

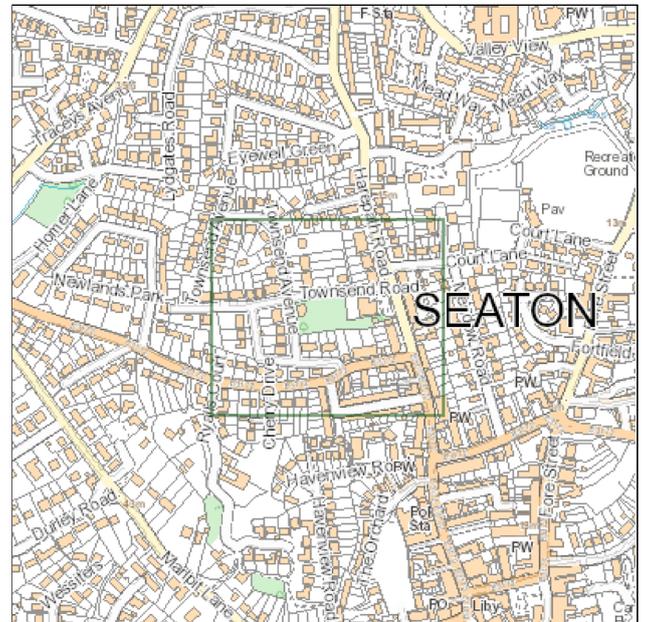
Ward Seaton

Reference 20/2865/FUL

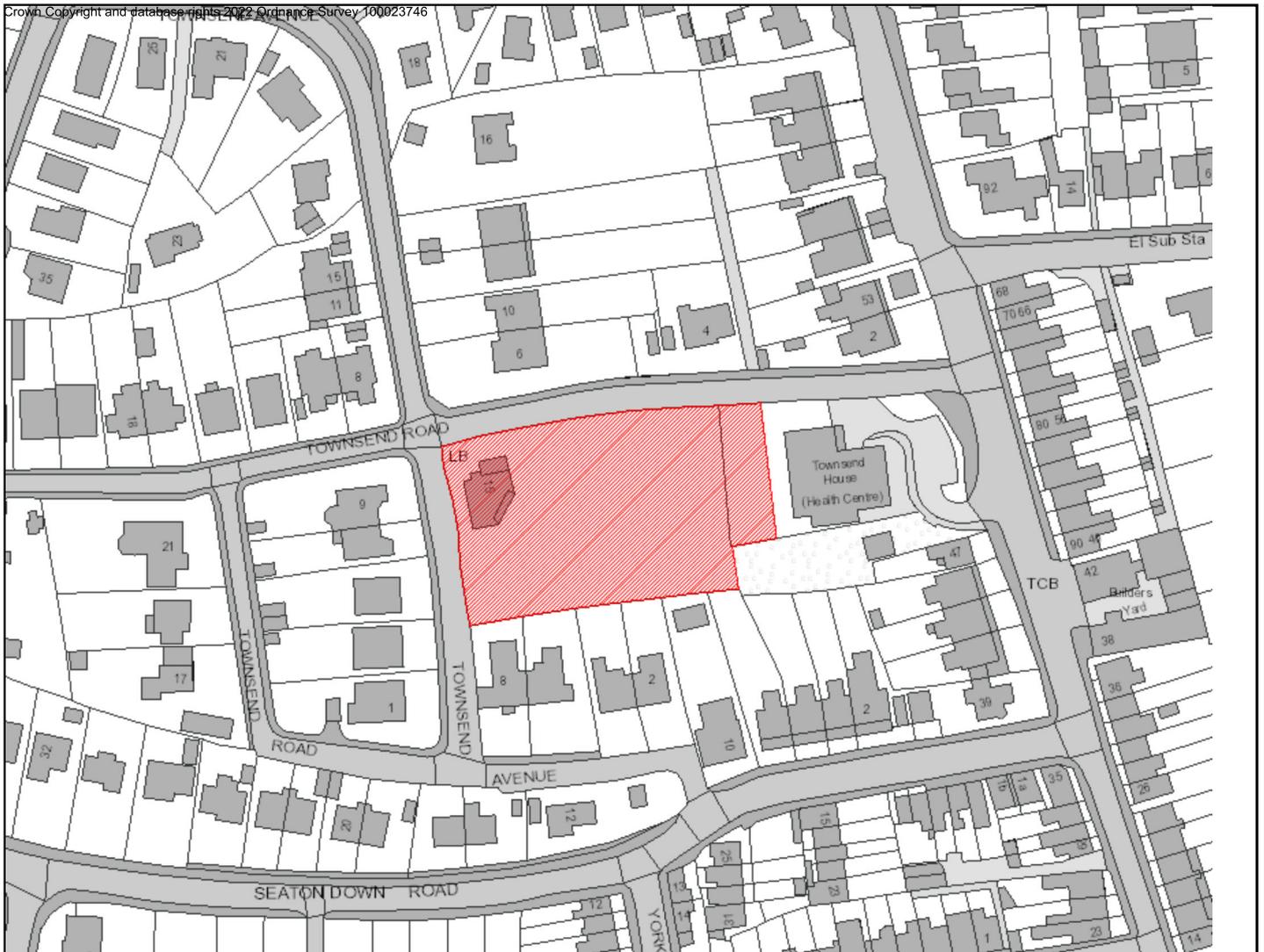
Applicant Townsend Park Ltd

Location Land Rear Of 15 Townsend Road Seaton EX12 2AY

Proposal Demolition of existing house and erection of 8 dwellings, 5 no. 4 bed and 3 no. 3 bed, and enlargement of existing access.



RECOMMENDATION: Refusal



		Committee Date: 16th February 2022
Seaton (Seaton)	20/2865/FUL	Target Date: 26.04.2021
Applicant:	Townsend Park Ltd	
Location:	Land Rear Of 15 Townsend Road Seaton	
Proposal:	Demolition of existing house and erection of 8 dwellings, 5 no. 4 bed and 3 no. 3 bed, and enlargement of existing access.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

The application is required to be considered at Planning Committee because a Member has an interest in the site.

The site lies in the BUAB of Seaton and so is in principle suitable for residential development.

It is surrounded by existing residential development and currently is occupied by a single two-storey dwelling in poor condition with associated garden/grounds. The plot is far larger than any neighbouring plots and so could accommodate some development having due regard to the quality of the design and the effect on neighbouring properties. However the design put forward is considered to be too cramped leading to poor amenity space for its intended occupants and the unacceptable overlooking of neighbours.

An ecological survey has found that the site is/was used by slow worms which are a protected species. These have since been translocated to land west of Colyton under the supervision of an ecologist and fencing remains on site to avoid re-colonisation. However no mechanism is in place to secure the compensatory habitat provided.

The site initially proposed to discharge water into the public sewer without having demonstrated that more sustainable methods were available. A revised application form and a surface water drainage plan has recently been submitted which suggests that all surface water from the buildings and hard surfaced areas to an attenuation tank under the shared driveway. It is not clear yet however if from this tank water will be allowed to drain to a soakaway as no percolation tests have been carried out yet. The agent suggests this can be dealt with at Building Regulation stage but if the site is unsuitable to use soakaways it needs to be

established if SWW will then accept discharge to public sewer or an alternative design is required. At present SWW are objecting to the proposal unless the water can be discharged without the need to connect to the main sewer. This remains unresolved.

Whilst the principle of development is acceptable, the cramped nature of the development, leading to a poor layout and loss of amenity for surrounding residents, plus the unresolved drainage issue and lack of mechanism to secure the protection of slow worms lead to a recommendation for refusal.

CONSULTATIONS

Local Consultations

Parish/Town Council

24/03/21 - Seaton Town Council object to this planning application.

Reasons for the objection:

This application is for the demolition of the existing house and the erection of 8 dwellings, 5 no. 4 bedroom and 3 no. 3 bedroom and enlargement of existing access at Land Rear Of 15 Townsend Road, Seaton.

The proposed dwellings on the site are two storey houses rather than bungalows. Townsend Avenue on the south, west and north side are bungalows. Plot 4 on the application site is very close to the bank which is the dividing line between the back garden of 2 Townsend Avenue and the application site. Concerns have been raised about the effects the overbearing nature of the proposed two storey houses on Plots 3, 4 and 5 will have on the residential amenities of the occupiers of 2, 4, 6 & 8 Townsend Avenue. The Planning Committee felt there were too many dwellings proposed for the site and it was overdevelopment of the site. This is contrary to Policy D1 of the East Devon Local Plan which states that:

Proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

The Planning Committee noted the comments made on the Validation Sheet (01/03) published online on 3rd March relating to concerns raised about the ecology report submitted with the application stating that it was incomplete as further survey work was required in relation to reptiles and it does not provide details of recommended full mitigation based on a worst case reptile survey result scenario. Therefore, it is not considered that the ecology report is complete and the application therefore remains invalid. It was also noted on this sheet that necessary information required on the plan drawings submitted was missing and would they be addressed on revised plans when submitted? Due to the ecology report being incomplete the application does not adhere to Policy EN5 'Wildlife Habitats and Features.

South West Water have advised that the proposal to discharge roof/surface water to the public sewer is unacceptable as the use of soakaway for this purpose has not been explored and is the required means of drainage. Only if the use of a soakaway is formally ruled out will an

attenuated discharge to the public sewer be considered. This contrary to Policy EN22 ' Surface Run-Off Implications of New Development of the East Devon Local Plan which states that:

Planning permission for new development will require that:

1. The surface water run-off implications of the proposal have been fully considered and found to be acceptable, including implications for coastal erosion.

Townsend Road is steep and not very wide. If cars are having to park on the side of this road it could cause problems especially if large vehicles and emergency vehicles need to gain access to properties in Townsend Road or Townsend Avenue. If insufficient parking is provided on the new estate there is nowhere else nearby to park vehicles. The new estate will increase the amount of traffic using Townsend Road and Townsend Avenue. There are two entrances onto the estate of properties on Townsend Avenue/Townsend Road and only one exit (Townsend Road). The entrance to Townsend Avenue is one way, although vehicles regularly go past the 'No Entry' sign and go down the wrong way to the junction on Seaton Down Road. Policy TC7 ' Adequacy of Road Network and Site Access of the East Devon Local Plan states that:

Planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

The Planning Committee raised concerns that the increase in traffic will further exacerbate this situation and will encourage more on-street parking. There are already issues with parking as during the day this road becomes the parking place for people who work in the town, work at the doctor's surgery or those who visit the surgery. At the weekend it becomes a car park for the vans & commercial vehicles used only during the week.

Therefore, Seaton Town Council object to this application on the grounds mentioned above that it fails to comply Policy D1 Design and Local Distinctiveness, Policy EN5 ' Wildlife Habitats and Features, Policy EN22 ' Surface Run-Off Implications of New Development and Policy TC7 - Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031.

Further comments:

21/10/21 - Seaton Town Council noted the amended plans submitted and have no objections to the application.

Technical Consultations

Devon County Highway Authority

26/03/21 - Observations:

The site is located within Seaton which is facilitated by a good array of local facilities and services.

The site layout proposed includes a turning head to allow for cars and delivery vehicles to turn off-carriageway. Each dwelling proposed with garage space sufficient for one vehicle and cycle secure storage is positive.

However, the proposal does include a hornbeam hedge upon the junction to the development, in order to avoid interference with the proposed visibility splay, this will need to be kept to below 600mm rather than the proposed limit of 1m. If the developer would wish to

amend this then the County Highway Authority may well be in a position to change its stance.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION

Addendum 24/08/2021:

The hornbeam hedge is now located behind the entrance and visibility splay and therefore the County Highway Authority has no objections to this planning application.

Addendum 06/11/2021:

The County Highway Authority has received amended plans for this application, however our stance remains the same.

08/11/21 - Observations:

The site is located within Seaton which is facilitated by a good array of local facilities and services.

The site layout proposed includes a turning head to allow for cars and delivery vehicles to turn off-carriageway. Each dwelling, proposed with garage space sufficient for one vehicle and cycle secure storage is positive.

However, the proposal does include a hornbeam hedge upon the junction to the development, in order to avoid interference with the proposed visibility splay, this will need to be kept to below 600mm rather than the proposed limit of 1m. If the developer would wish to amend this then the County Highway Authority may well be in a position to change its stance.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

South West Water

10/03/21 - Good afternoon,

I refer the above application and would advise that the proposal to discharge roof/surface water to the public sewer is unacceptable as the use of soakaway for this purpose has not been explored and is the required means of drainage.

Only if the use of a soakaway is formally ruled out will an attenuated discharge to the public sewer be considered.

Further comments:

There is currently no agreement in place with South West Water to accept the discharge of surface water flows to a public sewer.

In theory, should the applicant find an alternative location to discharge the surface water (for example, to the private surface water sewer in Harepath Road) then South West Water would not object or comment (on private drainage system).

EDDC Trees

02/08/21 - The application is supported by an arboricultural survey prepared by Advanced Arboriculture. The proposed development requires the removal of sections of hedge and a tree subject to a Tree Preservation Order. Both hedges and the tree are low quality specimens and their removal is not considered to be detrimental to the local landscape and a good landscaping scheme has the potential to improve the site.

I therefore have no objections to the proposed development but recommend the following condition is applied.

1) No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - 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 East Devon Local Plan.)

Further comments:

08/10/21 - My comments remain the same as those made on 2/8/21. See below.

The application is supported by an arboricultural survey prepared by Advanced Arboriculture. The proposed development requires the removal of sections of hedge and a tree subject to a Tree Preservation Order. Both hedges and the tree are low quality specimens and their removal is not considered to be detrimental to the local landscape and a good landscaping scheme has the potential to improve the site.

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Other Representations

9 letters of objection –

- 8 large two-storey houses would overload the site which is a small patch of steep land.
- It will impact on surrounding roads and properties.

- Neighbour's garden overlooks the turning area for all of the cars and there is no boundary of any substance other than a holly hedge.
- Concerns over noise and air quality as the site is overbuilt.
- Plots back right up to the fence and a two-storey house will dominate the space and look completely overlook neighbouring properties.
- Application say there is little ecological value but the site has been cleared of trees and hedges. Concern over effect on wildlife depending on the time of year of the works.
- Ecological survey carried out at during dormant season.
- The development leaves no room for suitable green space for anyone.
- Where will the surface water go without trees, hedgerows or natural vegetation? If passed, it will create drainage problems for neighbours. SWW object due to surface water drainage proposals.
- Site is surrounded on three sides by bungalows.
- Increase in traffic into an estate with two entrances but only one exit.
- Presently there is insufficient parking, especially as Townsend Road and Avenue are used as overflow parking following a recent street parking permit scheme nearby.
- Access for emergency vehicles into the existing estate is difficult, as well as for refuse vehicles. Additional parking as a result of the development will not help.
- Plot 4 will overlook the neighbour as it is two-storey and has a short garden.
- Concerns over the boundary Devon hedge.
- Density, scale, massing is out of context with the existing surrounding development so is contrary to policy D1.
- No details of how the development will use measures to reduce carbon emissions.
- Unjustified removal of TPO tree. No provision made for replacement as required by policies D2 and D3.
- Southern boundary hedge will be trimmed but will still overshadow the proposed houses' gardens, leading to further pressure to trim them.
- There is natural spring between neighbours' gardens and which can appear in the area.
- Taking down a lovely old house is not environmentally friendly.

2 letters of support –

- Will utilise a large underuse plot and enhance the housing on Townsend Road and Avenue, offering quality homes.
- Plans look amazing and the homes look well located. Alternative is to leave the site as it is.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 2 (Scale and Distribution of Residential Development)

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 25 (Development at Seaton)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN16 (Contaminated Land)

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

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Site Location and Description

The site is occupied by a large detached house in poor repair with associated large garden. It is surrounded by a more dense development of dwellings. Much vegetation has been cleared from the site and slow worms have also been translocated from the site, over the course of the application.

The site falls within the BUAB for Seaton.

Proposal

The application proposes the demolition of the existing dwelling and construction of 8 dwellings. The 8 dwellings comprise 5 four-bed and 3 three-bed houses.

Access is proposed off Townsend Road.

ANALYSIS

The main issues for consideration are the Principle of development, design, layout and impact upon the amenity of surrounding residents, impact on trees, and impact on ecology, drainage and highway safety.

Principle

The site clearly lies in the Built-Up Area Boundary of Seaton and so is acceptable in principle and as such an acceptable location for development.

Design

The development site is surrounded on three sides by fairly uniform bungalow and 'chalet-bungalow' development, most of which have seen alterations or extensions over time. Some two-storey properties exist nearby but a bit further afield. The eastern boundary abuts a medical centre. The site itself is occupied by a single two-storey house which sits at the highest end of its comparatively extensive garden, however the overall character of the area is defined predominantly by the surrounding properties.

The plans have been revised since original submission and the following comments relate only to the plans currently being considered.

The site slopes from its high point on the western boundary down to the eastern and it sits somewhat elevated above the neighbouring properties on the southern boundary.

The proposal would see the development of eight dwellings in place of the existing single dwelling. They would all be two-storey and considerably taller in scale than the surrounding properties. They would stand out and obviously conflict with the prevailing character of the area with its lower-height properties, contrary to policy D1.

The proposals offer a mix of house designs which are not objectionable when considered in isolation to other matters. However the properties are relatively large and will leave little space around them for amenity space. In particular, plots 6, 7 and 8 have north facing gardens overlooking Townsend Road which are at their shortest point only 1.8m deep and at their longest around 6m. Plots 6, 7 and 8 measure about 9m tall from their base. They would clearly overshadow their rear gardens for long periods of the day over much of the year and so be of somewhat limited quality resulting in a poorly conceived layout.

Amenity

Plots 3, 4 and 5 have similarly small rear gardens with a distance to the boundary of around 5.6m. These properties measure around 6.8m in height and feature rear facing rooflights serving an en-suite, the first floor landing and a double bedroom. These rooflights would be set at around 1.5m height above the first floor finished level and thus affording views outward over the nearest neighbouring properties' (2, 4, 6, 8 Townsend Avenue) rear elevations and gardens. The short distance to the boundary and the elevated nature of the site above the neighbours would exacerbate this poor relationship such that a serious loss of privacy and amenity occur. It is unlikely that any landscaping proposal would alleviate this effect. This would conflict with policy D1.

Trees

A single TPO tree exists on the site at the point where it is proposed to form the vehicular access to the site. The plans indicate that this is to be removed. The Council's Tree Officer observes that the tree is of low quality and its removal will not be detrimental to the local landscape and that there is potential to improve the site with a good landscaping scheme. A generic landscaping condition is suggested. It is not clear where any necessary replacement planting would go however, how effective it would be or if it would make up for the loss of the TPO tree given the tightly designed nature of the proposal. However, given the tree is rather poor it is considered a planning condition could be used to secure a good scheme of planting were permission granted

Ecology

The Recommendations from the submitted The Preliminary Ecological Appraisal submitted with the application state the following:

Designated Sites

No specific recommendations in respect of designated sites.

Hedgerows

Where species rich hedgebanks along the western and northern boundary can be retained, they must be protected with tree protection measures which extend to include the root protection zones.

Badgers

During the construction period, all excavations on site over 1m deep should be either covered overnight or have a means of escape for any badgers that might investigate them, such as a sloping plank. This will avoid trapping any badgers that may potentially access the excavation.

Foraging bats

As the site is located within an established residential area with associated lighting and anthropogenic disturbance there are not considered to be any additional potential population scale impacts on bat species as a result of the proposed development. The garden provides only a small fraction of available similar foraging habitat in the wider area and it is considered that the loss of part of this area to buildings and associated hard surfacing could not constitute a population scale impact.

Roosting bats

Due to the confirmation of a low level of bat roosting use of the building by individuals of a common species there is the requirement for a protected species licence ahead of any works that might disturb them. In this case the Low Impact Class Licensing (LICL) approach overseen by Natural England is the most appropriate way forward. This requires an application to be made to Natural England to register the site. The registration process will require a method statement showing how the works will be carried out without harming the bats present on the site and to ensure an appropriate amount of roosting provision is provided post development. The registration process for the site normally takes 10 working days to complete. In this case for Common pipistrelle bats which were using the soffits and a crevice in the garage roost provision can be made by use of bat tubes such as the Schwegler 1FR or equivalent placed at the eaves of the two buildings closest to the footprint of the existing house (refer to Figure 3).

Birds

It is recommended that any further removal of hedge banks, scrub and trees is undertaken outside of the bird breeding season (March to August inclusive), in addition the piles of brash and felled conifer trees should be removed prior to the bird nesting season as birds will also use these to nest in. Demolition of the building cannot be undertaken until the bat surveys have been undertaken between May and September but following these surveys, the house should be demolished either outside of the bird nesting season or following a bird nesting check which should be undertaken by a suitably qualified ecologist immediately prior to the demolition. Subsequently if any active nest sites are identified these nests should remain undisturbed until all the young have fledged naturally.'

These recommendations can be secured by condition.

However, with regard to reptiles, the report states the following:

'Due to the confirmed use of the site by Slow worms (further survey during May and June 2021 confirmed a moderate population at the site) it is required that appropriate measures are undertaken to ensure no reptiles are present on site prior to groundworks commencing.

The measures to ensure no killing or injury will include a full translocation programme with 60 reptile mats (500mm bitumen felt squares) laid across the site during mid to late August. They will be placed near to brash piles, boundary features and throughout the grassland on site. These mats will be left in situ for at least 7 days and then during periods of suitably warm weather (temperatures between 9 to 20°C) the mats will be checked between the hours of 0830hrs and 1100hrs (the timings and temperatures are as per Froglife guidance 2016) on alternate days with no fewer than 7 visits being undertaken. After the seventh visit, once a total of five visits with no reptiles being found has been achieved the site will be considered free of reptiles and groundworks can commence.

Any reptiles found during the capture process will be safely collected into a large plastic container with ventilation holes and grass for the reptiles to find shelter in. They will then be removed to the agreed release site prior to groundworks commencing. The release site is a large landholding to the west of Colyton and is shown in Figure 4. The landholder has given permission for its use as a release site and the management of the site will continue as currently with the hedgerows and hedge banks being retained. To avoid overloading any part of the release site beyond its carrying capacity for the species the releases will be distributed along the length of the hedge banks. The hedge banks and their bases will offer cover and foraging potential for the species.'

Since the Preliminary Ecological Appraisal was submitted translocation works have taken place by a licenced ecologist. Before the site was considered 'reptile free' a total of 55 slow worms were translocated to farmland west of Colyton on land available to the applicant. Though now free of reptiles the reptile barriers need to be retained to prevent re-colonisation.

Standing advice on protected species from the government advises that any avoidance/mitigation or compensation measures agreed to enable a development need to be secured using either planning conditions or planning obligations.

Ordinarily in a situation such as this where species are being translocated, it is necessary to secure the alternative habitat provided via a planning obligation. The land to which they have been moved is described in the Translocation Report as being permitted for this use by 'the landholder'. It is not explained who that is in relation to the development or the ownership of

the site and given it is remote from the development site the use of planning conditions are not considered appropriate.

Requirements for the alternative habitat for reptiles are set out in standing advice. It states:

If you need to move reptiles to a new location you'll have to choose a receptor site:

- *as close as possible to the development site, and within the same local planning authority if possible*
- *that is at least the same size as the habitat that will be lost, and larger if the habitat to be lost is high quality (you can provide smaller habitat if it's substantially better quality)*
- *that will serve the same function as the habitat to be lost, eg it has hibernation features*
- *with similar habitat to the area that will be lost, including water bodies*
- *that doesn't currently support the same species, but can be improved to make it suitable*
- *that will be safe from future development and managed in the long term*

You can introduce small numbers of reptiles to an area with an existing population if you have improved the habitat so it can support the increased numbers.

You must allow enough time for new habitats to become suitable for the reptiles before you start to capture them.

The Preliminary Ecological Appraisal states that the translocation site will be used and *'the management of the site will continue as currently with hedgerows and hedge banks being retained. To avoid overloading any part of the release site beyond its carrying capacity for the species the releases will be distributed along the length of the hedge banks. The hedge banks and their bases will offer cover and foraging potential for the species.'* The only matter missing is a mechanism to secure the area from future development and its long term management.

The government guidance goes on to state that:

You should:

- *attach a planning condition or agree a planning obligation (known as a 'section 106 agreement') with the developer so that they can put the avoidance, mitigation or compensation measures in place. These can include paying for long-term management, monitoring or maintenance of the site or restricting development*
- *ask for a monitoring and review plan so that agreed measures can be adjusted if they do not work as intended*
- *attach an 'informative' note to the planning permission, for example to explain that the developer needs to take action if protected species are discovered during development*

In terms of making a decision the guidance states that-

If the proposal is likely to affect a protected species you can grant planning permission where:

- *a qualified ecologist has carried out an appropriate survey (where needed) at the correct time of year*
- *there's enough information to assess the impact on protected species*
- *all appropriate avoidance and mitigation measures have been incorporated into the development and appropriately secured*

- *a protected species licence is needed it is likely to be granted by Natural England or Defra*
- *any compensation measures are acceptable and can be put in place*
- *monitoring and review plans are in place, where appropriate*
- *all wider planning considerations are met*

No monitoring or review plans are in place nor mechanisms to secure the alternative habitats in the long term. Therefore it cannot be said that the development will have no negative effect on the protected reptiles. That the site is reportedly now devoid of slow worms does not make these requirements irrelevant as they are clearly related to the proposed development and the suitability and long term management of the translocation site has not been addressed. A suitable mechanism was requested during discussions leading to the submission of revised plans but the applicant has not advanced any such mechanism, offered draft terms or indicated agreement to entering into such an arrangement.

In conclusion the development has not demonstrated that protected species, specifically slow worms, would be adequately protected.

Drainage

The proposal would dispose of surface water drainage via the public foul sewer. Justification for this has not been provided, even following discussions leading to the submission of the revised plans and South West Water has objected to this method. Without justification (i.e. exploring whether a more sustainable method could be used which won't add to flows in the foul sewer system) the proposal is contrary to policy EN22.

A revised application form and a surface water drainage plan has recently been submitted which suggests that all surface water from the buildings and hard surfaced areas to what looks like an attenuation tank under the shared driveway. It is not clear yet however if from this tank water will be allowed to drain to a soakaway as no percolation tests have been carried out yet. The agent suggests this can be dealt with at Building Regulation stage and while this is true to some extent, if the site is unsuitable to use soakaways it needs to be established if SWW will then accept discharge to the public sewer. SWW have reiterated that there is no agreement in place and that they object to the proposal unless surface water can be disposed of on-site or in a way that does use SWW's network. This matter is therefore outstanding and weighs against the proposal.

Highways

The highway authority has no objection to the plans. Each dwelling would have at least 2 parking spaces provided, some with 3. Although no specific cycle parking is shown, each property has a garage where at least one could be stored.

CONCLUSION

The overall design of the development is not considered appropriate and will appear cramped, give poor amenity to its residents and will harm the privacy of adjoining occupiers.

The translocation of the slow worms from the site has not followed government guidance as there is no mechanism in place to secure the compensatory habitat provided.

The site would discharge surface water drainage into the public foul sewer without adequate justification.

While the proposal would provide a number of houses which are needed this is not considered to be a sufficient benefit to overcome the concerns noted above.

RECOMMENDATION

REFUSE for the following reasons:

1. The design of the development, by virtue of its amount, layout and scale and its relationship with existing surrounding development, would leave a number of the proposed dwellings with poor quality amenity space, lead to a high degree of overlooking and loss of privacy of neighbouring dwellings to the south of the site and it would appear out of character with the surrounding existing development being of a much higher density. It is therefore contrary to policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 and paragraphs 130 and 134 of the NPPF.
2. It has not been demonstrated that the surface water drainage proposals to discharge surface water into the public foul sewer are the most sustainable option available and so the development is contrary to policy EN22 of the East Devon Local Plan 2013-2031.
3. The translocation habitat proposed for the slow worms on the site has no mechanism in place to secure it from future development and to manage it in the long term, contrary to the Natural England Standing Advice (13 October 2014; updated 28 March 2015) on reptiles and contrary to Strategy 3 (Sustainable Development), Strategy 5 (Environment) and to policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031 and paragraph 174 of the NPPF.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

E100	Location Plan	21.12.20
P414 Rev A: Boundary Sections	Sections	20.09.21
P110 Rev J	Proposed Site Plan	21.01.22

P209 Rev A: Floor/Roof Plans/Plot 1	Proposed Combined Plans	20.09.21
P210 Rev A: Floor/Roof Plans/Plot 2	Proposed Combined Plans	20.09.21
P211 Rev A: Floor/Roof Plans/Plots 3 and 4	Proposed Combined Plans	20.09.21
P310 Rev A: Plot 1	Proposed Elevation	20.09.21
P311 Rev A: Plot 2	Proposed Elevation	20.09.21
P312 Rev A: Plots 3 and 4	Proposed Elevation	20.09.21
P413 Rev I: Street Elevations	Proposed Elevation	20.09.21

List of Background Papers

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