11 Conclusion of Screening Assessment

Table 2-5 below provides a summary of the Screening Assessment of the proposed development in-isolation and in-combination:

Site	Interest feature	Potential impact pathway – alone & in-combination	Likely significant effect?
River Axe SAC	Vegetation and water quality	Recreational pressure	No
		Functionally linked land	No
		Disturbance to habitats & species (noise and lighting)	No
		Water quality	Yes
		Non-physical disturbance	No

The Screening Assessment concludes that a likely significant effect on the River Axe SAC could result in an increase discharge of phosphorus through surface runoff and foul water discharge. Therefore, it cannot be screened out and an Appropriate Assessment is required.

3 APPROPRIATE ASSESSMENT

3.1 Site description & background

The proposed development is for 140 homes and 0.8 hectares of Class-E Employment Land with additional landscaping, including right of access through for the football club and allowing an existing footpath to run through the site.

3.2 Phosphate calculations

Phosphate calculations have been undertaken in accordance with the River Axe calculator. Full explanations and calculation are provided in the Nutrient Neutral Assessment and Mitigation Strategy Report (Appendix 1), and the pertinent information summarised below.

3.3 Wastewater discharge

It is acknowledged that the site is located within a sewered area and that private treatment plants would not normally be permitted. However, following consultation with the Environment Agency on other projects, it was agreed that community private treatment could be acceptable if the wastewater treatment system is adopted by an OFWAT registered sewerage undertaker. We have been able to secure an agreement in principle with Albion Water to adopt a facility at this site. The assumed water usage per person is 110 l/p/d

Based on a phosphorus consent limit of 0.3 mg TP/l the total phosphorus load generated by wastewater is 4.05 kg/yr. Full details are provided in the NNAMS.

3.4 Current land use at site

Phosphorus export from the current and post-development land use change has been calculated as per the River Axe nutrient calculator whereby pre- and post-development land use is considered.

The current land use at the site is a combination of woodland (0.67ha), lowland grazing (1.46 ha), open urban land (0.97 ha) and arable/ cereal (5.36 ha). The pre-development phosphorus export is 4.21kg TP/yr.

Post-development, the site will approximately comprise of residential urban land (3.86ha), commercial/industrial land (0.78ha), open urban land (0.34ha), water (0.38ha), greenspace (1.77ha) and woodland/scrub (1.33ha).

The urban phosphorus export value within the area of the site classified as 'residential' has been revised using this area and the CIRIA 808 guidance. As the post development site will include attenuation basins, permeable paving, and swales, we were able to use a treatment train that reduced the post development export value to **1.63 kg TP/yr**.

The overall phosphorus budget for the site is provided below; this includes a 20% buffer added to the subtotal to account for uncertainties within the input parameters. A summary of the site budget is provided in table below.

3.5 Summary of required phosphorus budget

The overall phosphorus budget for this site is provided below:

<i>Phosphorus budget</i>	
Description	Value (kg TP/yr)
TP wastewater, post-treatment	4.05
Historic land use	4.21
Post-development site loss	1.63
Land use net change (post – pre)	-2.58
Phosphorus budget	1.47
20% buffer	0.294
Phosphorus budget + 20% buffer	1.764

The total phosphorus budget for the site is 1.764 kg TP/yr.

3.6 Mitigation

The proposed strategy to mitigate the 1.764 kg TP/yr load is to upgrade two septic tanks in the catchment area to systems with specific phosphorus removal and higher nutrient capture, such as the GRAF One2Clean.

A septic tank upgrades have been identified within the catchment: The tanks are located at 'Yeabridge Farm, Whetley Cross, Mosterton, DT8 3HE' and 'Whetley Cross Farm, Mosterton DT8 3HE'. The tanks have been assessed against the criteria for small discharges and it is confirmed it is within 200m of another discharge and therefore are considered to have a 'significant effect'. In addition, the tanks have a discharge to ground, and it is confirmed they comply with the Environment Agency's general binding rules.

4 Mechanisms for delivery

4.1 Onsite treatment facility

Certainty of delivery of the phosphorus reduction and required in-perpetuity management to achieve the identified 'nutrient neutrality' must be secured by provision of an appropriate legal agreement. The onsite sewerage plant will be adopted by an OFWAT registered undertaker. The system will be managed by them. The discharge will be undertaken under the control of an EPR permit. The permit application will require submission of detailed management and monitoring plans. Regulation of this facility therefore will secure the discharge quality in perpetuity; thus, providing the required certainty.

4.2 Upgrade of septic tanks

The agreement will also set out the principle that whilst the dwellings are in occupation that the mitigation as described in this document and NNAMS are preserved in perpetuity and will be used to mitigate against the increase of phosphorus at the associated development.

5 Monitoring and Management Plan

The proposed management and monitoring for the new package treatment plants is detailed below. The identified sites that currently discharge to septic tanks will be upgraded to two package treatment plants. The management and monitoring below is applicable to the Graf One2clean package treatment plants, as recommended for the upgrade.

5.1 Installation

On installation the new package will comply with current British standards (BS EM 12566 for small sewage treatment plants) and shall be installed in compliance with current building regulations (Building Regulations Part H2: wastewater treatment systems and cesspools)

5.2 Management

The treatment system will be managed in accordance with the Environment Agency “General binding rules: small sewage discharge to groundwater”. Should this guidance be revoked or changed over the period of the systems use the management will adhere to the new guidance or regulations that replace them.

Management of the treatment plant will be the responsibility of the owner servicing and monitoring of the Graf One2Clean treatment plant.

5.3 Desludging

The treatment plant will be desludged as per the manufacturer’s requirements. Should this be found inadequate the frequency will be increased. Desludging will be carried out by a registered waste carrier.

At the time of desludging, in line with manufacturer’s instructions the package treatment plant will be inspected to ensure it is in good working order. This inspection will include, but is not limited to, leaks, cracks, blockages, smells and operation of motor, pump or other features. As per the attached draft service contract recommended by Graf. Inspections will be carried out by a competent person, ideally an individual or company registered on the British Water’s list of accredited service engineers.

5.4 Recording

A record of all maintenance and management works will be kept by the operator of the package treatment plant (homeowner) and will be made available to the local authority or Environment Agency on request.

5.5 New Ownership

If the properties are sold the new operator (the owner or person responsible for the sewage treatment plant) will be informed in writing that a sewage discharge is in place and is related to a phosphorus mitigation strategy.

The details to be passed on will include:

- A description of the treatment plant and drainage system
- The location of the main parts of the treatment plant, drainage system and discharge point.
- Details of any changes made to the treatment plant and drainage system
- Details of how the treatment plant should be maintained and the maintenance manual, if relevant to the package treatment plant.
- The maintenance records
- Any communication with the local authority relevant to the treatment system.

6 Test of site integrity

The proposed mitigation measures would ensure that there would be no adverse effect on the Conservation Objectives of the River Axe SAC either alone or in-combination with other plans or projects, as a result of water quality (phosphorus) impacts.

Accordingly, it can be concluded that there would be no adverse effect on the integrity of the National Network Sites in respect of this development.

7 CONCLUSION

A likely significant effect on the River Axe SAC has been identified as a result of water quality (phosphorus). However, with the proposed septic tank upgrades, this would ensure that phosphates generated by the application will be mitigated.

It can be concluded that there will be no adverse effect on the integrity of Conservation Objectives of the River Axe SAC either in-isolation or in-combination.

Appendix 1

Nutrient Neutral Assessment and Mitigation Strategy –



Nutrient Neutral Assessment and Mitigation Strategy

Report Ref: NNAMS/074

Chard Road

Axminster

East Devon

EX13 5HN

Date: November 2023

Version	Date	Issued to
Revision R1	August 2022	Greatworth Property Managers Limited
Revision R2	March 2023	Greatworth Property Managers Limited
Revision R3	August 2023	Greatworth Property Managers Limited
Revision R4	September 2023	Greatworth Property Managers Limited
Revision R5	November 2023	Greatworth Property Managers Limited

This report has been prepared by Nutrient Neutral, with reasonable skill, care and diligence within the agreed scope and terms of contract. Nutrient Neutral disclaims any responsibility to the client and others in respect of any matters outside the agreed scope of work. This report has been prepared for use by the client and others acting on their behalf. The report may be passed to regulators. This report does not constitute legal advice or opinion.

This report does not represent advice to third parties and no reliance is offered to third parties. No liability is accepted regarding third parties. Reliance required by any specific Third Party must be agreed in writing with Nutrient Neutral.

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074/NNAMS/A4	Phosphorus budget - Klargester
074/NNAMS/A5	Adoption in principle letter
074/NNAMS/A6	Modified Rational Method site-specific
074/NNAMS/A7	SuDS design
074/NNAMS/A8	Graf Manufacturers certificate
074/NNAMS/A9	Septic tank upgrade calculation

1 INTRODUCTION

Nutrient Neutral has been commissioned by Greatworth Property Managers Limited to undertake a nutrient assessment for a proposed development at Axminster. The development comprises up to 140 residential dwellings, 0.8 hectares of Class-E Employment Land and associated amenity space. The site is located within the catchment of the River Axe SAC which, as of March 2022, has been identified as failing its water quality targets, with respect to phosphorus.

To ensure compliance with the requirements of the Habitats Regulations and Water Framework Directive, new development around the River Axe SAC catchment must not (alone or in-combination) result in non-compliance with SAC water quality targets or compound existing problems of target exceedance in those parts of the catchment already failing SAC standards. Furthermore, new developments must not prejudice achievement of Conservation Objectives for the SAC over the long-term.

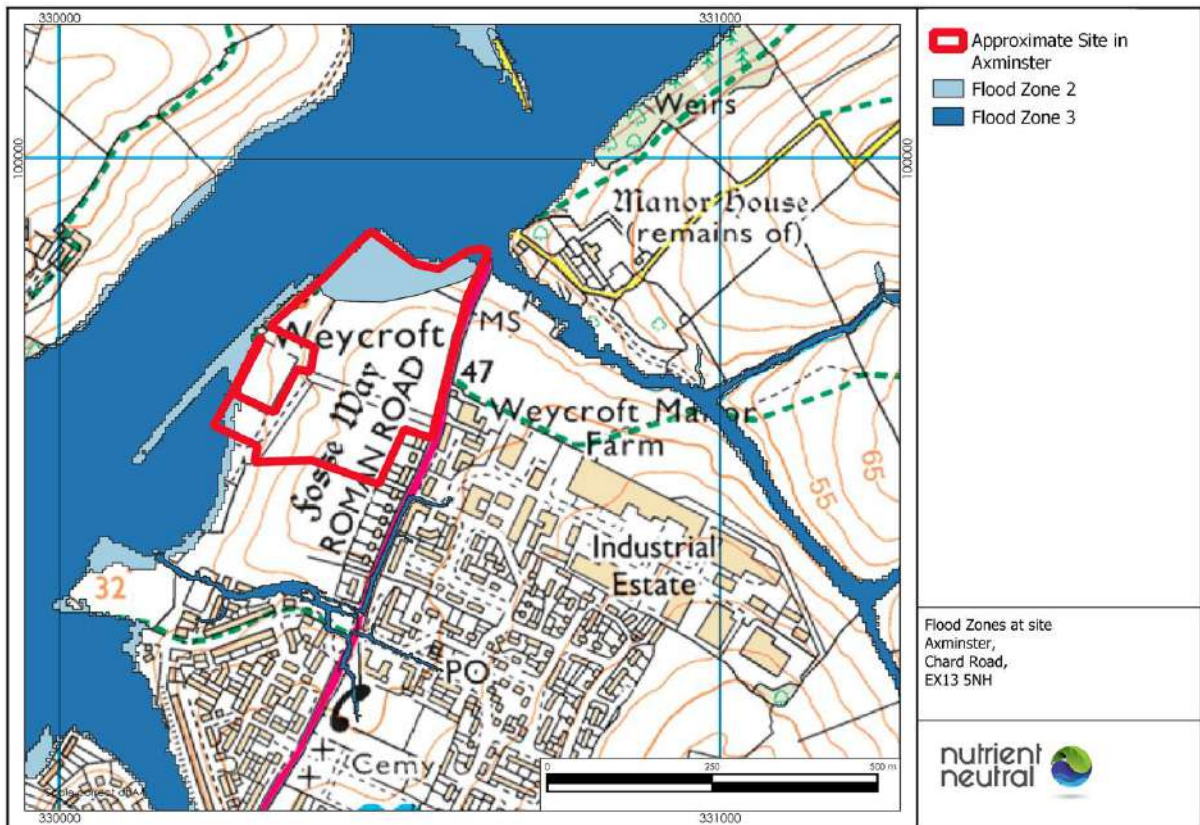
The phosphorus load generated by the proposed development has been calculated according to the generic nutrient methodology and a mitigation solution developed to ensure the proposed development is neutral. The site is in the catchment of the River Axe SAC and is therefore subject to phosphorus neutrality.

1.1 Site characteristics

The site is located on the western periphery of Axminster (**Drawing 1**). The application area extends to 8 hectares (ha) and current land use comprises land in agricultural production, a site plan of which is provided in **Appendix 1**. The nearest watercourse is the River Axe which is located approximately 20m west of the site. Flood zone information was accessed from 'Flood risk information for this location - Flood map for planning'¹. Roughly 10% of the site is located in flood zone 2 (FZ2) (which is medium probability) and approximately 1-2% of the site is in flood zone 3a (which is high probability of flooding) as the submitted FRA sets out. However, FZ2 seems to be inaccurately mapped as it does not relate to the contours of the site. The extent of this zone is therefore inaccurate; hence the application does not treat all this land as FZ2. Both areas at flood risk are situated at the north-west of the site. The site is centred around National Grid Reference SY 30506 99786.

1 - GOV.UK (flood-map-for-planning.service.gov.uk).

Drawing 1: Site location and flood zones

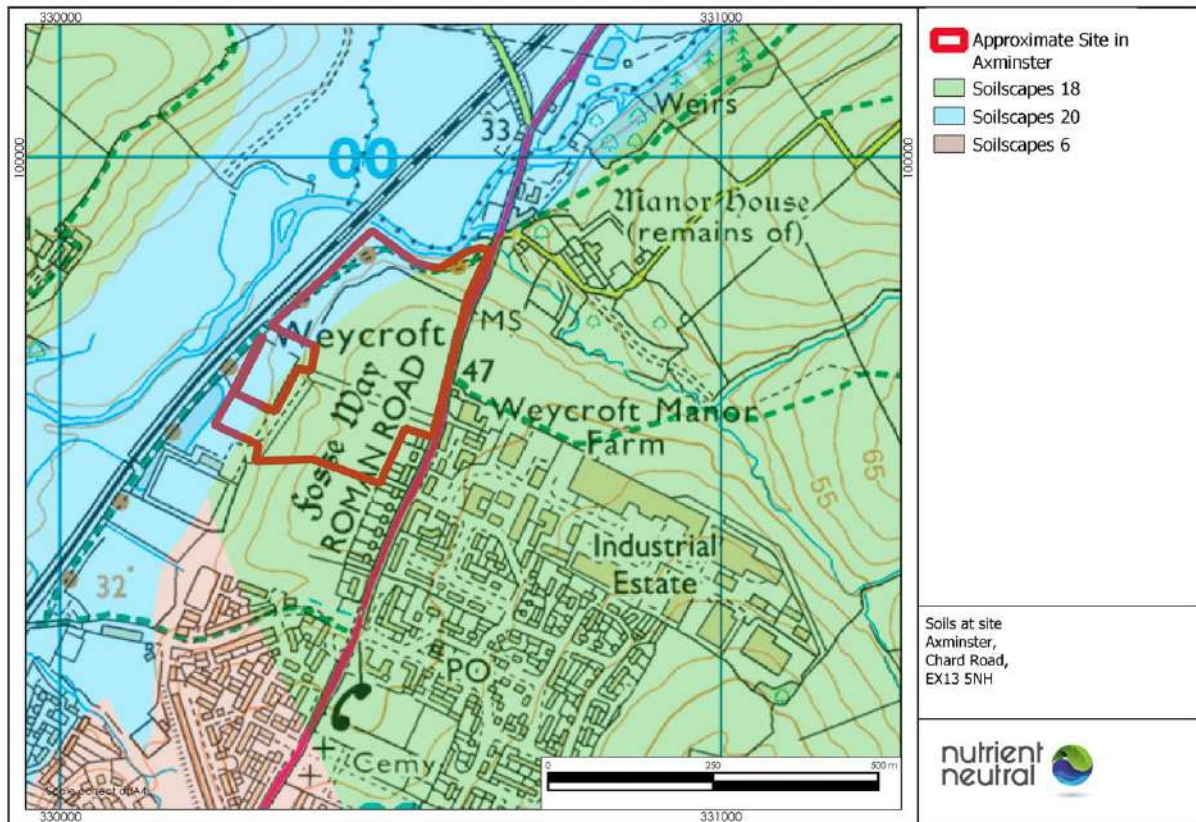


Based on the Cranfield University Soilsapes webtool (<http://www.landis.org.uk/soilsapes>), the soils at the site are classified as ‘Soilscape 18’ which consists of loamy and clayey flood plain soils with naturally high ground water – these are classified as ‘impeded drainage’; and ‘Soilscape 20’ which consists of slowly permeable, seasonally wet, slightly acid but base rich, loamy and clayey soils. **(Drawing 2)**.

The annual rainfall was sourced from the National River Flow Archive ² and is indicated as 850.1 – 900 mm/ yr.

² [Search Data | National River Flow Archive \(ceh.ac.uk\)](http://www.ceh.ac.uk)

Drawing 2: Soil types in vicinity of site



2 PHOSPHORUS ASSESSMENT

Phosphorus calculations have been undertaken in accordance with the River Axe SAC budget calculator created by Natural England and Ricardo Energy and Environment. Full calculation sheets are provided (**Appendix 2**), and the pertinent information summarised below. Where the calculator does not allow for bespoke assessments, these have been undertaken using the best available evidence and are described below.

2.1 Proposed development

The proposed development is for 140 homes and Class-E Employment Land with additional landscaping, including right of access through for the football club and allowing an existing footpath to run through the site.

2.1.1 Wastewater

This site is located in a sewered area which discharges to Kilmington STW. The treatment works has a discharge consent limit for phosphorus set at 1 mg/l. The assumed occupancy rate per house is 2.4 people and the water usage is 120 litres/person/day (l/p/d), as per the generic methodology. However, it is acceptable to use 110 l/p/d in line with building regulations. 110 l/p/d has been used in accordance with the England and Wales approved document (Sanitation, hot water safety and water efficiency)³. Within this document it sets out the minimum standards for water consumption in new dwellings. It is stated that if the water usage is conditioned then a water consumption of 110 l/p/d can be used. This water consumption will be achieved via installing specific water saving fittings and fixtures within the homes⁴. It can also be noted that many other LPA's also use a water usage of 110 l/p/d as standard these include Somerset, Norfolk and Herefordshire.

Therefore Based on the above, the total phosphorus load discharged would be **12.15kg Total Phosphorus (TP)/yr.**

In order to reduce the nutrient discharge to the environment, an alternative solution has been developed. An onsite community treatment plant is able to treat effluent to a much higher specification. It is proposed to install a Klargester BN BioDisc system, which uses chemical dosing for phosphorus removal. As this is a chemical dosing unit, ferric rather than aluminium salts should be used. The outline design and all supporting information, including effluent quality manufacturer's certificate, is provided in **Appendix 3**. The revised wastewater discharges are calculated at **4.05kg TP/yr**, and detailed calculations are presented in **Appendix 4**.

It is acknowledged that the site is located within a sewered area and that private treatment plants would not normally be permitted. However, following consultation with the Environment Agency on other projects, it was agreed that community private treatment could be acceptable if the wastewater treatment system is adopted by an OFWAT registered sewerage undertaker. We have been able to secure an agreement in principle with Albion Water to adopt a facility at this site. The letter of agreement in principle is provided in **Appendix 5**.

3 HM Government Sanitation, hot water safety and water efficiency 2015 with amendments 2016

4 Independent review of the costs and benefits of water labelling options in the UK EXTENSION PROJECT Technical Report - FINAL

The proposed discharge would be to the River Axe and would require an Environmental Permit Regulations (EPR) from the Environment Agency. Engagement with the Environment Agencies permitting pre-application services is recommended at the earliest opportunity.

2.2 Land use change

Calculations for land use change have been undertaken as per the River Axe nutrient calculator whereby pre- and post-development land use is considered. Full calculations are provided in **Appendix 2** and are summarised below.

The current land use at the site is a combination of woodland (0.67ha), lowland grazing (1.46 ha), open urban land (0.97 ha) and arable/ cereal (5.36 ha) (Maps are provided in **Appendix 1**). The pre-development phosphorus export is **4.21kg TP/yr**.

Post-development, the site will comprise residential urban land (3.86 ha), commercial/industrial land (0.78ha), open urban land (0.34 ha), water (0.38 ha), greenspace (1.77 ha) and woodland/scrub (1.33 ha).

It is noted within Part 2.1.C of the generic nutrient budget methodology (Natural England 2022) that, where specific measures are incorporated to support a different event mean concentration (EMC) and/or percentage of impermeable area, the Modified Rational Method can be used to calculate a more locally specific export coefficient. This results from the attenuating properties of the soil with respect to phosphorus. Due to the high charge on the phosphate molecule, it adheres to clayey soil particles and becomes immobilised. The generic methodology assumes an 80% impervious area. However, the impervious urban residential area at this site is calculated at 53%.

The urban phosphorus export value within the area of the site classified as 'residential' has been revised , the Modified Rational Method full calculation is provided in **Appendix 6**. The total post-development phosphorus export from urban residential runoff is **3.67 kg TP/yr (Appendix 2)**. It should be noted that the nutrient budget calculator for Norfolk incorporates the above calculation as standard with 30% impermeable applied to 'low density' developments (<25 dwelling/ ha) and 38% impermeable area for medium density developments (>25 - <50 dwellings/ ha). This proposed development is classified as medium density.

The revised total phosphorus export for stage 3 is **5.06 kg TP/yr**. This is detailed in the table below:

Table 1: Revised Stage 3 calculation for site specific impervious area	
Item	P Load Total kg P/yr
Woodland	0.03
Residential urban land	3.67
Open urban land	0.32
Greenspace	0.04
Commercial/industrial urban land	1.00
Water	0.00
Total	5.06


An additional reduction in the phosphorus export from urban runoff can be achieved through installation of treatment trains within the development. Natural England commissioned CIRIA to produce guidance⁵. It is indicated that 100% of total phosphorus can be mitigated if surface water runoff can be discharged to ground. Unfortunately, the ground conditions are not suitable for 100% infiltration.

However, SuDS features have been incorporated into the design to maximise phosphorus removal. These comprise three stages of treatment trains: pervious paving, tree pits and raingardens, swales and detention ponds (**Appendix 7**).

Therefore, in accordance with CIRIA guidance C808, Section 2.6 'detailed design information for individual SuDS components' it is stated having a retention basin means that sedimentation takes place in the permanent pool of water removing 28% of phosphorus (55%TP in sediment removal in a retention basin is assigned an index of 0.5 in CIRIA c753 SO 55% of 50% = 28%) this means that we can take 28% off the post development land use (28% of 5.06 kg is 1.42 kg).

⁵ Using SuDS to reduce phosphorus in surface water runoff. CIRIA C808 2022.


Table 2.5 Retention basins

<p>Infiltration potential Low. Assuming the basin is lined, there will be no infiltration.</p> <p>Particulate P removal Sedimentation takes place in the permanent pool of water removing 28% of the phosphorus (55% TP in sediment and sediment removal in a retention basin is assigned an index of 0.5 in CIRIA C753 so 55% of 50% = 28%).</p> <p>DP removal 50% removal (Clary <i>et al.</i>, 2020).</p>	<p>A retention basin is like a detention basin except that it is designed to have a volume of standing water between rain events. When it rains, the water level temporarily increases and is released via the flow control device.</p>  <p style="text-align: center;"><i>Figure 2.5 Retention basin</i></p>
<p>Possible P capture mechanisms Sedimentation at the bottom of the pond. Plants in and around the pond will uptake P, the quantity of which will vary dependent on type and density of plants.</p>	<p>Considerations Sedimentation takes place in the permanent pool of water. The basin should be designed so that high flows do not cause disturbance of the sediment in the bottom of the basin.</p>
<p>Maintenance</p> <ul style="list-style-type: none"> ■ Sediment may need to be removed from the base of the basin periodically, although this can be avoided by installing and maintaining an upstream sediment removal device for initial gross particle removal. ■ Inlet and outlet structures need to be kept clear and operational. ■ Plants from around the freeboard above the permanent water level can be mown and harvested and removed. 	
<p>Hydraulics All flows from the catchment usually enter the basin, and in high flow conditions, the water level rises as the flow control device restricts the rate of discharge from the basin. In exceedance events the whole area around the basin may flood. It is important the basin is well-designed so that high flow events do not cause deposited P from the bottom of the basin to be washed out and transported downstream.</p>	

This means that the post development land use is now **3.64 kgTP/yr.**

However, this can further be reduced due to the use of swales at the site. As the conveyed flows receive some treatment, as some sedimentation will occur, and particulate will be trapped in leaves. For the conveyed flows there is a 28% P removal (55% TP in sediment and sediment removal in a swale is assigned an index of 0.5 in CIRIA C753, so 55% of 50% = 28%) this means that we can take 28% off the post development land use (28% of 3.64 kg is 1.02 kg).


Table 2.3 Swales

<p>Infiltration potential High</p> <p>TP reduction 100% for all infiltrated flows assuming the site satisfies all the criteria detailed in point 4 of Table 2.1.</p> <p>Particulate P removal Conveyed flows receive some treatment, as some sedimentation will occur, and particulate P will be trapped in leaves. For conveyed flows use 28% P removal (55% TP in sediment and sediment removal in a swale is assigned an index of 0.5 in CIRIA C753, so 55% of 50% = 28%).</p> <p>Dissolved P removal Nil</p>	<p>Swales are a linear SuDS device often used along roads or paths. The runoff enters the swale along its entire length (if it is well designed) so the pollution is spread across the entire surface of the swale which maximises the pollution capture ability of both the grass surface and the soil underlying the grass surface.</p>  <p><i>Figure 2.2 Roadside swale (close mown)</i></p>
<p>Possible P capture mechanisms</p> <ul style="list-style-type: none"> ■ Slow the runoff flow. ■ Infiltration to ground. ■ Adsorption in soil horizons. ■ Uptake by plants. ■ Sedimentation on soil surface and leaf surface. 	<p>Considerations for P removal</p> <p>The more runoff that these devices can infiltrate to ground the better (assuming that water quality requirements are met). Soil depth can be limited so protection of underlying groundwater is important. Mowings are not normally collected and removed so P harvesting is not taking place, causing accumulation of P over time.</p>

This means that the post development land use is now **2.62 kgTP/yr.**

This can be further reduced as permeable paving will be used at the site. The guidance states that TP removal of 38% by sedimentation (55% TP in sediment and sediment removal in permeable paving is assigned an index of 0.5 in CIRIA C753, so 55% of 70% = 38%) this means that we can take 38% off the post development land use (38% of 2.624 kg is 0.99 kg).

Table 2.13 Permeable/pervious paving

<p>Infiltration potential High. TP reduction 100% for all infiltrated flows assuming the site satisfies all the criteria detailed in point 4 in Table 2.1.</p> <p>Particulate P removal TP removal 38% by sedimentation (55% TP in sediment and sediment removal in a permeable pavement is assigned an index of 0.7 in CIRIA C753 so 55% of 70% = 38%).</p> <p>DP removal Nil</p>	<p>Permeable pavements consist of a surface of blocks that allow surface water to run through the gaps. There are layers of sand/aggregate below.</p>  <p><i>Figure 2.13 Permeable paving (courtesy susdrain)</i></p>
<p>Possible P capture mechanisms</p> <ul style="list-style-type: none"> ■ Infiltration to ground. ■ Adsorption onto sand/aggregate/soil below. 	<p>Considerations There is no vegetation and often not much soil beneath the paving, so the P capture capability is limited.</p>
<p>Maintenance It is unlikely that the permeable paving will be lifted to replace the subsurface layers. The only maintenance activity that is required is sweeping the surface when needed.</p>	
<p>Hydraulics All the flow from the catchment enters the permeable paving layers although sometimes they are designed with an adjacent designated area for flooding in very high flow events. Sometimes they are installed with under drainage where infiltration capacity is not adequate.</p>	

This means that the post development land use phosphorus export is **1.63 kgTP/yr.**

Therefore, after the three treatment trains the overall post-development land use TP export is **1.63 kg TP/yr.**

The overall phosphorus budget for the site is provided below; this includes a 20% buffer added to the subtotal to account for uncertainties within the input parameters. A summary of the site budget is provided in Table 2 below.

Table 2 Phosphorus budget summary	
Item	P Load Total kg P/yr
Wastewater discharge from package treatment plant	4.05
Pre-development landuse	4.21
Post-development	1.63
Landuse net change	-2.58
Subtotal P load budget	1.47
Plus 20% Buffer	0.294
Site P budget load	1.764

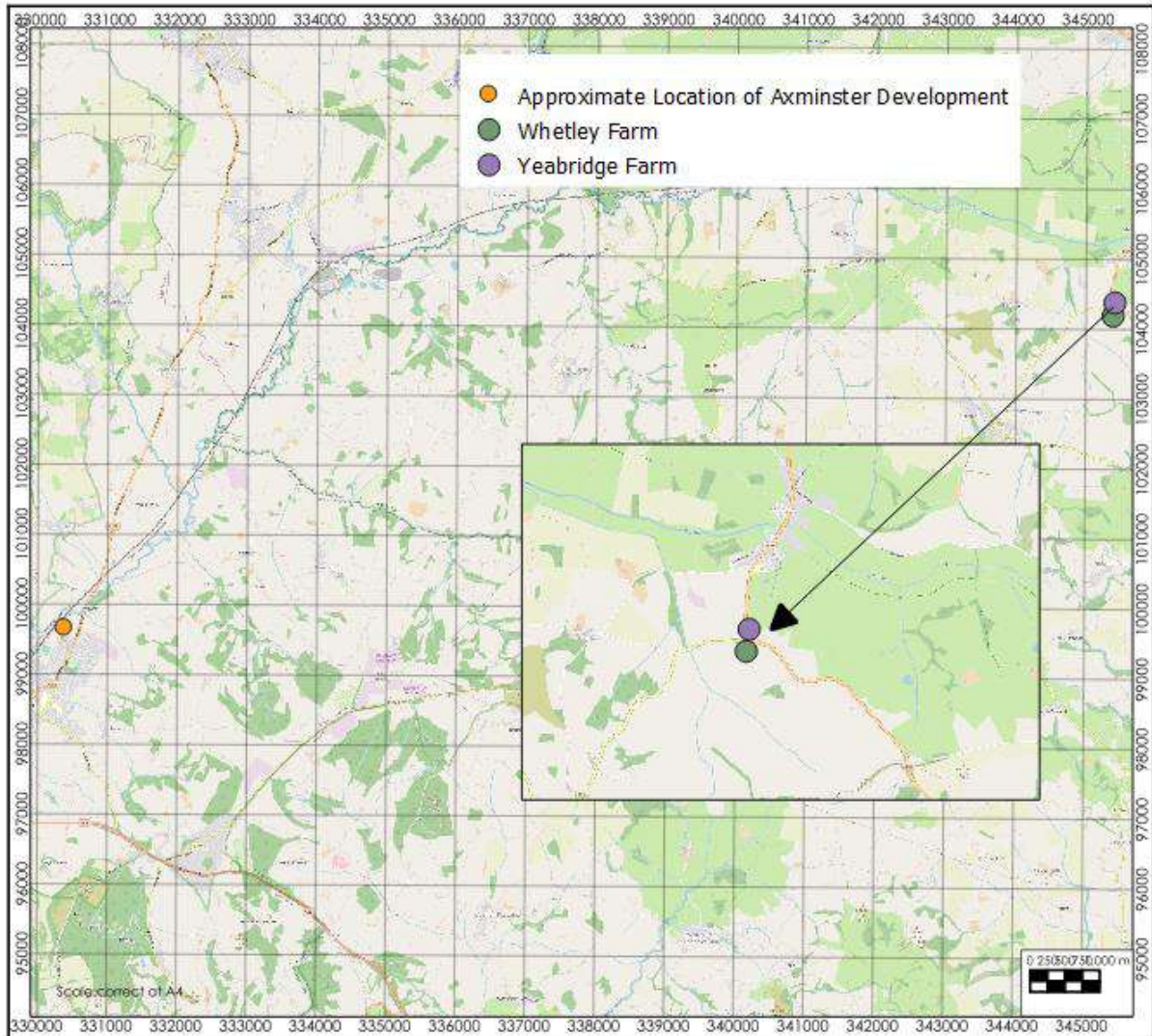
2.3 Mitigation proposal

The proposed strategy to mitigate the 1.764 kg TP/yr load is to upgrade two septic tanks located within the catchment area. Upgrading of a septic tank to a higher specification system with greater efficacy for nutrient removal is an accepted mitigation strategy by Natural England. The GRAF One2Clean has a certified discharge concentration of 1.6 mg/lTP (Appendix 8). The upgrading of a standard septic tank to a GRAF One2Clean results in a net reduction of **1.24** kg TP/tank/yr (Appendix 9). This is based on an occupancy rate of 2.4 and water usage of 141 l/p/d: this is the average daily water use per person for Wessex water⁶. Therefore, in order to mitigate the remainder of this site, two septic tank would be required; this would have a collective phosphorus reduction to the catchment of 2.48 kg TP/yr.

Two septic tank upgrades have been identified within the catchment. They are located at 'Yeabridge Farm, Whetley Cross, Mosterton, DT8 3HE' and 'Whetley Cross Farm, Mosterton DT8 3HE'. An agreement in principle has been signed by the landowners.

These tanks have been assessed against the criteria for small discharges and it is confirmed that they are within 200m of another discharge and therefore are considered to have a 'significant effect'. In addition, the tank has a discharge to ground, and it is confirmed it complies with the Environment Agency's general binding rules.

⁶ PR19 Challenge Report #5 WWT



3 CONCLUSION

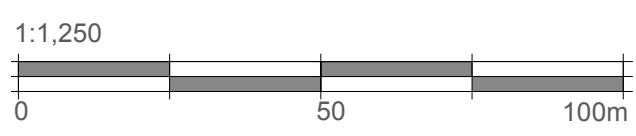
Phosphorus neutrality can be achieved at the site through a combination of measures, primarily with the installation of a private treatment plant on site. This will be adopted by an OFWAT registered undertaker, Albion Water, and managed by them in perpetuity. Treatment trains are also proposed within the residential and commercial area to reduce the phosphorus export in the urban runoff by 50%. The resulting phosphorus load generated by this site, requiring mitigation, is 1.764 kgTP/yr. This will be mitigated through the upgrading of two septic tanks located within the catchment which will provide a small benefit of 0.716 kg TP/yr.

It can therefore be concluded that this proposed development will be phosphorus neutral and not prevent the Conservation Objectives of the River Axe SAC being achieved.

APPENDIX 074/NNAMS/A1
Site plans



- | | | | |
|---|------------------------------|-------------------------------|------------------------------|
| Site boundary | Residential streets | Public Open Space | Proposed ecological corridor |
| Potential all modes access and land take for roundabout | Private drives | Existing hedges | Proposed mini football pitch |
| Existing pedestrian access | Residential development | Existing trees / planting | Attenuation feature |
| Axminster Town Football Club access | Parking spaces and driveways | Proposed hedgerows / planting | Swale |
| National Cycle Route 33 | Key buildings | Proposed trees | Phosphate treatment plant |
| Existing pedestrian route | Employment land | Proposed orchard | Pill Box retained |
| Proposed pedestrian / cycle route | | | |



client:
Greatworth Property Managers Ltd

project:
Chard Road, Axminster

drawing title:
Illustrative Masterplan

urbandesignbox.co.uk

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job number:
GRE101

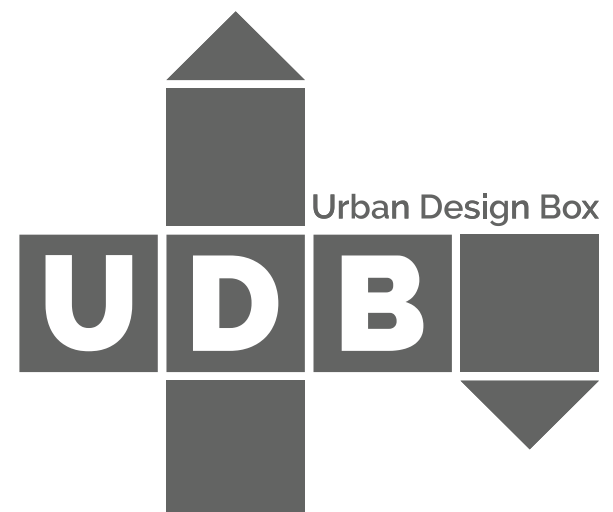
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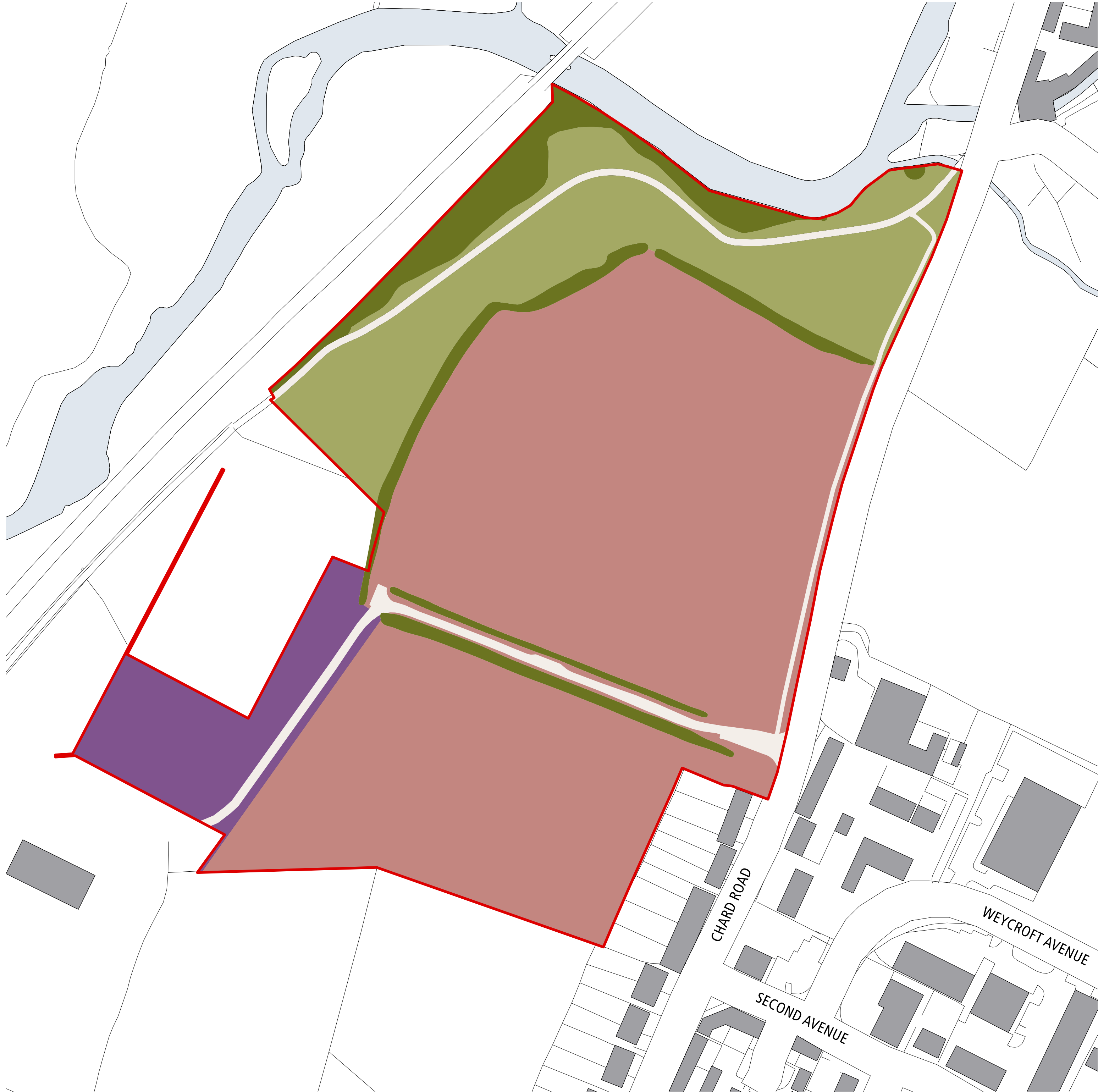
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March 2023

drawing number:
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drawn
AJ

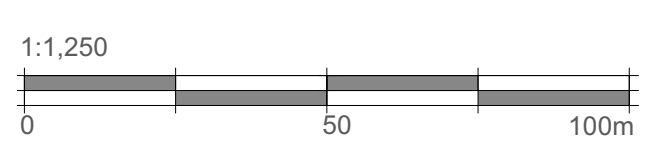
status:
Preliminary





	Site boundary	8.46ha
	Football access/ cycle track / permissive path (surfaced)	0.32ha
	Existing grassland	1.46ha
	Existing trees/hedgerow	0.67ha
	Agricultural field	5.36ha
	Football club land	0.65ha

DRAFT



client:
Greatworth Property Managers Ltd

project:
Chard Road, Axminster

drawing title:
Nutrients Existing Areas Plan

job number:
GRE101

scale
1:1250 @ A2

date:
March 2023

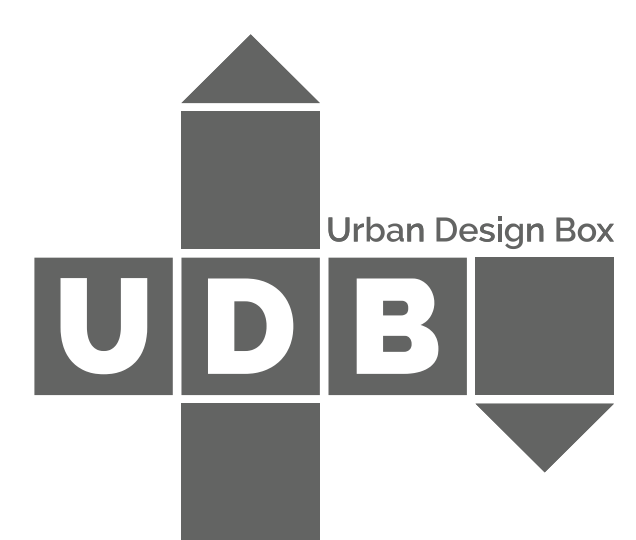
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drawn
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status:
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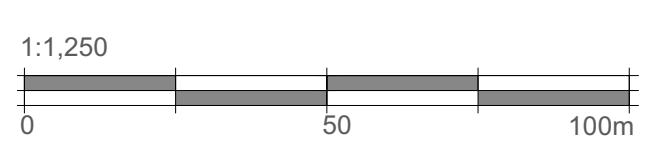
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Site boundary	8.46ha	Employment area	0.78ha	Retained hedges	1098m
Grassed POS	0.99ha	Highway	1.27ha	Proposed hedges	485m
Existing grassland retained	0.80ha	Attenuation	0.38ha		
Scrub / strategic landscape planting (existing and proposed vegetation)	1.19ha	Play area	0.04ha		
Orchard	0.20ha	Football pitch	0.30ha		
Residential houses and gardens	2.50ha	Other structures	0.01ha		



client:
Greatworth Property Managers Ltd

project:
Chard Road, Axminster

drawing title:
BNG Areas Plan

job number:
GRE101

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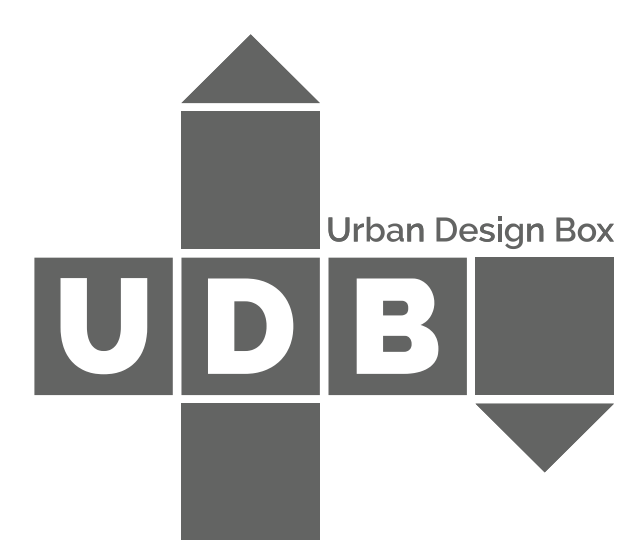
date:
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drawing number:
3603D

drawn
AJ

status:
Preliminary

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APPENDIX 074/NNAMS/A2
Phosphorus budget calculator to Kilminster

Stage 1

User Inputs

Date of first occupancy:	01/04/2024
Average occupancy rate:	2.40
Water usage (litres/person/day):	110
Development Proposal (dwellings/units):	140
Wastewater treatment works:	Kilminster WwTW ▼
Wastewater treatment works P permit (mg TP/litre):	1

Stage 1 Calculated Loading

Stage 1 Nutrient Loading

Additional population	336	people
Wastewater by development	36960	litres/day
Annual wastewater TP load	12.15	kg TP/yr

Stage 2

User Inputs

Catchment:	Lim and Axe
Soil drainage type:	Impeded drainage
Annual average rainfall (mm):	850.1 - 900
Within Nitrate Vulnerable Zone (NVZ):	No

Existing land use type(s)	Area (ha)	Annual phosphorus nutrient export (kg TP)
Woodland	0.67	0.01
Lowland	1.46	0.50
Open urban land	0.97	0.91
Cereals	5.36	2.78
▼		
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> Select existing (pre-development) land use types from the drop down list. </div>		
Total:	8.46	4.21

Stage 3

User Inputs

New land use type(s)	Area (ha)	Annual phosphorus nutrient export (kg TP)
Woodland	1.33	0.03
Residential urban land	3.86	6.76
Open urban land	0.34	0.32
Greenspace	1.77	0.04
Commercial/industrial urban land	0.78	1.00
Water	0.38	0.00
<div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <input type="text"/> </div> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> Select post-development land use types from the drop down list. </div>		
Total:	8.46	8.14

APPENDIX 074/NNAMS/A3
PTP Certificate and design



Certificate

353.02C02

Kingspan Water & Energy Ltd.

College Road North, Aston Clinton, Aylesbury, HP22 5EW, UK

EN 12566-3, Annex B

Small wastewater treatment systems for up to 50 PT

Small wastewater treatment system BioDisc +P

Rotating Biological Contactor (RBC) in a GRP tank with chemical dosing equipment

Test report PIA2019-353B47.02

This test certificate is a revised version of test certificate no. 353.02C01.

Nominal organic daily load (influent)	0.28 kg BOD ₅ /d		
Nominal hydraulic daily load	0.9 m ³ /d		
Material	GRP		
Treatment efficiency (nominal sequences)	Efficiency	Effluent	
	COD	95.9 %	31 mg/l
	BOD ₅	98.0 %	6 mg/l
	N _{tot} *	71.1 %	17.9 mg/l
	NH ₄ -N*	92.1 %	3.0 mg/l
	P _{tot}	95.4 %	0.3 mg/l
	SS	95.6 %	15 mg/l
Eléctrical consumption	1.5 kWh/d		

**determined for temperatures $\geq 12^{\circ}$ C in the bioreactor*

Performance tested by:

PIA - Prüfinstitut für Abwassertechnik GmbH

Hergenrather Weg 30

52074 Aachen

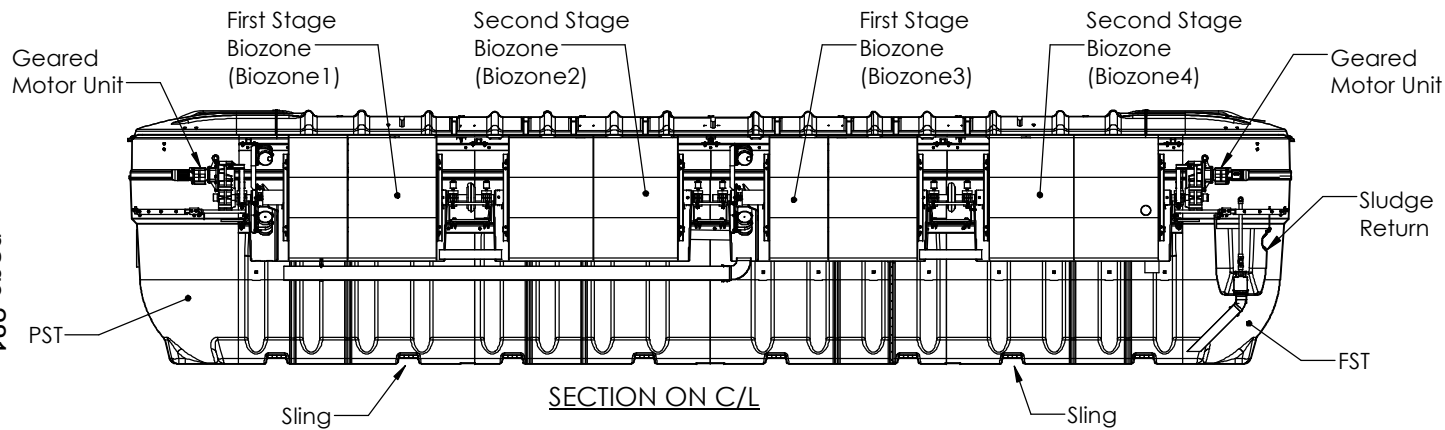
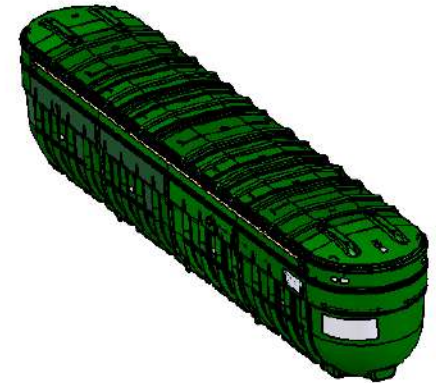
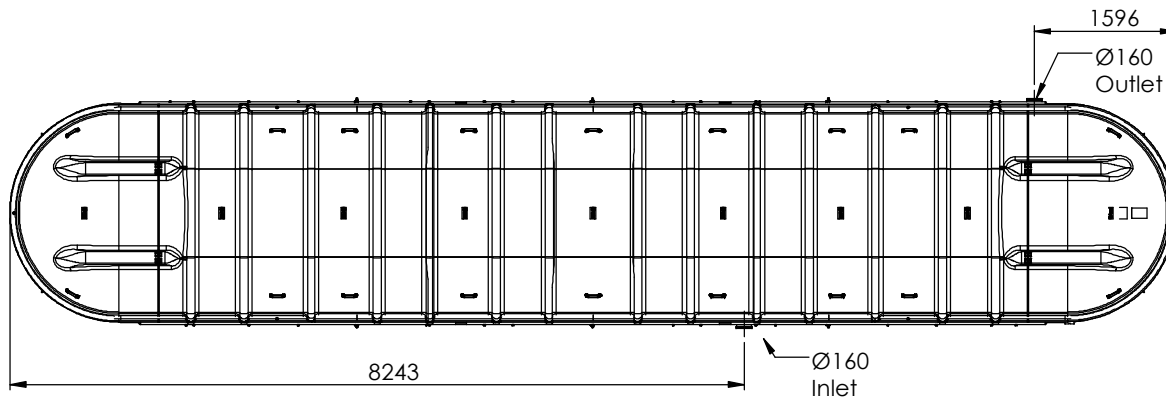
Germany

This document replaces neither the declaration of performance nor the CE marking.



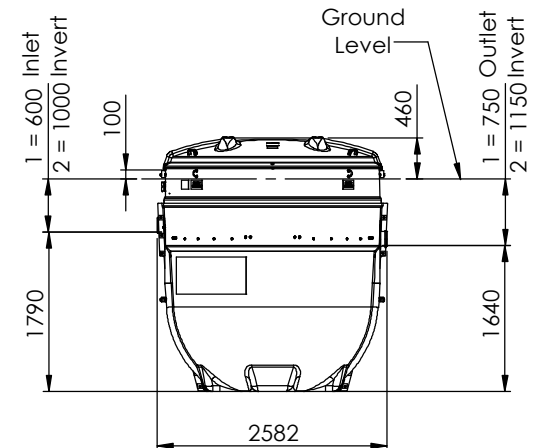
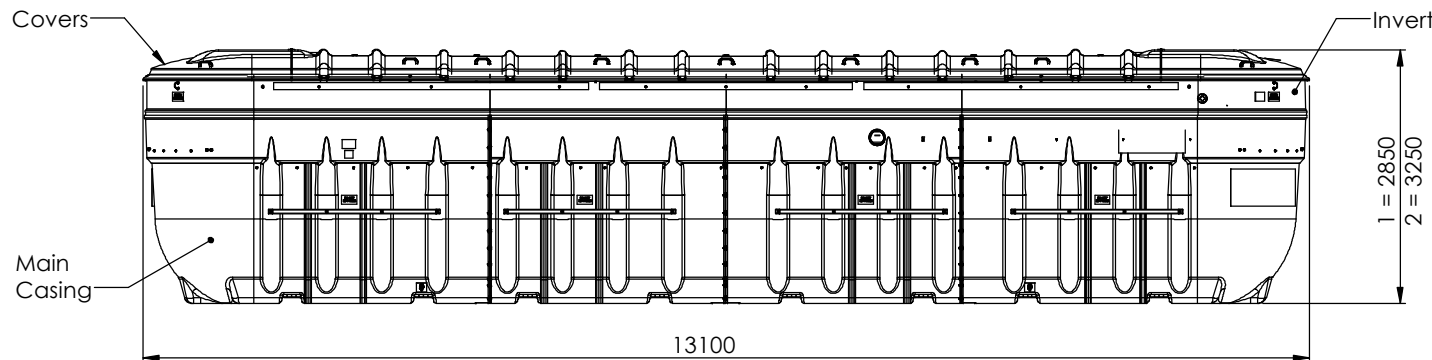
Martina Wermter

December 2020



Notes:-

1. Inlet And Outlet Pipework To Be 6" PVCu
2. Unit Must Be Slung In Positions Shown.



page 281

Please Check with Kingspan Environmental For The Latest Issue Of This Drawing				Material : Various	Tolerance (unless stated) :	Drawing : DS1334	Page 1 of 1
Issue	Date	Drawn by	Approved by	Finish :	Thickness : n/a		
01	21.08.17	T.Kelly		Weight : 5750 kg	Surface Area : m ²	BN BioDisc General Assembly - Sales Drawing	
CC1392 - Initial Issue				Modelled By : T.Kelly			
All Dimensions In mm		Scale: Do Not Scale		Kingspan Environmental reserve the right to alter the details of this drawing without prior notice. This drawing is copyright and may not be reproduced or used without the written permission of Kingspan Environmental			
		 Third Angle Projection					
R:\Engineering Projects\957A BioDisc BN\Two End Motor Gearboxes\DS1334							



APPENDIX 074/NNAMS/A4

Phosphorus budget for onsite solution – Klargester

Stage 1

User Inputs

Date of first occupancy:		
Average occupancy rate:	2.40	
Water usage (litres/person/day):	110	
Development Proposal (dwellings/units):	140	
Wastewater treatment works:	Package Treatment Plant user defined	
Wastewater treatment works P permit (mg TP/litre):	Please enter value in cell to the right:	0.3

Stage 1 Calculated Loading

Additional population	336	people
Wastewater by development	36960	litres/day
Annual wastewater TP load	4.05	kg TP/yr

APPENDIX 074/NNAMS/A5
Adoption in principle letter



Clearwater House
Castle Mills
Biddisham
Somerset BS26 2RE

T 01934 751303

www.albionwater.co.uk

19th February 2023

Sarah Belton
Nutrient Neutral,
The Oakland Childs,
Ercall,
Market Drayton
TF9 2DL

Agreement to adopt in principle – Axminster EX13 5PH

Dear Sarah

Thank you for taking the time to share the detail of the above development regards the provision of water and wastewater services with myself and our Technical Director, Ian May.

I am pleased to advise that we are able to agree to the adoption of this site in principle.

Final agreement will be dependent on the following:

- Overview and acceptance of the water/wastewater infrastructure design
- Consultation on the waste treatment plant to ensure compliance with current environmental standards and requirements
- Infrastructure installation to agreed technical and industry quality standards
- Installation of waste treatment plant to manufacturers specifications
- Subject to final inspections
- Subject to permissions to discharge to a local watercourse.

Yours sincerely

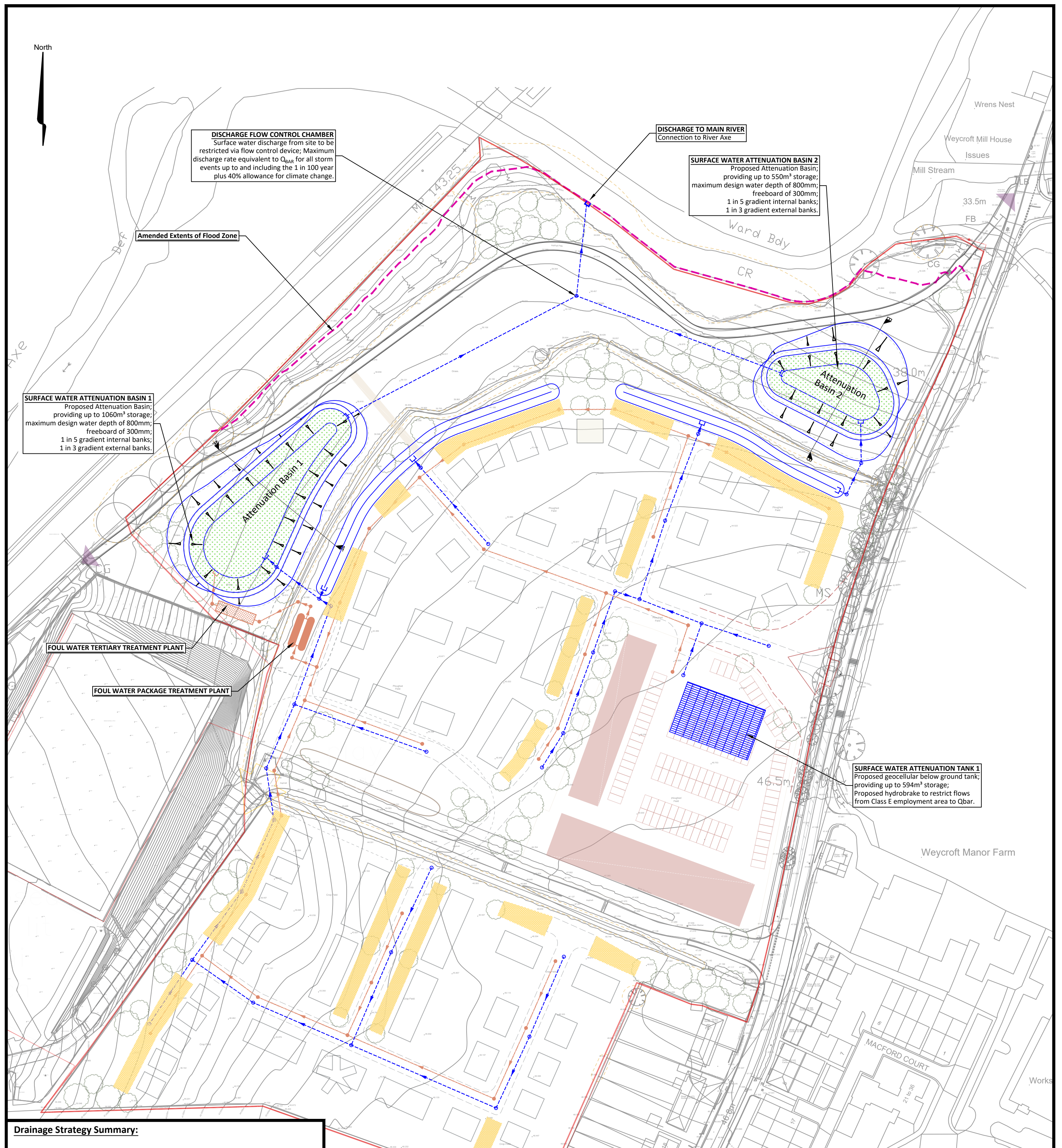
Kim

Kim Trowbridge
Client Service Director
on behalf of
Albion Water Ltd

APPENDIX 074/NNAMS/A6
Modified Rational Method

Site specific calculation			
$L = R * (0.829 * p + 0.78 * U - 20.7)$			
L	RUN OFF VOLUME		
R	AVERAGE RAINFALL	875	mm
P	IMPERMEABLE AREA	53	%
U	CATCHMENT WETNESS	41	Coefficient
		% RUN OFF	26.435 %
		L = % Run * R	mm
		231.30625	mm
L =		2313062.5	l/ha /yr
Concentration		0.41	mg/l
		948355.625	mgP /ha/yr
Urban P loss		0.948355625	kg /ha/ yr
Development area		3.86	ha
Urban Load		3.660652713	Kg P/ yr
(1 mm ≡ 1 mm/year ≡ 1 mm/m ² /year ≡ 1 l/m ² /year ≡ 10000 l/ha/year)			

APPENDIX 074/NNAMS/A7
SuDS Designs



Drainage Strategy Summary:

- Surface water flows from proposed roof areas to discharge to adjacent permeable paving or swale, where appropriate, and then cascade into main sewers and attenuation basins.
- Development attenuation is provided across both attenuation basins. Discharge flows from development restricted using flow control device with a maximum discharge rate of Q_{BAR} for all storm events.
- Employment area attenuation to be provided via an onsite SuDS feature, such as geocellular storage, restricted to a proportional Q_{bar} . Surface water flows from the employment area will then be discharged into the development network.
- Attenuation to be provided across attenuation tank (594m³), Attenuation Basin 1 (1060m³) and Attenuation Basin 2 (550m³).
- Detailed design of scheme to review use of swale and permeable paving to provide additional attenuation at source. The additional storage potentially provided by these features has not been accounted for as part of this assessment, or within the above attenuation volumes.

Legend:

- Site Boundary
- - - Surface Water Sewer
- Attenuation Basin
- Swale
- Permeable Paving
- Attenuation tank (Class E Employment Area)
- Foul Water Sewer
- Package Treatment Plant
- Reed bed

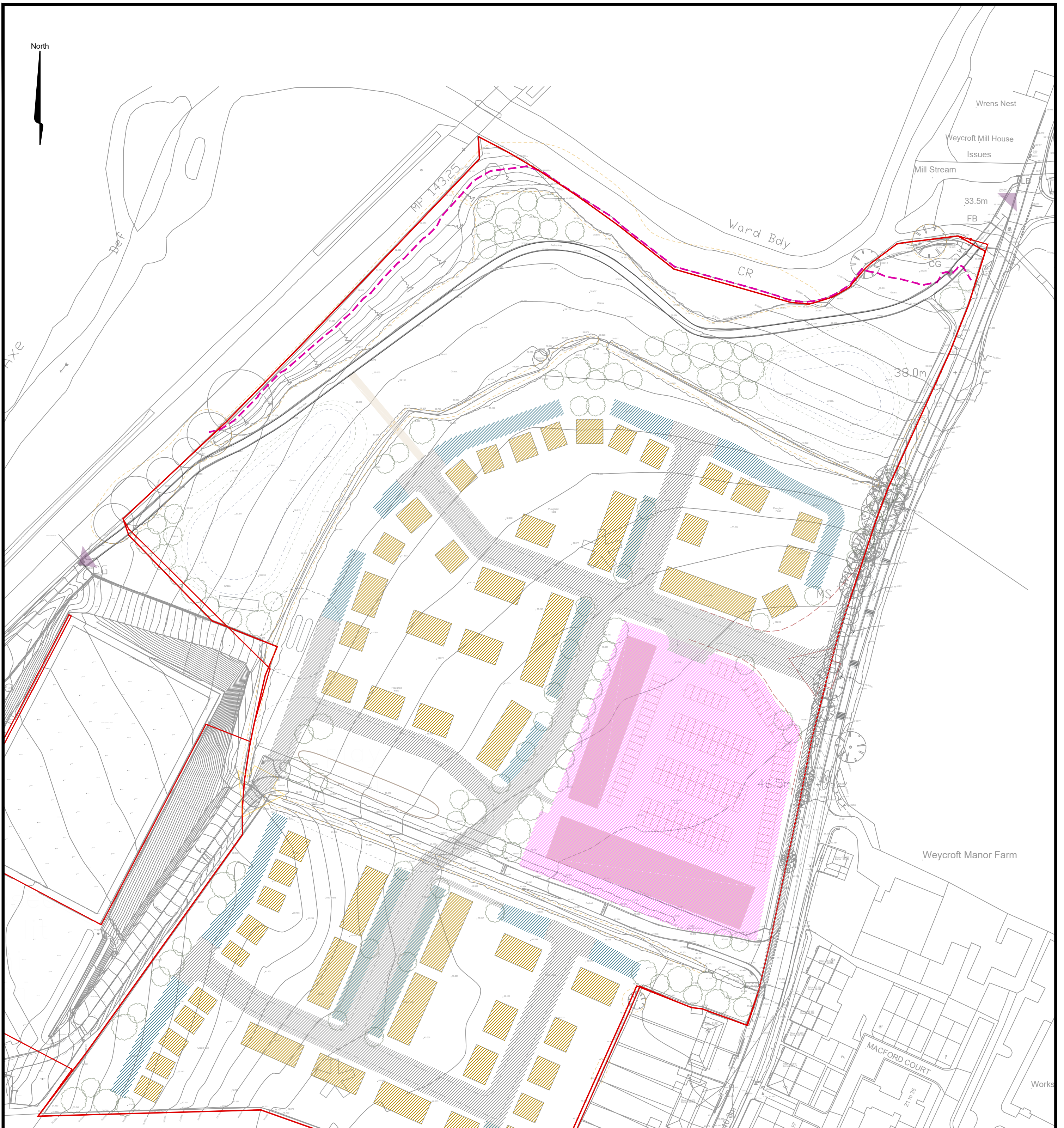
IMA TRANSPORT PLANNING
 11 KINGSMEAD SQUARE
 BATH BA1 2AB
 T: 01225 444 011
 www.ima-tp.com

CLIENT: **Greatworth**
 PROJECT: **Chard Road, Axminster**





TITLE: **Drainage Strategy Conceptual Layout**

SCALE: (A2) **1:1000**
 CHECKED: **SW** APPROVED: **SW**
 CAD FILE: **IMA-22-013-P-500.dwg** DESIGN/DRAWN: **CB** DATE: **February 2023**
 PROJECT No: **IMA-22-013** DRAWING No: **P/500** REV: **P1**

North



Drainage Areas:

	Roads	8,405sq.m
	Roofs	6,694sq.m
	Private Drives	3,449sq.m
Total:		18,548sq.m
10% Urban creep:		1,855sq.m
	Class E employment area:	8,081sq.m
Grand Total:		28,484sq.m
GFRR Qbar (FEH Data):		25.9l/s
Pro rata Qbar for Class E employment area is		7.9l/s

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 11 KINGSMEAD SQUARE
 BATH BA1 2AB
 T: 01225 444 011
 www.ima-tp.com

CLIENT:	Greatworth
PROJECT:	Chard Road, Axminster

TITLE:	Drainage Strategy Catchment Areas
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SCALE: (A2)	1:1000	CHECKED:	SW	APPROVED:	SW
CAD FILE:	IMA-22-013-P-510.dwg	DESIGN/DRAWN:	CB	DATE:	February 2023
PROJECT No:	IMA-22-013	DRAWING No:	P/510	REV:	P1

APPENDIX 074/NNAMS/A8
Graf Manufacturers certificate



PERFORMANCE RESULTS

Otto Graf GmbH

Carl-Zeiss-Str. 2 - 6, 79331 Teningen, Germany

EN 12566-3

Small wastewater treatment systems for up to 50 PT

Small wastewater treatment system one2clean

SBR plant in one two-zone polypropylene tank

Test report PIA2014-216B14.01.e

Nominal organic daily load*	0.27	kg/d		
Nominal hydraulic daily load	0.75	m ³ /d		
Material	polypropylene			
Treatment efficiency (nominal sequences)			Efficiency	Effluent
	COD		94.2 %	43 mg/l
	BOD ₅		96.0 %	7 mg/l
	SS		96.3 %	14 mg/l
	NH ₄ -N**		98.3 %	0.5 mg/l
	N _{tot} **		87.0 %	7.9 mg/l
	P _{tot}		80.2 %	1.6 mg/l
Electrical consumption	0.63	kWh/d		

*at a test influent of ≥ 300 mg/l BOD₅ (mean)
 **determined for temperatures $\geq 12^{\circ}\text{C}$ in the bioreactor

Performance tested by:

PIA – Prüfinstitut für Abwassertechnik GmbH

(PIA GmbH)

Hergenrather Weg 30

52074 Aachen, Germany

This document replaces neither the declaration of performance nor the CE marking.



Prüfinstitut für Abwassertechnik GmbH

 geprüft - tested - tested

Elmar Lancé

November 2014

APPENDIX 074/NNAMS/A9 Septic tank upgrade calculations

Septic tank current				
Step	Measurement	Value	Unit	Explanation/ info source
Development Proposal	Development Type	1		
Step 1	population	2.4	persons	
Step 2	Wastewater volume generated	338.4	litres / day	141 l/p/d
Step 3	Receiving treatment	11.6	mg/l	Septic tank
Step 4	TP discharged after treatment	3925.44	mg/TP/day	Concentration * volume day
Step 5	Convert mg/TP to kg/TP per day	0.0039254	kg/TP/day	Divide by 1,000,000
Step 6	∞	1.433767	kg/TP/yr	x 365.25 days
Wastewater total Phosphate load		1.434	kg/TP/yr	
Graf One2Clean				
Step	Measurement	Value	Unit	Explanation/ info source
Development Proposal	Development Type	1		
Step 1	population	2.4	persons	2.4
Step 2	Wastewater volume generated	338.4	litres / day	141 l/p/d
Step 3	Receiving treatment	1.6	mg/l	
Step 4	TP discharged after treatment	541.44	mg/TP/day	Concentration * volume day
Step 5	Convert mg/TP to kg/TP per day	0.0005414	kg/TP/day	Divide by 1,000,000
Step 6	Convert kg/TP per day to kg/ TP per year	0.197761	kg/TP/yr	x 365.25 days
Wastewater total Phosphate load		0.198	kg/TP/yr	
<u>Phosphorus</u>				
ST to Graf	saving:	1.24		

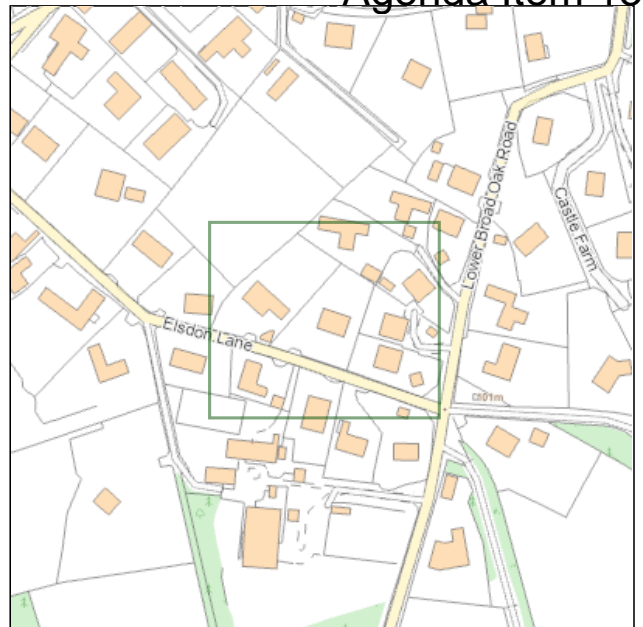
Ward West Hill And Aylesbeare

Reference 24/0352/FUL

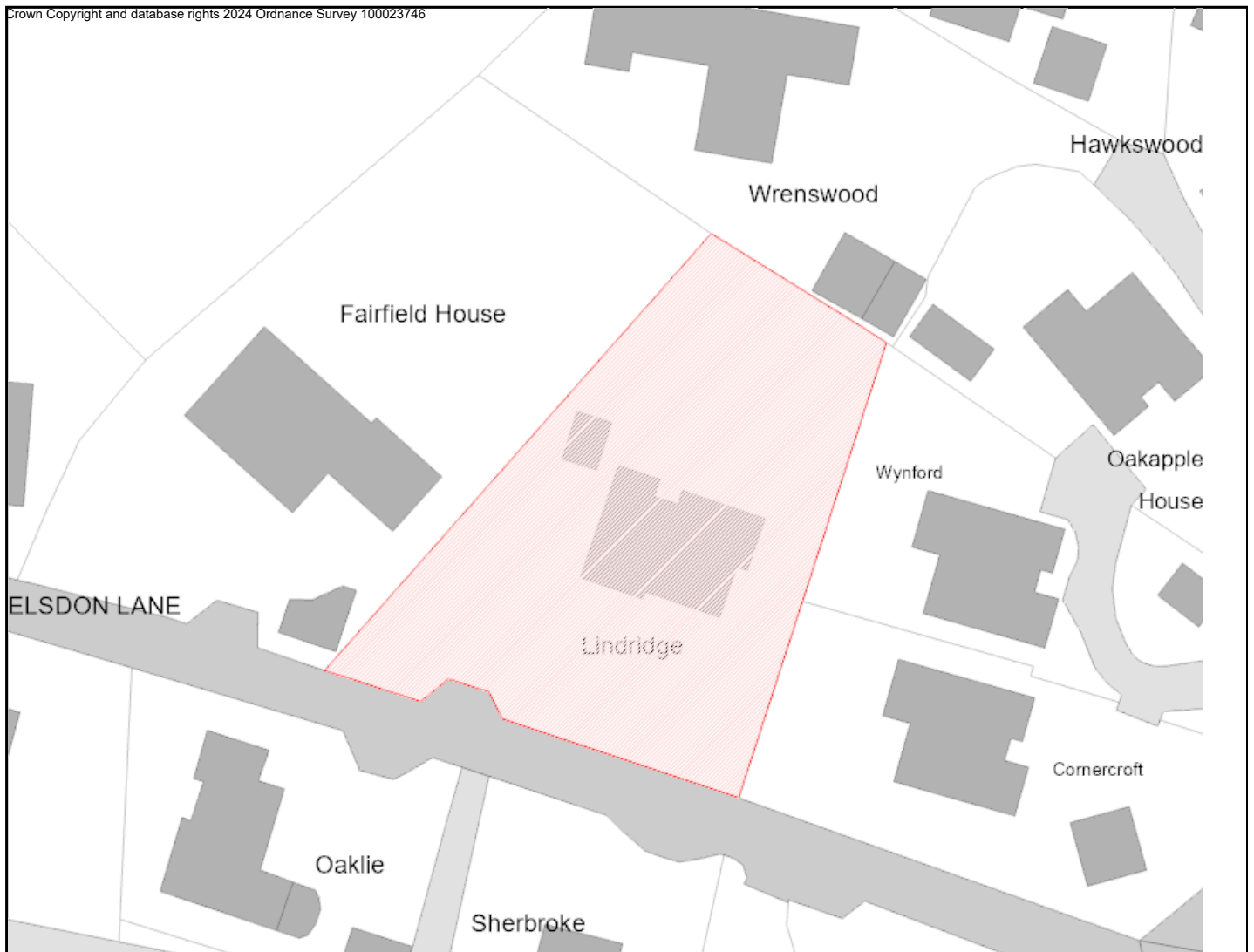
Applicant Matt and Kaylee Smith

Location Lindridge Elsdon Lane West Hill Devon EX11 1UB

Proposal Demolition of existing bungalow and garage with construction of a replacement house and integral double garage.



RECOMMENDATION: Approval with conditions



		Committee Date: 21.05.2023
West Hill And Aylesbeare (West Hill)	24/0352/FUL	Target Date: 18.04.2024
Applicant:	Matt and Kaylee Smith	
Location:	Lindridge Elsdon Lane	
Proposal:	Demolition of existing bungalow and garage with construction of a replacement house and integral double garage.	

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 'Lindridge,' a 1950s three bedroom bungalow within the village of West Hill. The site is a spacious relatively level plot enclosed by mature hedges and trees, several of which are protected by tree preservation orders.

The proposal involves the demolition of the existing bungalow and its replacement with a two storey five bedroom dwelling. The proposal also includes an attached double garage with a studio over. The proposed design is a relatively traditional with brick elevations, good quality windows and a slate roof and it is considered the proposed dwelling respects the established character of the village.

The Parish Council has expressed concern about the height, mass and scale of the proposal and the potential harm to neighbours' amenity. The Ward Councillor has concerns that inadequate ecology work has been carried out to evaluate the impact of the development on bats, as well as the potential for overlooking between the application site and the neighbouring properties that front onto Lower Broad Oak Rd given the height differences between the two sites.

In response to comments received, the proposed floor plan has been revised to ensure there are no habitable rooms overlooking neighbouring properties. The proposed dwelling is set a reasonable distance inside the existing boundary and

on this basis, officers do not consider that the proposal would lead to loss of residential amenity or overbearing of the neighbouring properties.

Further information has been received from the ecologist confirming the absence of bats on the site. Two emergence surveys were carried out during the last survey season in 2023 and no bats were seen during the survey. A precautionary approach would be taken to the stripping of the existing roof, and mitigation is proposed by way of a bat box on the proposed dwelling to ensure there is no net loss of habitat.

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.

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

CONSULTATIONS

Local Consultations

West Hill And Aylesbeare - Cllr Jess Bailey

I wish to register my OBJECTION to this planning application for the following reasons;

1. I am concerned about the impact on neighbouring properties. The distance between the proposed property and existing dwellings is less than 20 metres which is generally regarded as the minimum acceptable distance between windows in respective properties to protect privacy. I am also concerned there are first floor windows in the proposed development which would overlook the private and secluded back gardens of adjoining properties and impact their amenity. Elsdon Lane falls away quite steeply and the application site is therefore higher than neighbouring properties that front onto Lower Broad Oak Rd. This height difference exacerbates my concerns about overlooking. I note there have been no plans submitted showing the differing levels.
2. Inadequate ecology work has been carried out to evaluate the impact of the development on bats. There is evidence of the presence of bats in the form of droppings. These droppings need to be DNA tested to identify the bat species. Inadequate emergence surveys have been carried out - there need to be at least three surveys spread over a wider time frame - two surveys carried out less than two weeks apart is insufficient. I also believe a Natural England licence will be required.

Parish/Town Council

West Hill Parish Council considered the amended application under delegated powers. Councillors note the response from the applicant's ecologist and welcome the proposed precautionary approach to the works and the installation of an

improved bat box on the south-east gable. However, their previous comments and concerns regarding height, mass, scale and harm to neighbours' amenity still stand.

Parish/Town Council

West Hill Parish Council - additional comments

The Parish Council originally discussed this application at its meeting on 5th March 2024. At that time, there were no comments from neighbours, statutory consultees (except the Tree Officer) or the Ward Member. Since then, comments have been submitted by three neighbours, the District Ecologist and the Ward Member. If this information had been available to the Parish Council on 5th March, its original comments would have been framed differently. Members of the public attended and spoke at the Council's meeting on 2nd April 2024 to make Councillors aware of their concerns and Councillors decided that it was necessary to reconsider their original response to reflect these. Councillors respectfully request that the following additional comments from the Parish Council are taken into consideration.

Councillors noted that replacing old, energy-inefficient housing stock with modern energy-efficient dwellings fit for future living is a positive step.

Replacing a single-storey house with a two-storey house was considered acceptable in principle. However, the design ought to be sensitive to neighbouring properties. Councillors thought that the proposed design did not adequately do this in respect of scale and loss of amenity. Additional information showing the relative building heights, separation distances, shadow path and ground levels would help neighbours and Councillors better understand the impact of the proposed development.

Councillors noted that amended plans had been submitted on 27th March. These show minor changes to the upstairs floorplan in which the family bathroom has been swapped with Bedroom 5, resulting in both windows on the south-east elevation (which overlooks the rear gardens of Wynford and Corner Croft) now being obscure glazed. However, the issue of overlooking from five windows on the north-east elevation still remains.

Councillors noted neighbours' comments that the sloping topography of Elsdon Lane means that the site is as much as 1 metre higher than neighbouring properties to the east. This, added to the red brick construction and additional storey, reinforces the impression of unacceptable height, mass and scale of the proposal. It was also noted that the proposed dwelling will be closer to the eastern boundary hedge than was first apparent.

Councillors were concerned by the District Ecologist's comments about the inadequacy of the ecology survey and the lack of evidence to support the conclusion that there are no roosting bats present in the existing bungalow. The Officer states that "there is evidence of more than incidental bat use". Councillors fully support her objections pending clarification.

In conclusion, Councillors request that Planning Officers look carefully at the proposal, taking into consideration height, mass, scale and overlooking.

Councillors considered this at their meeting on 5th March 2024. They noted that the existing bungalow is in poor condition and is likely to be very energy inefficient and that replacing it would be desirable to enable it to be lived in comfortably by future generations. They also noted that the proposal would replace a bungalow with a considerably more imposing two-storey structure. However, they thought it unlikely that there would be issues with overlooking as the plot is large. The proposal will necessitate the felling of G2 Pittosporum which is adjacent to the west end of the existing bungalow but this can be mitigated by replacement planting in a different part of the garden. The plot is bounded by mature trees and Councillors noted the Tree Officer has commented and has raised no objections. However, Councillors were concerned that the front garden, currently laid to lawn, will be replaced by a wider driveway/parking area. It is therefore important that the surface is permeable.

Councillors noted the findings of the ecology report which states that no bats are currently roosting in the structure, nor was there evidence of nesting birds. However, they felt that as bats can arrive at any time and may enter partially built or renovated building sit is important that the recommendations of the ecology report are implemented fully ie that a bat box will be installed on the completed property and that if bats are discovered during development work, the contractor must stop work and gain advice before proceeding.

With these caveats, Councillors supported the application in principle. If approved, Councillors request that a planning condition be added that the garage is used ancillary to the main dwelling. They also request replacement planting to mitigate the loss of the G2 Pittosporum, and the use of permeable materials for the driveway/parking area. As Elsdon Lane is narrow and a popular walking and riding route, all contractor vehicles should be instructed to park onsite to avoid conflict with other road users. The mitigation measures in the ecology report should also be implemented fully.

Technical Consultations

EDDC Trees – no objection

EDDC District Ecologist- no objection

Other Representations

Three representations of objections have been received. The objections are summarised as follows:

- The proposed ridge would be 2.6 metres higher than the adjacent house.
- Cornercroft is 1.5 metres closer to the boundary than the site plan suggests due to inaccuracies with the Ordnance Survey data used.
- Concerns in respect of overlooking of habitable rooms
- Concerns about height, size and closeness to boundary resulting on loss of amenity and light to living areas and garden.

- Concerns that the proposed south east elevation is moving closer towards the existing boundary, and would impact upon existing windows which are only 7.8 metres away from the existing boundary.

PLANNING HISTORY

There is no planning history for the site.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 27 (Development at the Small Towns and Larger Villages)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN22 (Surface Run-Off Implications of New Development)

Ottery St Mary and West Hill Neighbourhood (Made)

Policy NP1: Development in the Countryside

Policy NP2: Sensitive, High Quality Design

Policy NP26: West Hill Design

Government Planning Documents

NPPF (National Planning Policy Framework 2023)

Site Location and Description

The application site relates to 'Lindridge', an existing bungalow and detached garage located on the northern side of Elsdon Lane, within the village of West Hill. The existing bungalow sits in the middle of the spacious, level plot, which has an area of 0.16 hectares. Along the boundary with Elsdon Lane are a number of mature trees amongst the laurel and beech hedge, which screen the site. 6 of the trees along the boundary are protected by Tree Preservation Orders.

The eastern site boundary comprises a mature beech hedge, whilst the western boundary of the site is another mature hedge with a mixture of planting. The rear boundary consists of a cypress and holly hedge with a significant oak tree which is also protected by a TPO.

The existing property is a three bedroom detached bungalow with brick elevations and a plain tile hipped roof. The house has a detached single garage with pitched roof to the west of the bungalow and set back from the house. The driveway extends from the site entrance to the garage, with a turning head between the drive and the western site boundary. The rest of the site is lawned.

Elsdon Lane slopes down towards the east. The neighbouring properties to the east of the site, Cornercroft and Wynford, are relatively recently constructed two storey detached houses, with the rear gardens to these properties being approximately 1.3 metres lower than the Lindridge site. To the west of the site, Fairfield house is another relatively recently constructed two storey property facing Elsdon Lane.

The surrounding housing comprises a mixture of architectural styles ranging from 1950s and 1970s bungalows, more contemporary houses with a mixture of brick and render and slightly older arts and crafts style brick built houses.

The site is within the Built-up Area Boundary of West Hill as defined by the Local Plan.

Proposed Development

The application seeks planning permission for a replacement dwelling on the footprint of the current bungalow. The proposed dwelling is a five bedroom two storey house with a linked double garage and studio over to the south west of the main house.

The gross internal area of the proposed dwelling is 486 square metres, in comparison to the existing gross internal area of 141 square metres.

The footprint of the proposed house is approximately 17 metres wide by 13 metres deep, in comparison to the existing bungalow footprint of 14 metres by 11 metres deep. The floor level of the proposed dwelling would be set 220mm below that of the existing dwelling to provide level access into the house. The existing house has an eaves height of 2.8 metres and a ridge height of 6.2 metres at its highest point. The proposed house has an eaves height of 5.5 metres and a ridge height of 9.0 metres, with a slightly lower ridge height of 8.7 metres to the rear gabled projection.

The proposed dwelling has a relatively traditional appearance to the front / street facing elevation with a more contemporary approach taken to the rear. The proposed front elevation features two projecting bays with gabled roofs over, either side of an open porch with a parapet roof. The proposed walls are in red brickwork with a canted brickwork plinth and soldier course detailing to the window heads and between ground and first floor with the exception of the projecting gables. A more contemporary approach has been taken to the rear of the house, with large areas of glazing at ground floor to enable the principle living spaces to look over the garden. The proposed ground floor playroom is expressed as a single storey extension with a flat parapet roof, containing a lantern roof light. The proposed dwelling has a slate roof with a couple of roof lights to the front and rear elevation over the central stairway.

The proposed house has a relatively symmetrical plan, with the main entrance door leading to a central staircase area with rooms off to either side. To the rear of the house a two storey projection extends 4.5 metres beyond the rear of the existing bungalow, containing a family room to the ground floor and the master bedroom to the first floor. The proposed dining room also extends 1.4 metres beyond the existing

rear bungalow elevation. The first floor contains five bedrooms, a family bathroom and three en-suite bathrooms.

The proposed double garage which also contains a utility area and shower room is attached to the main house by a single storey link containing a boot room and plant room. Above the garage is a studio, which has gabled dormer windows overlooking the front garden and driveway area. In terms of its height, the proposed garage has an eaves height of 4.0 metres and a ridge height of 6.8 metres. The single storey link between the garage and house has an eaves height of 2.8 metres and a ridge height of 4.6 metres.

The existing vehicular entrance to the property would be unchanged. The proposal indicates a parking and turning area in front of the house and garage, and in total 4 car parking spaces would be provided on the drive and within the garage.

Analysis

The main issues for consideration are the principle of development, the design impact on the character of the site and the impact upon residential amenity.

Principle of Development

The site lies within the Built-Up Area Boundary of the village of West Hill as defined by the local plan. The village has a range of accessible services and facilities to meet the needs of local residents and there is access to public transport. The location of the site within the defined BuAB engages the provisions of Strategy 6 which recognises the village as being appropriate through strategic policy to accommodate growth and development, subject to a number of criteria being satisfied, in respect of the compatibility of the rural character of the site, traffic impacts and historic interests.

In strategic policy terms therefore, the principle of replacing the existing dwelling is acceptable subject to the proposal being compatible with the rural character of the site.

As such, the principle of development complies with Strategy 6 and Strategy 27 of the local plan.

Design impact on character of site

Policy NP26: West Hill Design of the Ottery St Mary and West Hill Neighbourhood Plans states that *'Proposals for development should reflect the established character and development pattern of their surroundings and should preserve key features of the village, including trees, hedgebanks, spacious gardens and individuality between properties'*. The policy states that new development should look to maintain the low density pattern of development, and should respect the character of the immediate surrounding area.

The proposed dwelling is sited on approximately the same footprint as the existing bungalow, centrally within the plot in order that the existing trees and mature hedges are unaffected. These are discussed in more detail later in the report.

The proposed elevations show a relatively traditional appearance to the entrance elevations of the dwelling, with two storey projecting gables either side of the front door. This is reflected in the appearance of the proposed garage with gabled dormers to the first floor studio. A good quality palette of materials is proposed, including brickwork elevations, polyester powder coated aluminium windows and doors and a natural slate roof. A condition would be imposed upon any approval requiring details of the materials to be used to be confirmed prior to their installation to ensure that the proposed materials are sympathetic to the surrounding site. The proposed dwelling is an individual design which reflects the characteristics of the surrounding dwellings in its form and detailing.

The proposed dwelling occupies more of the site than the current bungalow on the site but is comparable in terms of densities with adjacent sites that have already been redeveloped, such as Fairfield House to the north west of the site and Cornercroft, Wynford and Oakapple House, which were built on the site of one bungalow.

Although it is larger than the dwelling it is proposed as replacing, with a condition in place to ensure the quality of the proposed materials used in the external elevations of the building, the proposal is considered to be in keeping with the character and appearance of the area. As such, the proposal complies with Policy D1 of the local plan and Policy NP26 of the Neighbourhood Plan.

Landscape Impact

The existing access to the property along Elsdon Lane is being retained in its current position to ensure there is no harm to the existing trees or to the existing street scene along Elsdon Lane which is characterised by the existing mature trees along the south western boundary of Lindridge. No gates are proposed to the existing driveway ensuring the character is maintained. The proposal indicates a relatively large turning area to the front of the dwelling. As required by the Neighbourhood Plan this would be in a permeable surface to minimise rain water run off from the drive.

A detailed landscaping scheme for the proposal would be required by way of condition in the event of an approval to ensure that the proposed dwelling is well integrated to its surroundings and setting. The indicative site plan indicates a large expanse of hard paving around the property whereas policies contained within the neighbourhood plan express a preference for permeable surfaces. The applicant has indicated that the landscaping scheme would be considered in more detail and the amount of paving would be given further attention to increase the permeability of the overall scheme.

Given the above and with the required condition in place in order to ensure the quality of the proposed landscaping scheme, the proposal complies with policy D2 of the local plan and NP1 and NP26 of the neighbourhood plan.

Residential / Neighbour Amenity

The scheme has been subject to amendments in respect of comments made by neighbours, the ward councillor and the Parish Council regarding residential amenity and overlooking. The concerns centre around the proximity of the proposed south east elevation of the scheme to the neighbouring properties Cornercroft and Wynford, in respect of potential overlooking and overbearing.

The original scheme had one bedroom to the south east elevation, which would have been only 17.8 metres away from the rear elevation of Wynford opposite, or 14.8 metres away measured diagonally from the projecting gable window to the ground floor of Wynford. This was considered too close, and would have had an adverse impact upon residential amenity, therefore the first floor of the dwelling has been replanned to ensure that all the habitable rooms of the proposed dwelling face either towards Elsdon Lane or to the rear garden of Lindridge. The proposal still contains two first floor windows to the south east elevation which are both bathroom windows, which would be fitted with obscure glazing. A condition would be imposed on any approval to ensure that obscure glazing is retained in perpetuity.

Both the existing houses Cornercroft and Wynford are recessed approximately 1.3 metres below the adjacent ground level to suit the site topography. From Oakapple House, the proposed rear windows would be a minimum of 35 metres away from the existing dwelling so it is not considered that overlooking is an issue in this instance. The parish council also raised concerns about overlooking from the five windows to the north east elevation of the property, but these are set back a minimum of 15 metres from the north east boundary of the site and are at least 30 metres away from the nearest dwelling to the north of the site, so again it is not considered that there would be potential for overlooking given the distances between adjacent dwellings. The potential impact of the development upon Cornercroft and Wynford is discussed in more detail below.

The existing dwelling is a minimum of 4.9 metres away from the south eastern boundary hedge. The proposed dwelling does not come any closer than this line, with the exception of the proposed living room chimney breast, which is considered a minimal incursion.

The proposal extends 2.1 metres further towards Elsdon Lane and 4.5 metres further towards the north eastern boundary of the site meaning the south east elevation is longer than that of the existing dwelling. However, as a proportion of the overall south east elevation, only 8 metres of the elevation is on the line of the existing bungalow, and the rest of the elevation has been set back further away from the boundary and is a minimum of 5.2 metres away from the boundary hedge. At first floor level, no habitable rooms look in the direction of the neighbouring properties, only over the garden of Lindridge.

The topographical survey indicates that the existing hedge between the Lindridge site and Cornercroft and Wynford is just over 4 metres tall measured from the Lindridge side. On the Cornercroft and Wynford side of the hedge it is slightly taller, owing to the slope of the site down towards the east.

The overall distance between the proposed south east elevation and the nearest ground floor habitable room of Wynford is 15 metres, with the significant beech hedge between the two properties. The two storey rear projection to the proposed dwelling containing the family room at ground level and master bedroom at first floor level has an eaves height of 5.5 metres extending up to a ridge height of 8.7 metres. However, this is set back 5.2 metres inside the existing 4 metre tall hedge boundary therefore it is not considered that there would be an adverse impact to the amenity of the existing occupiers of Wynford as a result of the proposal, or that the proposal would be seen as overbearing.

The rear garden of Cornercroft is principally opposite the proposed parking area and existing trees within the front garden of Lindridge. The proposed dwelling extends 2.2 metres further forward but this forward projection is approximately 6.5 metres away from the Lindridge side of the boundary hedge. At its closest the proposed dwelling is 17 metres away from the ground floor feature gable window to the main living area. Again, given that the proposed dwelling is set back 5 metres inside the existing hedge line it is not considered that the proposal would impact upon residential amenity or would be overbearing upon the garden and ground floor accommodation of Cornercroft.

The proposed ridge height of Lindridge is 113.58 AOD, 2.7 metres taller than the existing ridge line. The proposed ridge line is 2.6m higher than that of Cornercroft, because of the topography of the site and the slight slope downwards towards the east of the site. In relative terms, the proposed ridge is 9.0 metres above ground level, which compares to the 9.2 metre ridge height of Cornercroft, and 9.7 metre ridge to Fairfield House to the west of the site. As such it is not considered that the proposal is excessively tall or out of keeping with the surrounding character.

The existing beech hedge is an important part of the character of the site which helps to give the village its distinctive character. The hedge would be protected during the course of any building works, which will be covered in more detail later in the report.

The proposed double garage and first floor studio is relatively close the existing boundary with Fairfield. The proposed garage has an eaves height of 4.0 metres and a ridge height of 6.8 metres. The proposed garage sits perpendicular to the existing garage of Fairfield House, which has a very similar ridge height of 6.9 metres. There are no rooflights or windows to the rear of the proposed garage, and given the distance between the proposed garage and Fairfield House it is not considered the proposal would lead to any adverse impacts upon the residential amenity of Fairfield House.

As such, the proposal complies with policy D1 of the local plan and Policy NP2 of the neighbourhood plan.

Ecology / biodiversity

The application is supported by a Final Bat Survey Report, which includes the findings of a Preliminary Ecological Appraisal (PEA) undertaken in January 2023.

The site photographs included within the final report, which were taken during January 2023, show several aggregations of bat droppings within the loft space of the existing bungalow. Two emergence surveys were carried out during August 2023 as per the recommendations of the PEA. No bats were recorded emerging from the building during the course of the surveys.

EDDC's ecologist recommended that given that the full details of the proposal were unknown when the ecology report was produced, that the likely impacts on protected species in respect of the demolition of the bungalow be clarified.

In response to the ecologist's comments, Orbis Ecology Ltd re-visited the property on the 2nd of April 2024, to establish the likelihood of an active bat roost in the roof void. An addendum to the original report has been submitted by the ecologist which confirms that the appearance of the droppings in the loft is unchanged since the January 2023 photographs were taken. The droppings found in the roof void in April 2024 were not fresh, as apparent by their colour and brittle texture.

The roost is therefore characterised as being inactive due to the lack of new evidence since January 2023 and the fact that no bats emerged from the building during the August 2023 emergence surveys. It would be considered disproportionate to conduct any additional survey based on these findings. The droppings within the loft are characteristic of long-eared bats.

In respect of the proposals to demolish the structure, which was not known at the time the original bat survey report was written, the ecologist recommends a precautionary approach, given that bats are a highly mobile species, and that the building retains features suitable for roosting bats. A soft roof strip of the existing roof covering would be carried out under the supervision of a suitably experienced and licensed ecologist. Crevice features would be investigated with a torch and endoscope prior to the roof strip commencing. Should a bat or evidence of bats be encountered, then work would stop immediately, and the appropriate license sought before work could recommence. To ensure there would be no net loss of roosting habitat for long-eared bats, the ecologist recommends that a Bat Box is installed on the south east gable of the proposed building. The recommendations contained within the updated report in respect of ecological mitigation and enhancement shall be conditioned as part of any approval to ensure compliance with Policy EN5.

As such, the proposal complies with policy EN5 of the local plan.

Trees

An arboricultural report was submitted with the application, detailing the eleven trees and four hedges at the property. The most notable trees are those along the southern roadside boundary, 6 of which are protected by Tree Preservation Orders. The proposal would result in the loss of one tree, a 6.5 metre tall pittosporum which sits between the south east elevation of the existing bungalow and the existing hedge, which has limited quality stems and is said to be of limited arboricultural value.

The proposal would also involve pruning of the northern crown spread of the hedge to the south west corner of the garden to accommodate the link detached garage. The proposed garage would also result in a very slight incursion into the root protection zone of one of the oak trees along the southern boundary. The incursion is estimated at 2% which is deemed to be sustainable. Overall, the proposals allow for the retention of all key trees with a negligible risk of any harm as a consequence of construction activities. The tree report includes a detailed tree protection plan and arboricultural method statement, which shall be conditioned as part of any approval to ensure compliance with the submitted document.

As such, with the recommended condition in place, the proposal complies with policy D3 of the local plan and Policy NP1 of the Neighbourhood Plan.

Drainage

Foul sewage would be dealt with via the existing mains sewer serving the property. Surface water run-off from the existing property is disposed of via a combined sewer. Surface water drainage from the proposed dwelling and garage would be provided by means of soakaways within the site unless an alternative provision is agreed with the local authority. This shall be conditioned as part of any approval to ensure compliance with policy EN22 of the local plan.

Other matters

The proposal indicates the scheme would provide four parking spaces, with two of these being within the proposed garage and two on the proposed driveway. This is one more parking space than the three spaces provided by the current bungalow. Given the proposed vehicular movements from the proposed dwelling would be similar to those of the existing house, it is not considered the proposal would lead to any highways impacts. The site is not within a flood risk zone, and there are no listed properties nearby that could be affected by the proposal.

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 the commencement of the development hereby approved (including demolition and all preparatory work), the following tree protection measures as

identified in the submitted Advanced Arboriculture Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) date 15/02/2024 will have been completed:

- a) The tree protection fencing and ground protection 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 shall be strictly followed.
- e) 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:

- f) 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 pursuant to section 197 of the Town and Country Planning Act 1990).

- 4. 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).
- 5. The proposed works shall be carried out in strict accordance with the mitigation and enhancement measures within the Update letter (Orbis Ecology, April 2024). A precautionary approach to the works shall be followed, including a soft roof strip of the existing roof covering, to be conducted under ecological supervision. A written record shall be submitted to the local planning authority prior to occupation, demonstrating compliance with the recommendations, to include photographs of the installed enhancement measure for bats.

(Reason - In the interests of ecology in accordance with Policy EN5- (Wildlife Habitats and Features) of the East Devon Local Plan).

6. Prior to their installation details of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. This should include details of the proposed bricks, roofing slates, and external doors and windows. 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).
7. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any hard landscaped areas including driveway / turning areas and paved / patio area. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)
8. Before the dwelling hereby permitted is occupied the first floor windows on the south east elevation 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.
(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.)
9. The existing beech hedge marked 'H2' on the Arboricultural Report dated 15th February 2024 shall be retained in perpetuity. Any sections of the hedge which are removed / die or become diseased shall be replaced with hedge planting of a similar species to the satisfaction of the Local Planning Authority. The hedge shall be managed to maintain a height of a minimum of 3m above the existing ground level when measured from the base of the hedge within the application site.
(Reason - In the interests of preserving and enhancing the character and appearance of the area and/or protecting the privacy of local residents in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

23026.BP1	Block Plan	19.02.24
23026.26	Proposed Elevation	19.02.24
23026.24	Proposed Elevation	19.02.24
23026.22A	Proposed Combined Plans	19.02.24
23026 SLP	Location Plan	22.02.24
23026.25-A	Proposed Elevation	27.03.24
23026.23-B	Proposed Combined Plans	27.03.24

List of Background Papers

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

EDDC Trees

No objection to the proposed scheme on arboricultural grounds. Any planning approval should be subject to a condition requiring compliance with the submitted AMS and TPP, a draft condition is provided, as follows:

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 Advanced Arboriculture Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) date 15/02/2024 will have been completed:

- a) The tree protection fencing and ground protection 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 protection measures identified in the above AMS and TPP will be undertaken:

d) The AMS and TPP shall be strictly followed.

e) 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:

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

(Reason: 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 pursuant to section 197 of the Town and Country Planning Act 1990).

EDDC District Ecologist

The application is supported by a Final Bat Survey report (Orbis Ecology, September 2023), including the findings of a Preliminary Ecological Appraisal (PEA) (Western Ecology, January 2023); the PEA was not submitted with the application.

Extracts from the PEA stated there were two discreet pile of bat droppings in the roof void with scattered bat droppings also noted over the fibreglass insulation. It considered that the building had moderate suitability to support roosting bats.

Photographs of the roof void in the bat survey report include a large quantity of bat droppings indicative of regular bat roosting in the same location, i.e., more than a few discreet scattered droppings. The updated report concludes that the droppings are old and as no bats emerged over two activity surveys, that it was considered that the roost was no longer active. The proposals for the site were also stated to be unknown at the time of writing the report.

Given that there is evidence of more than incidental bat use, i.e., more than one location of discreet piles of bat droppings, and scattered bat droppings, the structure would be considered to have high suitability for use by bats, i.e., has been used regularly by bats. In addition, there was no DNA analysis of the droppings found and there are records of at least three bat licences within 300 m of the site, the nearest within 100 m of the site indicating high levels of bat use in the immediate vicinity.

The bat activity surveys were undertaken 13 nights apart, which is below the recommended minimum two weeks recommended in the previous bat survey guidelines (now extended to minimum three weeks apart and not undertaken in early May for cold springs). No additional internal bat surveys were undertaken, e.g., to check for bats or fresh bat droppings prior to the activity surveys, or consideration made regarding seasonal use, e.g., potential for crevice dwelling species to use the space between the felt and tiles in the earlier maternity period or potential winter use by bats in cavities.

Bat survey guidelines recommends a minimum of three activity surveys for structures considered to have high suitability to support roosting bats. Given that the full details of the proposals were unknown when the ecology report was produced, it is recommended that clarity is provided regarding the demolition of the bungalow and

likely impacts on protected species. This should include classification of the species, using DNA analysis and ensure recommended mitigation and enhancement measures are suitable.

Consideration should also be given to the proposed demolition methods of a building with evidence of bat use, i.e., recommendation for an ecologist being present to ensure no offences to a protected species are committed.

Therefore, I submit a holding objection to the proposals until further clarity is received from the ecologist addressing the above.

Reason:

Further information is required to adequately determine whether the proposed development would have an adverse effect on a European protected species. 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."

Therese Goodwin MA
Ecology Officer

EDDC District Ecologist

19/04/2024 – No need to be formally reconsulted following receipt of additional ecology report. We suggest a condition is imposed to ensure the works are carried out as per the update letter dated April 2024.

Statement on Human Rights and Equality Issues

Human Rights Act:

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

Equality Act:

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

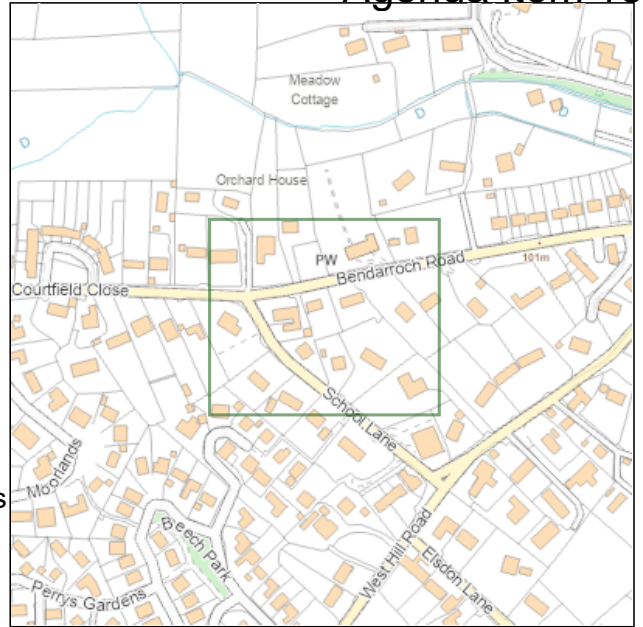
Ward West Hill And Aylesbeare

Reference 23/1973/FUL

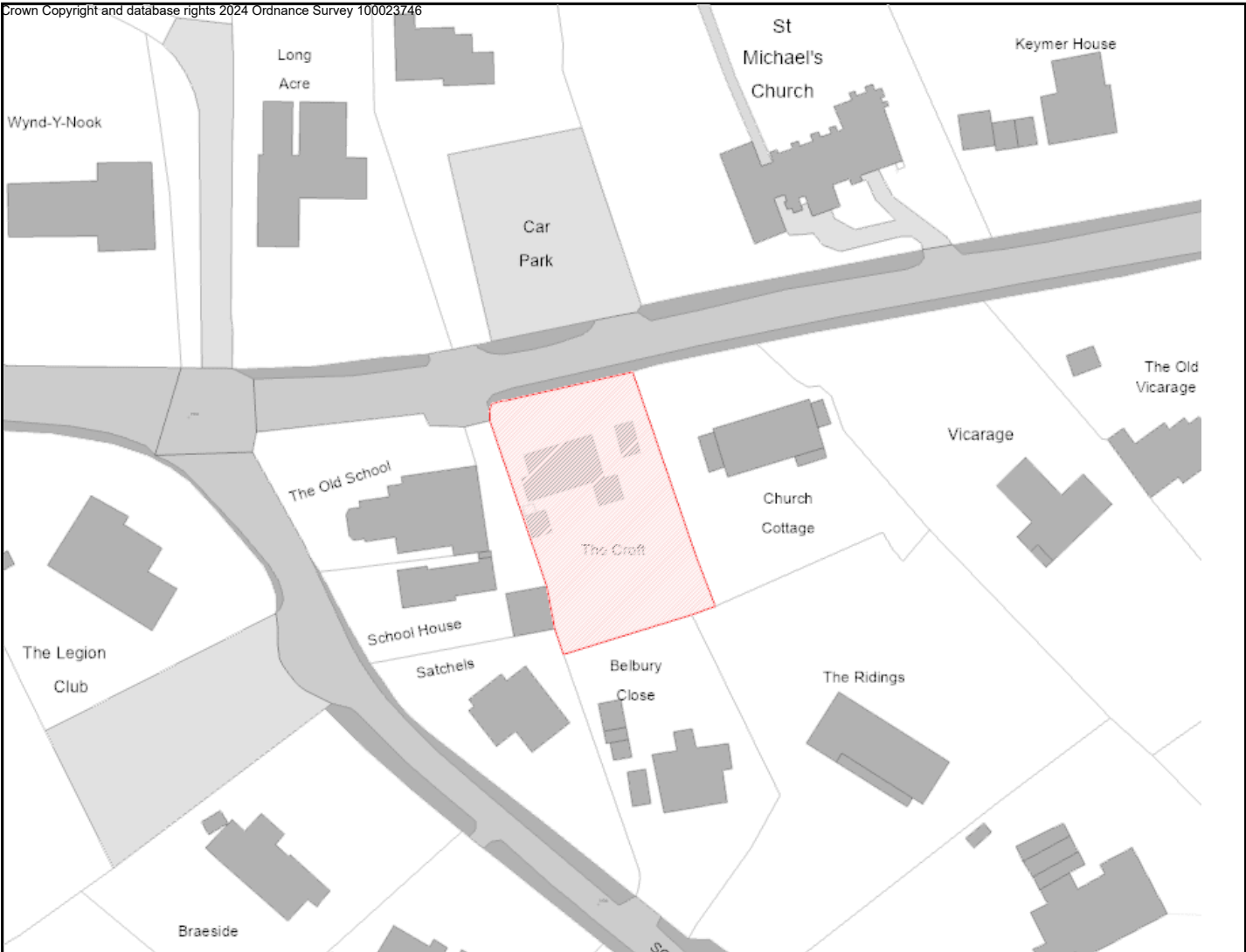
Applicant Miss Kate Boulten

Location The Croft Bendarroch Road West Hill Devon EX11 1UW

Proposal Replacement dwelling, including the demolition of the existing dwelling and multiple outbuildings located within the grounds.



RECOMMENDATION: Approval with conditions



		Committee Date: 21.05.2024
West Hill And Aylesbeare (West Hill)	23/1973/FUL	Target Date: 14.11.2023
Applicant:	Miss Kate Boulton	
Location:	The Croft Bendarroch Road	
Proposal:	Replacement dwelling, including the demolition of the existing dwelling and multiple outbuildings located within the grounds.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before members as the officer recommendation differs from the position of the Local Ward Member.

The application seeks planning permission for the construction of a replacement dwelling at The Croft, Bendarroch Road, West Hill. The existing bungalow is of modest proportions finished in stucco render with a tiled roof. The dwelling displays evidence that it has been unoccupied for a number of years and due to a lack of maintenance has fallen into disrepair.

The proposed replacement dwelling shall be a two storey structure with an integral garage. The four-bedroom dwelling would incorporate forward and rear projecting gables and a single storey wrap-around lean-to roof along the eastern and principal elevation. The build would be finished in vertical boarding, render and brick with slate used on the principal roof. The build also incorporates large areas of glazing on serve the landing area and on the rear for the living area.

The following areas are the main issues for consideration into whether the proposals are acceptable:

- Impact of the development on the character and appearance of the area.**
- The spatial relationship of the proposed dwelling with existing trees.**
- The impact of the proposals on the amenity of adjacent neighbours.**
- Ecological impact of demolishing the existing bungalow and garage.**

The application has received objections from the Parish Council, the Local Ward Member and third parties. Concerns raised primarily concern the development's impact upon the scale of the development, the character of Bendarroch Road and

the amenity of adjacent neighbours. Secondary concerns revolve around the development's spatial relationship with a large oak located to the south of the application site within the curtilage of Belbury Close.

It is the position of officers that the replacement dwelling would have an acceptable spatial relationship with the two properties either side of application site, Church Cottage (east) and The Old School (west). Concerns raised regarding the outlook of side windows at first floor windows have been addressed by suggested conditions requiring them to be obscured.

The occupants of Belbury Close have raised concerns that the scale of the dwelling coupled with the position of first floor windows would result in the loss of amenity to their property. During the application process amended drawings have reduced the depth of the build and omitted a rear balcony. Having considered the separation distances between the rear elevation of replacement dwelling and the rear windows, conservatory, and garden area of Belbury Close former concerns of the LPA have now been addressed. It is the position of officers that the development would not cause undue harm to the amenity of adjacent neighbours and would accord with the provision of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

Policy NP26 (West Hill Design) of the Ottery St Mary and West Hill Neighbourhood Plan contains several provisions that development shall need to meet for development to be considered acceptable. Primarily the policy seeks to ensure that key characteristics that underpin the prevailing character of the village are preserved. Such features include, but are not restricted to, the low-density pattern of development, layout, soft landscaping for boundaries and retention of trees of high arboricultural quality.

Comments have raised concerns regarding the scale of the dwelling being tantamount to overdevelopment of the site and that the proposed materials and removal of a mixed hedge that fronts the application site would harm the character and appearance of Bendarroch Road. Due to differences in scale of the proposals and the existing dwelling, the development shall have a degree of impact on the appearance of the area. However, despite the replacement dwelling being more prominent in views along Bendarroch Road compared to the existing bungalow, the replacement build is of a form and scale that would be sympathetic to the street scene and character of the village. Notwithstanding this, further consideration is required to the exact colour and type of materials to be used, this is recommended to be secured via condition.

The submission of amended plans on the 12.03.24 and 10.04.24 have addressed previous concerns of officers with regards to the spatial relationship of the dwelling with an adjacent oak and the impact of the development on adjacent neighbours. Further comments sought from the District's Ecologist have satisfied concerns raised regarding the contents of the Ecological Appraisal and timing of the emergence surveys. As such, the application is considered acceptable and therefore recommended for approval.

CONSULTATIONS

Local Consultations

Parish Council

Agree that in principle, replacing old, energy-inefficient housing stock with modern energy-efficient dwellings fit for future living is positive for the village and the environment. The current bungalow is unsightly and the streetscene would benefit from its replacement. Councillors did not object to the principle of replacing a single-storey house with a two-storey house. However, the design ought to be sensitive to neighbouring properties. Councillors thought that the proposed design did not adequately do this in respect of scale, neighbours' loss of amenity, and appearance.

Of major concern is the impact on the privacy and amenity of neighbours caused by overlooking from the rear balcony and oriel window. There appears to be no justification for the balcony as the view from the southern elevation is of the neighbouring property Belbury Close.

Councillors were concerned that the single-storey side extension on the eastern elevation containing the boot room, plant room etc, is very close to the boundary hedge.

The choice of external finish with its white/grey colour palette is not in keeping with the red brick properties on either side.

In response to the latest set of amendments they welcome the proposal to replace the south-facing balcony with an east-facing juliet balcony. They also welcome the proposal to replace the low brick wall on the northern boundary with a Devon bank and hedging. However, the Council's remaining concerns still stand.

West Hill And Aylesbeare - Cllr Jess Bailey

Whilst I don't object to the principle of redevelopment I do have the following concerns:

1. Impact on the privacy and amenity of adjoining properties from the numerous first floor windows and balcony particularly given the size and scale of the redevelopment. I also note that there are second floor windows proposed but no second floor plan has been provided.
2. Potential impact on bats - the emergence surveys have been carried out only two weeks, apart which is not in my view sufficiently widely spaced particularly given the features of the building and noted existence of bats in properties close by. Eddc's ecologist views must be formally sought on this application.
3. The hedge bank at the front of the property should be retained in accordance with Neighbourhood Plan policy 26 which states "Access to properties will be designed to minimise harm to Devon banks/hedges and bedesigned to enhance the street scene".

Technical Consultations

EDDC Trees

Subsequent to the amended drawings now support the development subject to retaining the Holly and submission of a Tree Protection Plan prior to commencement of the development.

EDDC Ecologist

The ecologist provides sufficient justification in considering the building as having moderate potential for roosting bats, followed by two dusk emergence surveys undertaken in August of 2023 with at least two weeks between each survey, in accordance with the current guidelines at the time, Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins 2016 3rd edn.).

Two conditions recommended. One to ensure that the works shall be carried out in strict accordance with section 7 and 9 of the Preliminary Ecological Assessment Bat and Bird Survey report (Wills Ecology, September 2023). Prior to first use of the building, a written record shall be submitted to the local planning authority detailing how works proceeded in accordance with the Preliminary Ecological Assessment Bat and Bird Survey report, to include photographs of the installed ecological mitigation and enhancement measures for bats, nesting birds and invertebrates, including the planting of two native species trees.

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.

Other Representations

Five third party comments have been received, four objecting and a single comment of support.

Of those objecting the following concerns have been raised:

- Scale and mass are out of keeping with neighbouring properties.
- Unsatisfactory relationship with adjacent oak.
- Concerns over low brick wall proposed to the front of the property.
- Loss of neighbouring amenity through physical dominance and overlooking.
- Loss of Devon Bank.
- External materials not appropriate in this area of Bendarroch Road.
- Biodiversity net gain not possible.
- Ecology survey should be examined by independent party.
- Footprint should not exceed that of the existing bungalow.

The comments of support highlighted the following:

- Current structure is not fit for purpose.

- Architectural design will enhance the area.
- Vital for the growth of the area.
- Building style and materials in keeping with character of the area.
- Support for relocating the access.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 27 (Development at the Small Towns and Larger Villages)

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset).

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

23/1113/FUL

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Ottery St Mary and West Hill Neighbourhood (Made)

NP3 (Infill, Backland and Residential Garden Development)

NP11 (Small Scale Renewable and Low carbon Energy Projects)

NP26 (West Hill Design)

OFFICER REPORT

Site Location and Description

The Croft is a detached bungalow constructed of tile, stucco render and a brick plinth which sits within a modest sized garden. The site is located within the Built-up Area Boundary of West Hill, accessed off Bendarroch Road and is located adjacent to six residential properties: Church Cottage, The Old School, School House, Satchels, Belbury Close and The Ridings. The rear garden consists of several ancillary outbuildings and is enclosed by hedging on all sides.

Proposed Development

The application seeks permission for the demolition of the existing bungalow and construction of a two-storey dwelling with an integral garage. The four-bedroom dwelling would incorporate forward and rear projecting gables and a single storey wrap-around lean-to roof along the eastern and principal elevation. The build is indicated to be finished in vertical boarding and brick with slate used on the principal roof and standing seam for the lean-to. The build also incorporates large areas of glazing on the principal elevation to serve the landing area and on the rear for the living area.

The site is located within the Built-up Area Boundary of West Hill as defined in the adopted Local Plan. As such, the principle of a replacement dwelling at the site is considered to be acceptable subject to the below issues which are considered material to the acceptability of the proposals:

- Impact of the development on the character and appearance of the area.
- The spatial relationship of the proposed dwelling with existing trees.
- The impact of the proposals on the amenity of adjacent neighbours.
- Ecological impact of demolishing the existing bungalow and garage.

Impact on Residential Amenity

The proposals have prompted objections from several adjacent properties with concerns regarding the development's impact on neighbouring amenity through physical dominance and overlooking. These concerns are also reflected within comments made by the Parish Council and Local Ward Member who have also objected to the scheme.

The properties either side are The Old School (west) and Church Cottage (east). The driveway that serves School House, which runs parallel to the application site's western boundary would provide relief between the proposal's western elevation and a number of rooflights and a multi-pane window that serve The Old School. Notwithstanding this, three narrow windows with a westerly outlook are proposed at first floor which serve a dressing room and the master bedroom. If permission is to be granted, these shall be required to be obscured via planning condition.

The dwelling's eastern elevation, which faces Church Cottage, includes a wraparound single storey lean-to element with one window at first floor level serving the family bathroom which would be obscured. The submitted Site Plan which doubles up as the Floor Plans indicates that new planting shall be provided preventing overlooking from the ground floor windows that serve the office and plant room. With appropriate planting and obscuration of first floor windows, it is considered that the dwelling would not cause overlooking of the properties either side of the application site. Furthermore, despite the topography of Bendarroch Road falling away from west to east, the separation distances between the replacement dwelling, Church Cottage and its rear garden is considered acceptable.

The land slightly climbs to the south and therefore the level of Belbury Close and its garden is above the ground floor level of the existing bungalow at The Croft. The submitted elevations indicate that the replacement dwelling would be slightly cut into the site, like the existing bungalow, with a raised garden area to the rear. Notwithstanding this, the first-floor windows on the rear of the dwelling would have outlook towards the rear garden of Belbury Close and whilst the mature oak's crown spread straddles the boundary that separates the two, the height of the canopy is at such a level that it provides no screening. As such, in addition to the relatively low hedgerow, the replacement dwelling would be visible from the rear garden of Belbury Close.

The occupants of Belbury Close have raised concerns on grounds that by virtue of the dwelling's scale and the position of windows would result in loss of amenity to their property. In the opinion of officers, these concerns have been partly addressed by the submission of amended drawings omitting a rear balcony. Whilst their latest set of comments indicate that concerns remain with regards to prospective occupants still building a balcony in the future, these works would require planning permission and would potentially be unacceptable.

The rear elevation of the build would be approximately 14 -15 meters from the southern boundary. The rear elevation of Belbury Close being approximately 17 metres from the same boundary. At these distances it is not thought that the Local Planning Authority could sustain a refusal on grounds that the development would physically dominate their rear windows or garden area. However, it is acknowledged that the full-height window that serves the master bedroom would likely cause a degree of overlooking. However, this impact would be largely concentrated to the northwestern part of the garden and, bearing in mind the separation distances involved, the overall impact would not be significant enough to justify refusal of the application. Despite this, it is considered necessary to secure finished floor levels via planning condition to ensure that the build is sufficiently set down within the plot as not to cause undue harm to the amenity of adjacent neighbours.

Although objections from adjacent neighbours, the Parish Council and the Local Ward Member are noted, in light of the latest set of amendments to the drawings, the LPA is satisfied that the development would not cause undue harm to the amenity of adjacent neighbours and would accord with the provisions of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

Impact on Character and Appearance of the Area

The existing bungalow is of modest proportions and subservient to The Old School and Church Cottage, this is particularly evident from public views along Bendarroch Road from the junction with School Lane. These three properties immediately front the adjacent highway and, owing to the topography of the area, are slightly elevated above that of the road. Their orientation within their respective plots and relationship with Bendarroch Road slightly contrasts the character of the immediate area where properties share a much more informal relationship with their respective boundaries and highways. Notwithstanding this, the character of the road changes again to the east where the density and pattern of development, evident from the line of semi-detached properties at Hillside, is much more consistent.

Policy NP26 (West Hill Design) of the Ottery St Mary and West Hill Neighbourhood Plan contains several provisions that development shall need to meet for development to be considered acceptable. Primarily the policy seeks to ensure that key characteristics that underpin the prevailing character of the village are preserved. Such features include, but are not restricted to, the low-density pattern of development, layout, soft landscaping for boundaries and retention of trees of high arboricultural quality.

Submitted DRWG P08 REV D includes a street scene elevation showing the proposed dwelling in context of the dwellings either side. Notwithstanding the height of the chimney stack, the drawing indicates that main central ridge would sit below that of The Old School. Whilst the ridge of the eastern gable end would exceed that of Church Cottage, the difference is slight and due to the level of the road, which falls away as you travel east, the development would not appear unduly prominent or disrupt the rhythm of the street scene. The proposed form of the build to include two forward projecting gables reflects the design of nearby properties and therefore considered features sympathetic to the immediate area.

Concerns have also been raised from the Parish and third parties concerning the size of the overall footprint of the build being out of keeping with the area and being tantamount to overdevelopment in part due to the reduced level of garden space. It is the position of officers that the subsequent relationship of the proposal's external walls, their respective boundaries and neighbouring properties would continue to preserve the pattern of development along this part of Bendarroch Road. It is acknowledged that the proposed depth of the dwelling would reduce the extent of available garden. However, the ratio of built footprint to garden and the relationship of the south elevation with the rear boundary would not be readily visible from public vantage points nor is it not considered to reduce the area of available to such an extent that it would detract from the low density or grain of development that Policy NP26 seeks to preserve.

The position of the integral garage at ground floor would result in the footprint of the build extending slightly further forward (north) than the existing bungalow. This has prompted concerns that have attributed harm to the character and appearance of the area by virtue of the replacement dwelling protruding forward of the established

building line. Despite this being the case, The Croft is already positioned forward of Church Cottage which itself is forward of The Vicarage. The staggering of properties as the level of the lane gently climbs from east to west is a characteristic of the road. The extent of the proposed garage would also be masked by the standing seam roof and oak posts which wrap around the east and north elevation. Alternatively, as demonstrated on plan P 06 REV D, the position of the central forward projecting gable would be in line with the position of the principal elevation of The Croft with the western gable end being slightly set back. As such, whilst it is acknowledged that the development would increase the built form at the site, the replacement dwelling would not appear unduly prominent or an incongruous addition to the street scene of Bendarroch Road.

The submitted elevations communicate the use of vertical timber boarding to be painted white, white render, grey multi stock brick with Spanish slate used on the principal roof and standing seam for the lean to. The build also incorporates large areas of aluminium framed glazing at first floor to serve the landing area and on the rear at ground floor for the living area. The chosen schedule of materials would contrast with the two brick properties either side of the application site. This has prompted concerns from the Parish Council and several third parties.

Notwithstanding this, the wider prevailing character of the immediate area, and West Hill in general, is much more varied where the use of tiles, slate, render, brick, fibre cement, timber and metal roofing all feature, many of which are present along Bendarroch Road. Whilst the use of cladding is less common, the character of the village is underpinned by its woodland setting and therefore the use of natural timber is considered appropriate. Comments received concerning the colour of the render and cladding is acknowledged and a degree of contrast between the two would help break up the dwelling's principal elevation. Nevertheless, this is not a reason alone to refuse the application, final details regarding the schedule of materials, colour and type shall be secured via planning condition prior to their installation.

Further concerns have been expressed with regards to the removal of the mixed species hedge to the front of the property and relocation of the existing access to the west. The submitted arboricultural report identifies the hedge (H2) as being a mix of Holly, Box, Hazel and Rose of 'low quality and unmanaged specimens'. In response to these concerns, the applicant has amended the drawings to propose a Devon Bank with native species which is considered to comply with the provisions of NP26 and provide some minor enhancement to the character of the street scene.

Overall, having considered the development's impact on the character and appearance of the area, the proposals are considered acceptable and, subject to conditions listed at the end of the report, meet the provisions of Policies D1 and D3 of the East Devon Local Plan and Policies NP3 and NP26 of the Neighbourhood Plan.

Impact on Trees

The application was originally submitted without any arboricultural information despite the proximity of the development to a significant oak within the grounds of Belbury

Close. This individual has a large canopy that extends in a northern direction into the development site and is visible from multiple vantage points along School Lane and Bendarroch Road. After initial concerns were raised by the LPA's Tree Officer, the Parish Council and third parties, the Local Authority placed a provisional Tree Protection Order (TPO) on the tree.

Within the Arboricultural Report the Oak (T1) is described as 'an excellent specimen of significant quality' with 'good future potential and safe useful life expectancy exhibited'. Due to the rear facing windows at first floor and the reduced level of garden area to the rear, the potential future pressure to remove or prune the oak is material in assessing whether the development has achieved a satisfactory spatial relationship with the tree.

After an accompanied site visit with the LPA's Tree Officer, amended drawings were submitted reducing the depth of the build and reconfiguring the rear elevation. An existing Holly (T3) is also proposed to be retained. The subsequent spatial relationship is considered acceptable and has since drawn support from the Local Authority's tree officer subject to a pre-commencement condition requiring the submission of an amended Tree Protection Plan. The development is therefore considered in accordance with Policy D3 (Trees and Development Sites) of the East Devon Local Plan.

Impact on Nearby Designated Heritage Assets

St Michael's Church is located approximately 60 metres to the northeast of the application site and is Grade II listed. The heritage asset is set back from and below the level of Bendarroch Road. Due to separation distances involved and the level of mature hedgerow and trees that align the road either side, as you approach the church from Hillside from the east or from the Legion Club to the west, the church and application site are not viewed together. As a result, it is not thought that the development forms part of or would impact the setting of the heritage asset. The development would therefore meet the provisions of Policy EN9 (Development Affecting a Designated Heritage Asset).

Ecological Impact

The proposals include the demolition of the existing bungalow and multiple outbuildings and therefore has the potential to cause harm to and destroy habitats of Protected Species. The application is supported by an Ecological Appraisal that identified some features of the existing bungalow that could support a roost and therefore two emergence surveys were conducted in August 2023. The subsequent results found that the potential for bats was 'negligible'. The report has also proposed several ecological enhancement measures at paragraph 9.0, including the provision on two bird boxes, bat roosting tube and a bee brick, these shall be secured via planning condition.

However, concerns have been raised by the Local Ward Member with regards to the timings of the emergence surveys being too close to one another. In response to these comments the applicant's ecologist has reiterated that the surveys were conducted in accordance with the relevant guidance at the time of submission *Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins 2016 3rd edn.)*. The Local Authority's Ecologist has also reviewed the submitted Ecological Survey and has raised no objections.

Notwithstanding this, the LPA's Ecologist has requested that a written record and photographic evidence is provided to demonstrate that the mitigation measures have been implemented prior to occupation of the dwelling. This shall be included within the requirements of the condition, to be submitted prior to occupation. As the some feeding activity was documented within the garden, an additional condition has also been recommended that details of any external lighting is submitted to and approved in writing by the LPA.

In light of the above, having considered the submitted Ecological Appraisal and comments from the LPA's Ecologist, the development is considered to meet the provisions of Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.

Other Matters

- The development shall provide two off-street parking spaces. One is also annotated within the integral garage.
- Bin storage is proposed in the north western corner of the site.
- A new access is created in the northwestern corner and served by a gate. The submitted Planning Statement suggests that has been influenced by the site's topography, assumedly to provide level access into the site for vehicular traffic exiting or entering the site. The County Highway Authority have not objected to the proposals.

Conclusion

The proposed scale, form and appearance of the replacement dwelling is considered sympathetic to the character of Bendarroch Road. Whilst comments from the Parish Council are duly acknowledged, the relationship between the development and the oak have now been addressed and, for the reasons identified above, the development's design and impact on the character and appearance of the area is considered to meet the provisions of Policy NP26 of the Neighbourhood Plan.

With regards to neighbouring impact, the development would be visible from windows and external amenity areas at adjacent properties and therefore a degree of impact is

anticipated. However, due to separation distances between the development and orientation of nearby dwellings, the build would not physically dominate any adjacent external amenity areas or existing windows. Whilst a degree of overlooking upon part of the rear garden of Belbury Close is anticipated, due to the separation distances highlighted above, this alone is not thought to significantly adversely affect the amenity of the adjacent property.

Due to the clear differences in scale of the proposals and the existing dwelling, the development shall have a degree of impact on the appearance of the area. However, despite the replacement dwelling being more prominent in views along Bendarroch Road than the existing bungalow, the replacement build is of a form and scale that would be sympathetic to the street scene and character of the village. Notwithstanding this, further consideration is required to the exact colour and type of materials to be used, this shall be secured via condition.

The submission of amended plans on the 12.03.24 and 10.04.24 have addressed previous concerns of officers with regards to the spatial relationship of the dwelling with an adjacent oak and the impact of the development on adjacent neighbours. Further comments sought from the District's Ecologist have satisfied concerns regarding the contents of the Ecological Appraisal and timing of the emergence surveys. As such, the application is considered acceptable and therefore recommended for approval subject to conditions listed below.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Notwithstanding the approved plans, no development above foundation level shall take place until details of materials to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031 and Policy NP26 (West Hill Design of the Ottery St Mary and West Hill Neighbourhood Plan.)

4. Prior to commencement of any works on site (including demolition), a Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. Measures shall be carried out as detailed within the approved Tree Protection Plan and Arboricultural Report submitted by Advanced Arboriculture (11/12/2023) within this application and shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no changes to be made without first gaining consent in writing from the Local Authority

In any event, the following restrictions shall be strictly observed:

(a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(d) 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.

(Reason - To ensure retention and protection of trees is considered prior to the construction phase or any site clearance 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. The condition is a condition precedent to safeguard the existing trees during the development).

5. Prior to the commencement of development details of finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that adequate details of levels are available in the interest of the character and appearance of the locality and the amenity of adjacent dwellings in accordance with Policy D1- Design and Local Distinctiveness of the East Devon Local Plan. The condition should be pre-commencement as it is essential that finished floor levels are considered at an early stage to ensure they are achievable to avoid redesign and to protect the character and appearance of the area and amenity of adjacent neighbours.)

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule 2 Part 1 Classes A, B and C 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 and Part 2 Class A for the construction of gates, fences and walls.

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

7. Development shall be carried out in accordance with the recommendations and mitigation measures in the Preliminary Ecological Assessment 'Bat and Bird Survey' prepared by Ecological Consultants - Wills Ecology dated September 2023. A written record and photographic evidence demonstrating that the ecological mitigation measures have been implemented shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the replacement dwelling hereby approved.

(Reason - In the interests of wildlife protection in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.)

8. Notwithstanding the approved plans, prior to occupation of any of the dwelling hereby approved a landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas of hardstanding. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

9. Notwithstanding the approved drawings, the three first floor windows that serve the dressing room and master bedroom on the western elevation and the ensuite on the southern elevation and family bathroom on the eastern elevation as annotated on Floor Plan P 05 REV D and depicted on Proposed Elevations P 07 REV C and P 06 REV D shall be obscured to Pilkington Level 4 or equivalent prior to occupation of the dwelling and remain so in perpetuity.

(To protect the amenity of adjacent neighbours in accordance with Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan. 2013-2031).

10. Prior to their construction, details of the proposed 'private gate' as annotated on Drawing P 05 REV D 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.

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

11. Prior to occupation of the dwelling hereby approved, details of the solar panels, including location, manufacture details and number shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the solar panels shall be installed prior to occupation of the dwellings.

(Reason: to minimise the use of non-renewable energy resources in accordance with Policy NP11 - Small Scale Renewable and Low-carbon Energy Projects).

12. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 8.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery

vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

(Reason: 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. The condition is a condition precedent to ensure residential amenity and highway safety is safeguarded before any development commences.)

13. Prior to first occupation of the dwelling hereby approved, details of any external lighting required shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. No further external lighting shall be provided at any time.
(Reason - To avoid adverse ecological impacts in accordance with Policy EN5 - Wildlife Habitats and Features of the East Devon Local Plan).
14. Prior to the commencement of development a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.
(Reason: The details are required prior to commencement to ensure that they fit efficiently within the site layout, protect water quality and minimise flood risk in accordance with Policy EN22 - Surface Run-Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained with the National Planning Policy Framework. The condition should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed).

NOTE FOR APPLICANT

Informative: Confirmation - CIL Liable

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

Any queries regarding CIL please email cil@eastdevon.gov.uk.

Informative:

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

Plans relating to this application:

PO1	Location Plan	14.09.23
P 05 D	Proposed Floor Plans	10.04.24
P 06 D	Proposed roof plans	10.04.24
P 07 D	Proposed Elevation	10.04.24
P 08 D	Proposed Elevation	10.04.24

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

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

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate

discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Ward Yarty

Reference 23/2471/FUL

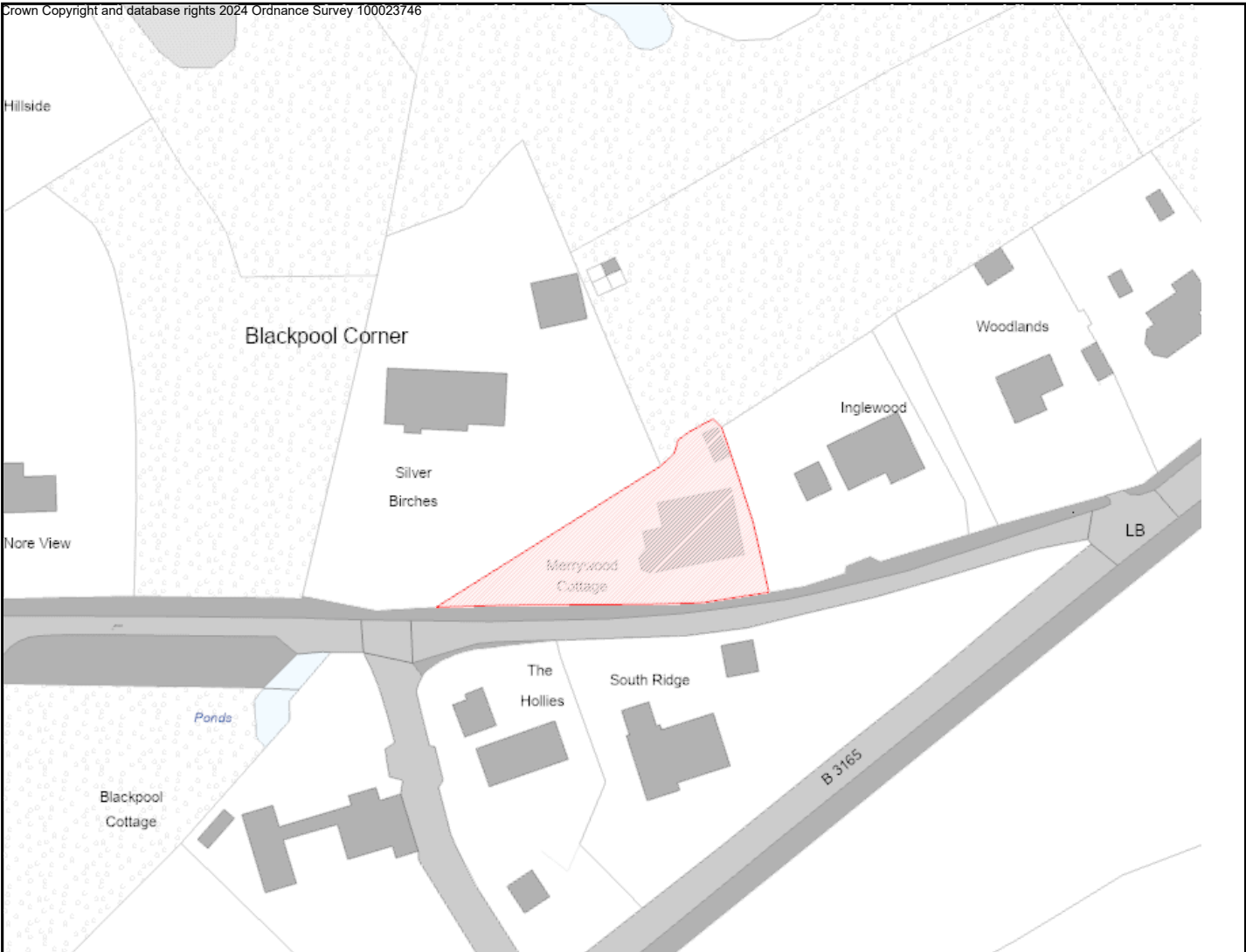
Applicant Mr & Mrs Lippett

Location Merrywood Blackpool Corner Axminster EX13 5UH

Proposal Single-storey side extension to bungalow & existing vehicle access widened.



RECOMMENDATION: Approval with conditions



		Committee Date: 21.05.2024
Yarty	23/2471/FUL	Target Date: 31.05.2024
Applicant:	Mr & Mrs Lippett	
Location:	Merrywood, Blackpool Corner, Axminster, EX13 5UH	
Proposal:	Single-storey side extension to bungalow & existing vehicle access widened.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

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

CONSULTATIONS

Town or Parish Council: Hawkchurch PC offers no objections to this application.

Ward Member(s): No comments received.

County Highways: No objection.

Third Parties: One letter of objections raising issues that include the following:

- **Loss of hedges and trees.**
- **Loss of character to the lane.**
- **Increased vehicle movement and noise.**
- **Water run-off.**
- **Road safety.**
- **Clash of entrances between the applicant and South ridge.**

One letter of support for reason that include the following:

- **Provision of Additional Parking.**
- **Road Safety.**

PLANNING HISTORY

15/2707/FUL, proposed rear extension and change of roof material – **APPROVED.**

POLICIES

National Planning Policy Framework
National Planning Policy Guidance

ADOPTED EAST DEVON LOCAL PLAN (2013-2031)

Strategy 7:	Development in the Countryside.
Strategy 48:	Local Distinctiveness in the Built Environment
Policy D1:	Design and Local Distinctiveness
Policy EN22:	Surface Run-Off Implications of New Development
Policy TC7:	Adequacy of Road Network and Site Access.

CONSIDERATION:

The Proposal

The proposal seeks to construct a single-storey side extension to a single storey, detached bungalow whereby the proposal measures approximately 4.3 meters in width, 10.6 meters in depth and 4.7 meters in height to its highest point (Gable Roof). The South-facing elevation of the extension is set back approximately 600mm from the principal elevation and aligns with the Householder design guide.

The proposal would be situated in place of an existing conservatory that occupies an area of approximately 4.2 x 6.7 meters.

The proposed roof design is a mixture of Gable and flat roof. The proposed gable matches the roof pitch of the existing dwelling and is approximately 150mm lower than the existing roof line. The Flat roof would be situated to the rear of the side extension and out of site from public view. The proposed flat roof measures 3.1 meters in height. The front facing roof pitch of the gable roof will feature a skylight.

The proposed materials would match the existing however it should be noted, Aluminium windows and doors are being proposed when UPVC exists on site. The proposed drawings indicate that all windows and doors would become Aluminium.

The width of the driveway would be increased whereby approximately 3.4 meters of hedgerow would be removed. The widening of the access would accommodate up to 2 additional parking spaces.

Description of the site.

Merrywood is a detached bungalow that is understood to have been part of a redevelopment that was completed in the mid-late 1900's. The site is located along Sector Lane, an unclassified road that adjoins to the B3165.

The property is one of a small collection of dwellings that forms Blackpool Corner which is comprised of a mixture of detached bungalows and two-storey dwellings.

The immediate neighbors to Merrywood are Inglewood to the North-East, a detached bungalow that is similar in both size and appearance. To the North-West is Silver Birches, a two-storey detached house thought to be of similar age. Directly to the South is South Ridge a two-storey detached house that is a redevelopment of a pre-existing bungalow, this development was approved in 2012.

The application site is relatively flat and surrounded by hedgerows and tree's as are the surrounding properties. The upper half of the South Elevation is visible above the existing hedgerows which spans across the entire length of the site except for an approximate 5.5-meter span that forms the driveway. This opening begins from the most Western Boundary of the site.

There are no special designations that affect the site.

Key Issues

The key issues to be considered include the following:

Design and landscape impact

Highways and parking

Neighbour Amenity

Ecology

Surface Discharge

Design and Landscape Impact

The application proposes an extension that is considerable in size however designed in a manner that ensures the extension is subservient to the existing dwelling. Despite the size of the extension, the site would still enjoy a generous amount of garden space therefore ensuring that the proposal would not be deemed as an overdevelopment of the site.

The roof has been designed to ensure continuity is maintained with the existing roof line and materials have been chosen to match the existing dwelling. Careful consideration has been given to the design of the extension and the proposal demonstrates alignment to both Strategy 48 and Policy D1 of the local plan.

Highway Impacts

Further to the proposed extension, the applicant seeks to remove approximately 3.4 metres of hedgerow to accommodate an additional parking space and provide safer access to the property. Although the removal of any hedgerow is regrettable, such a proposal would be considered acceptable as it would not only increase visibility for those entering and exiting the site, but also reduce the possibility of streetside parking on what would be considered as a narrow road that is Sector Lane. The impact of greater road safety is considered to outweigh the loss of a limited span of hedgerow.

A neighbour has objected to the proposed parking arrangement to the front of the dwelling which would result in the loss of hedgerow, the possible clash of entrances and the risk of water run-off. This objection was received prior to the receipt of revised drawings.

Based on the revised set of drawings, it should be noted that the parking spaces are not directly opposite each other and face different directions, the applicant proposes that the parking area is a permeable surface to mitigate any flooding risks. Furthermore, County Highways confirmed in their consultation response that the revised scheme would not only increase visibility for all round users, but in fact specifically provide accessibility benefits to Southridge. Such benefits can be considered as showing clear alignment to Policy D1 (4b) and Policy TC7 of the local plan.

The proposed extension will replace an existing extension and although marginally greater in width and considerably greater in depth, it is considered to have little-to-no detrimental impact on the amenity of neighbours.

The development accords with Policy D1 of the Local Plan

Ecology

The applicant has supplied an Ecology survey whereby the site is considered has having negligible habitat value for roosting bats and no evidence was observed of breeding birds. As such, no further surveys or mitigation is required. Site enhancements have however been recommended in the Ecology survey conclusion.

The enhancements recommended by the ecologist are supported by the local planning authority. Such recommendations however cannot be conditioned as the recommendations are not a mitigation measure due to the sites negligible habitat value, as such the application would not be refused in it's absence.

Surface discharge

A concern was raised in an objection for the potential discharge of rainwater onto a classified road. The application proposes to retain the permeable parking area which would reduce the risk of rainwater discharge. A condition has been added to ensure that existing soakaways are used for any additional rainwater run-off created by the proposed development and if this is not possible then further information would be required prior to occupation/use.

Conclusion

It is considered in this instance, that the proposed development is acceptable.

RECOMMENDATION

APPROVE with conditions:

- 1.) The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).**
- 2.) The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt).**
- 3.) 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 in order to accord with Policy EN22 of the East Devon Local Plan 2013 to 2031).**

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

Proposed Plans, Reference: 001 REV E, Received: 26/03/2024.

Statement on Human Rights and Equalities Issues

Human Rights Act

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

Equalities Act

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