

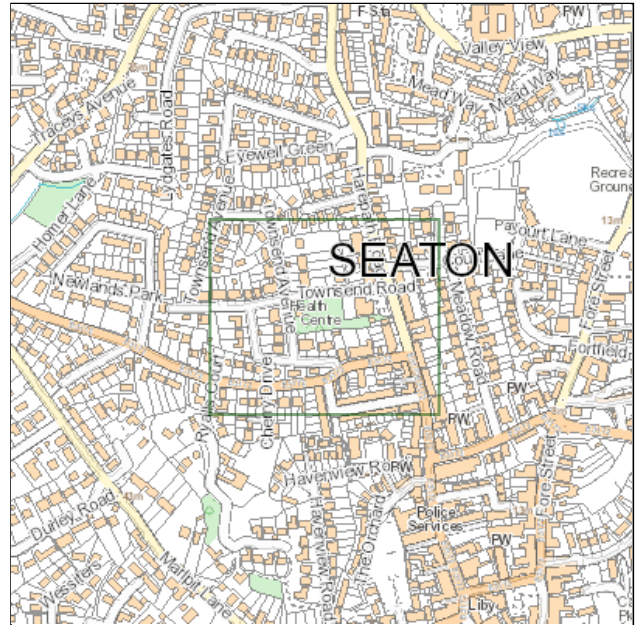
**Ward** Seaton

**Reference** 22/1386/OUT

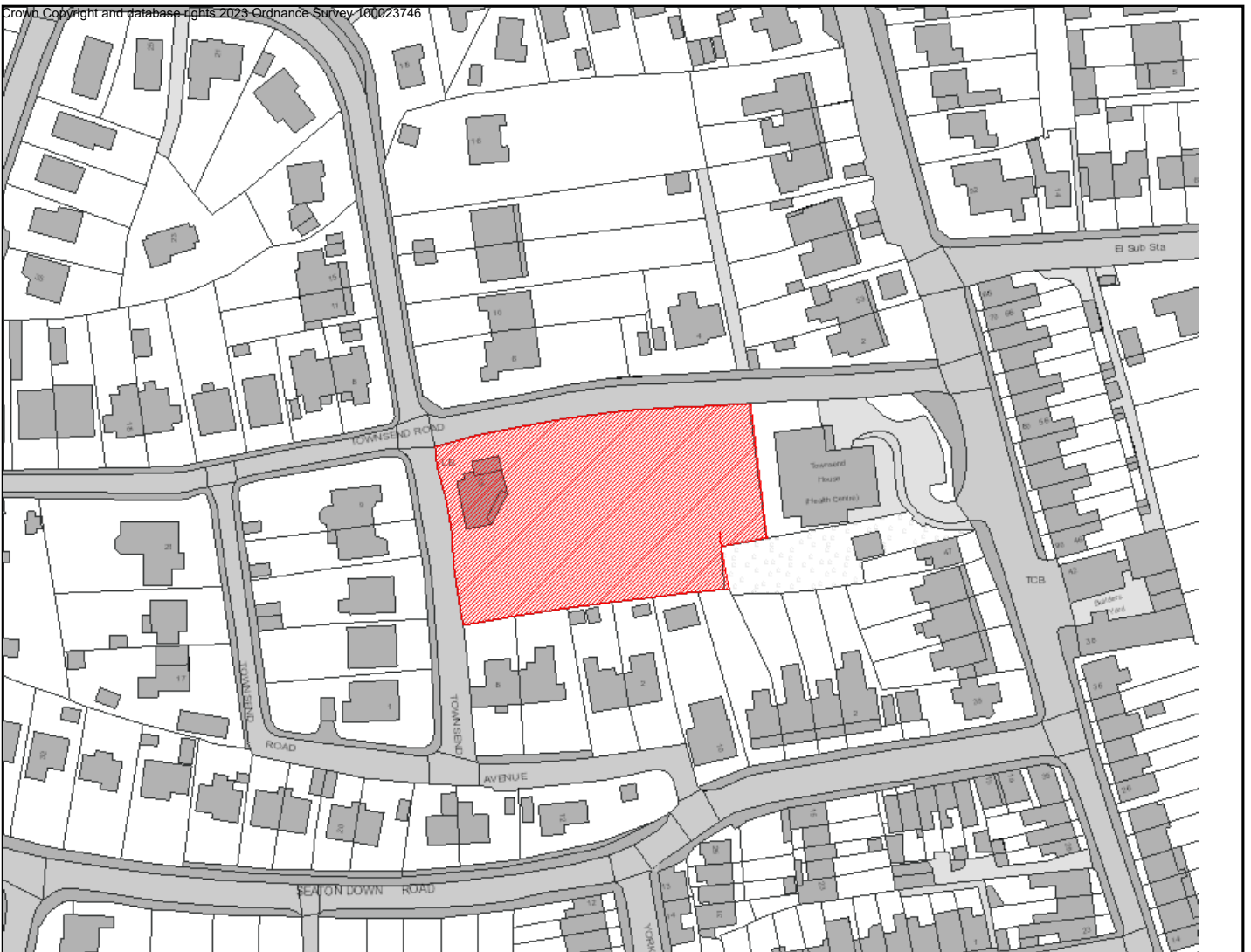
**Applicant** Townsend Park Ltd

**Location** 15 Townsend Road Seaton EX12 2AY

**Proposal** Erection of 5 dwelling houses with garaging (demolition of existing dwelling house). Provision of new vehicular access (closure of existing access).



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 31<sup>st</sup> January 2023</b>
<b>Seaton (Seaton)</b>	<b>22/1386/OUT</b>	<b>Target Date: 29.08.2022</b>
<b>Applicant:</b>	<b>Townsend Park Ltd</b>	
<b>Location:</b>	<b>15 Townsend Road Seaton</b>	
<b>Proposal:</b>	<b>Erection of 5 dwelling houses with garaging (demolition of existing dwelling house). Provision of new vehicular access (closure of existing access).</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

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

**Consent is sought for outline planning permission for 5 new houses and the means of access. All other matters are reserved. 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 repair 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, which will be considered at the reserved matters stage. The illustrative block plan indicates that it will be possible to achieve a development with a density which is sympathetic to the existing surrounding development.**

**A previous application was refused in February last year as it was 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.**

**While the previous application proposed to dispose of surface water drainage via the public sewer, to which SWW objected, this scheme proposes use of a**

**sustainable drainage system, details of which will be required at the reserved matters stage.**

**In summary, the proposal is considered acceptable.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Seaton Town Council have no objections to this outline planning application.

### **Technical Consultations**

#### Devon County Highway Authority

Observations:

The proposal includes new direct accesses onto Townsend Road, which can obtain suitable visibility in both the left and right direction.

Each property is able to accommodate off-carriageway turning and parking. Townsend Road has no collision record within the vicinity, in accordance with our rolling period of record (currently 2017 - 2021).

Therefore I do not believe the net total of 4 additional dwellings in comparison to the existing layout will cause a trip generation intensification problem to the local highway network.

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**

#### DCC Historic Environment Officer 1.11.22

My ref: Arch/DM/ED/37830b

I refer to the above application and your recent consultation. I have now received the report setting out the results of the archaeological field evaluation undertaken here. These investigations recovered a small but significant assemblage of Mesolithic or early Neolithic flint artefacts - dating from around 4,000BC - however, no evidence of any Palaeolithic deposits were identified by these investigations.

In the light of these results I would like to withdraw the Historic Environment Team's previous objection and instead offer the following advice:

The presence of Mesolithic or early Neolithic artefactual material here may indicate human activity from these periods within or in proximity to the proposed development site and additional artefactual material or deposits may be exposed and disturbed by groundworks for the construction of the proposed development. The impact of development upon the archaeological resource should be mitigated by a programme

of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 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 supervision of all groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. 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. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. 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/>.

DCC Historic Environment Officer 22.7.22

My ref: ARCH/DM/ED/37830a

I refer to the above application. The proposed development lies in an area of archaeological potential in an area where the Historic Environment Record shows a nearby findspot of a Palaeolithic hand axe. This ancient artefact may have been deposited within the underlying gravel during an interglacial period, and then subsequently disturbed and recovered from the underlying geology. There is therefore the potential for the proposed development site to contain similar deposits associated with early human activity here. The information submitted in support of this application is not sufficient to enable an understanding of the significance of the heritage assets within the application area or of the impact of the proposed development upon these heritage assets.

Given the potential high significance of below ground deposits associated with Palaeolithic activity in this area and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. The requirement for this information is in accordance with East Devon Local Plan Policies EN7 - Proposals Affecting Sites Which May Potentially be of Archaeological Importance - and EN8 - Significance of Heritage Assets and their Setting, and paragraphs 194 and 195 of the National Planning Policy Framework (2021).

The additional information required to be provided by the applicant would be the results of intrusive archaeological field evaluation to determine the nature of the underlying geology and the potential for the presence and exposure of further Palaeolithic deposits by the proposed development.

The results of these investigations will enable the presence and significance of any heritage assets within the proposed development area to be understood as well as the potential impact of the development upon them, and enable an informed and reasonable planning decision to be made by your Authority.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. 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/>.

### Environmental Health

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.

### Other Representations

3 letters objection raising the following concerns:

- Bungalows would be more in keeping with the surrounding area.
- Views of the sea and harbour would be blocked.
- Nearby roads cannot accommodate additional traffic.
- There should be double red lines and a one-way system
- Site has several stone-age and possibly Roman artefacts exposed on the surface.
- Site is bounded on 3 sides by ancient Devon banks which need protecting for their historic and natural habitats.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
20/2865/FUL	Demolition of existing house and erection of 8 dwellings, 5 no. 4 bed and 3 no. 3 bed, and enlargement of existing access.	Refused	18/2/22

## **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 previous application.

While the previous planning application was for full permission, this application seeks only outline permission with approval for access being sought at this stage; scale, appearance, layout and landscaping are all matters reserved for future consideration. Although the application is for outline permission, a layout plan is submitted which shows not just the location of the proposed accesses but also the location of the proposed houses.

The previous application was refused on three grounds:

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.

## **ANALYSIS**

### Principle

The site clearly lies in the Built Up Area Boundary of Seaton and so is in principle an acceptable location for development. It would be located amongst other existing residential development and so would be compatible in that context. The indicative block plan submitted illustrates that the development can be made suitable in terms of density and its relationship with neighbouring residential properties, subject to detailed designs.

### 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 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 (see photos).

The proposal would see the development of five dwellings in place of the existing single dwelling. The previously refused application proposed eight dwellings which was too cramped, provided poor amenity space and would have severely overlooked neighbours.

The proposals shown on the indicative block plan offer a more spacious group of houses. It would be possible to design a layout with more space around the houses for amenity space. The block plan shows that all the gardens would likely be south facing and reasonable in size which is a great improvement over the former designs which had some north facing gardens of less than 2m depth.

### Amenity

While layout, scale and appearance are reserved matters, the block plan indicates that it would be possible to design dwellings that would have reasonable separation with existing neighbouring properties and are of an appropriate scale. The indicative layout suggests that reasonable front and rear garden spaces can be provided to provide for the amenities of residents of the proposed dwellings and provide adequate separation to protect those of adjacent properties. Therefore there are no reasonable grounds to object due to effects on amenity.

### Access

The application seeks permission for 5 dwellings (with the existing dwelling being demolished) and it is propose to provide 5 separate individual accesses to serve them. Sufficient space for two vehicles to park and turn are indicated on the layout plans and there is no reason to doubt that this could be provided for a development of 5 houses on this site.

The Highway Authority has not expressed any concerns over the safety of the proposed access points and notes that the increase in access points is actually only 4 as there is an existing access.

While the number of access points may have implications for the appearance of the northern frontage of the site, which is presently a hedgebank, landscaping is a reserved matter and it is envisaged that a suitable/sympathetic treatment for this frontage could be designed at a later stage.

### Drainage

During the previous application the proposal included use of the mains sewer to dispose of surface water drainage, South West Water objected and this formed a reason for refusal.

This application now being considered proposes use of a sustainable drainage system, although being an outline application there are no details of this at present. No objection has been raised by SWW in relation to the current application. Detailed drainage designs will be necessary for any reserved matters application.

### Trees

A single TPO'd tree exists on the north-west corner of the site. The plans do not indicate the presence of this either on the site location plan or the illustrative layout plan, however under the previous planning application the Council's Tree Officer observed 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, details of which will need to be agreed as a reserved matter.

### Biodiversity

The site is located within the bat sustenance zone for Beer Quarry and Caves SAC and SSSI, therefore it is necessary to consider whether the proposed development will affect the conservation objectives outlined for the SAC. The conservation objectives are to ensure that the integrity of the site is maintained and restored as appropriate, and to ensure that the site contributes to achieving the 'Favourable Conservation Status' of its qualifying features by maintaining or restoring:

- The extent and distribution of qualifying natural habitats and habitats of qualifying species;
- The structure and function (including typical species) of qualifying natural habitats;
- The structure and function of the habitats of qualifying species;
- The supporting processes on which qualifying habitats and the habitats of qualifying species rely;
- The populations of qualifying species; and,
- The distribution of qualifying habitats within the site.

The site is surrounded by housing and bound on two sides by residential roads with street lights. Additionally the hedgebanks are isolated from the wider countryside thereby reducing the likelihood that bats from the SAC, which typically commute using hedgerows, would regularly utilise the site. The habitats on site do not benefit from grazing or support waterbodies and therefore it is considered unlikely that bats would regularly forage at the site. Therefore, it is considered that development of the site would not significantly impact on the integrity of the roosts at Beer Quarry and Caves.

A low level of roosting activity was identified within the house and attached garage therefore the house was confirmed as a low conservation significance bat roost for a common species. A single tree on the northern boundary was assessed with low potential to support roosting bats.

A condition is suggested to secure the following recommendations contained in the survey:

#### 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.

#### 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. Provision can be made by use of bat tubes such as the Schwegler 1FR or equivalent placed at the eaves of the buildings closest to the footprint of the existing house.

#### 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).

#### Reptiles

While the site was occupied with slow worms last year, these have since been trapped and translocated to farmland west of Colyton under the supervision of qualified ecologists. The reptile barriers remain on site to prevent re-colonisation. Any individuals found on site will need to be carefully translocated in the same manner and an appropriate condition could ensure this takes place.

In summary, the development will not adversely affect biodiversity.

#### Other matters

##### Archaeology

An investigative survey of the site has revealed a small but significant assemblage of Mesolithic or early Neolithic flint artefacts - dating from around 4,000BC - however, no evidence of any Palaeolithic deposits were identified by these investigations. As a consequence DCC has withdrawn its objection but still recommends a watching brief via a suitable planning condition.

##### Objections

There are a number of matters raised by residents that are not addressed in the assessment set out above. Some residents have suggested that the new properties

should be bungalows only, however there is not considered to be a need to specify that they should only be bungalows but the designs will need to be appropriate in their local context and this will be tested at reserved matters stage. Comments regarding the loss of views are noted, however this is not a material planning consideration. The highway authority have not recommended any form of one way system or parking restrictions and so these suggestions from residents would not be justified.

## **CONCLUSION**

While the application is now in outline form (the previous application being a full application) it is clear from the indicative block plans that the reduced number of dwellings will make it possible to design five dwellings on the site that will be appropriate in their context without undue detriment to matters of acknowledged public interest. In addition the proposal will provide an increase of four dwellings which will assist in the delivery of the Local Plan's required housing objectives.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. 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.)
2. 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.).
3. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice, in relation to access only noting all other matters are reserved.  
(Reason - For the avoidance of doubt.)
4. 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)

5. No development shall take place until a surface water drainage scheme has been 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 - To protect water quality and minimise flood risk in accordance with Policy EN22 - Surface Run-Off Implications of New Development of the Adopted New East Devon Local Plan 2016 and the guidance contained with the National Planning Policy Framework.)

6. 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 of the East Devon Local Plan.)

7. The development shall proceed in accordance with the recommendations within the Preliminary Ecological Appraisal Rev 06 (August 2021).

(Reason - To ensure the development does not adversely affect any protected species that may be present on the site in accordance with Strategy 47 of the East Devon Local Plan 2013 - 2031).

#### NOTE FOR APPLICANT

##### Informative:

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

Plans relating to this application:

P100	Proposed Site Plan	04.07.22
E100	Location Plan	21.06.22

List of Background Papers

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