

Ward Beer And Branscombe

Reference 19/2674/FUL

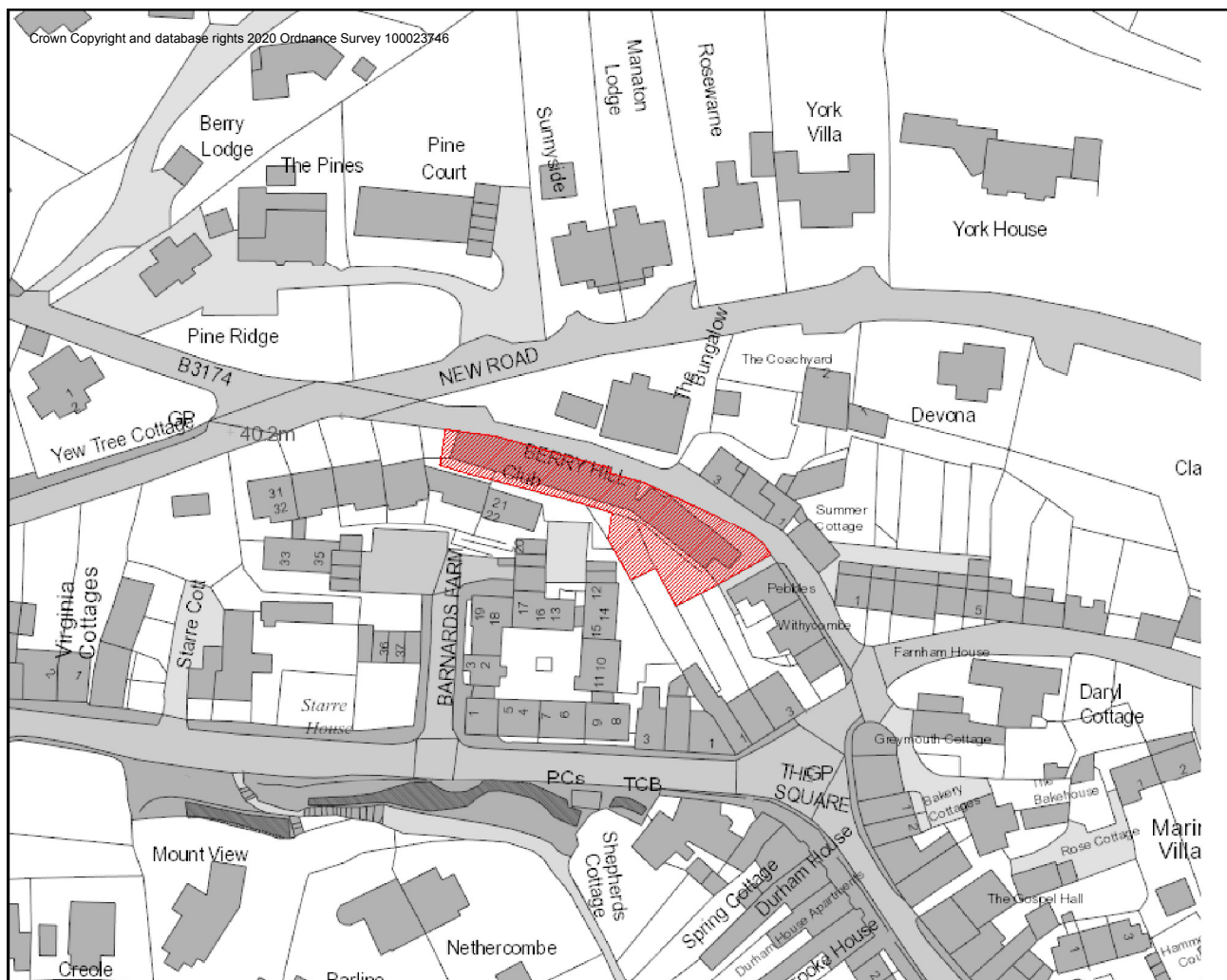
Applicant Mr Geoff Pook (Beer Community Land Trust)

Location Beer Social Club Berry Hill Beer Seaton EX12 3JP

Proposal Demolition of the old Beer Social Club and construction of 4 no. townhouses in two pairs of semi-detached properties and 2 no. apartments in a two storey block



RECOMMENDATION: APPROVE subject to conditions and completion of legal agreement to secure 50% on site affordable housing provision.



		Committee Date: 22nd July 2020
Beer And Branscombe (Beer)	19/2674/FUL	Target Date: 11.02.2020
Applicant:	Mr Geoff Pook (Beer Community Land Trust)	
Location:	Beer Social Club Berry Hill	
Proposal:	Demolition of the old Beer Social Club and construction of 4 no. three storey two bed houses and 2 no. two bed apartments	

RECOMMENDATION: APPROVE subject to conditions and completion of legal agreement to secure 50% on site affordable housing provision.

EXECUTIVE SUMMARY

The application is before committee as the applicant is a District Councillor.

The proposal scheme seeks to demolish the existing buildings on site and following this to redevelop it to provide 6 no. residential units with associated parking and communal amenity space. The units would be provided in the form of 4 no. townhouses in two semi-detached pairs and 2 no. apartments in a two storey block. Parking would be provided in a parking platform, level with the highway, at the western end of the site and a further single space at the eastern end. Communal amenity space is proposed to the rear (south) of the buildings.

The site lies on a steeply sloping site within the village's designated conservation area and as such special regard needs to be had to the impact of the development on this designated heritage asset. The proposed form and layout seeks to reflect that of existing development and to work with the topography of the site by providing a linear form of development which steps down in height in line with the road. The design offers a more contemporary approach but this is considered to be valid in this instance and subject to the use of appropriate materials, details of which can be secured by condition, is acceptable. Taking into account the removal of the existing building on site, overall the proposal is considered to preserve the character and appearance of the conservation area.

Although the development is relatively close to existing residential properties, adequate separation is maintained to avoid any overbearing or overlooking impacts and where necessary specific privacy issues can be addressed by requiring obscure glazing to certain window openings.

In other regards the parking provision is considered to be sufficient and pedestrian and vehicular access can be safely provided. The application recognises the need for appropriate mitigation measures to avoid harm to protected species (bats) using the site and these can be secured by condition. A European Protected Species Licence (EPSL) would be separately required.

The application is proposed as a 100% affordable housing scheme and is being brought forward by the Beer Community Land Trust (CLT). However the policy compliant level of affordable housing in this location is only 50% and as such this is all that could be secured through the planning permission.

The proposal would result in the loss of a building formerly used for social and community gathering purposes, however that use ceased some time ago and there are other venues within the village which can perform a similar function. As such the redevelopment of the site to provide affordable housing to help meet an identified need within the village weighs strongly in favour of the scheme. Subject to conditions as set out below and a legal agreement to secure the affordable housing provision the application is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Committee has no objections to this application.

Technical Consultations

Housing Strategy Officer Melissa Wall

This application by Beer CLT is for a 100% affordable housing scheme within the built up area boundary of Beer. Under Strategy 34 this site would be required to provide 50% affordable housing (3.5 units). Government guidance on thresholds states that in designated rural areas on-site provision of affordable housing should not be sought on schemes of between 6-9 units, instead a commuted sum should be sought. Therefore under policy this site would normally only be required to provide a commuted sum.

The intention of the applicant is to provide affordable homes for local residents to meet an identified need in the parish. This would be the second scheme in the village by the CLT.

A housing needs survey was completed in July 2018 which identified a need for 21 affordable homes in the parish. Of these, 17 required rented accommodation and 4 could possibly be able to afford shared ownership. The identified need was for 13 x 1 or 2 bedroom properties for single people/couples, 6 x 2 beds and 2 x 3 beds.

The CLT is proposing to provide 4 x 2 bedroom terraced houses and 3 x 2 bedroom apartments. There will be 1 parking space per property. Four of the dwellings will be

for affordable rent and three for shared ownership. This will meet the need identified in the survey.

The completed units will be owned and managed by the CLT. The rental properties should be allocated through Devon Home Choice. The CLT will set a criteria for shortlisting applicants and a local connection criteria will apply. The shared ownership/discounted units should be affordable for local people and it may be the case that a lower initial share will be required.

The existing building on-site has been vacant for a number of years therefore Vacant Building Credit may apply. Where a vacant building is demolished to be replaced by new buildings the affordable housing requirements should be reduced by a proportionate amount equivalent to the existing gross floor space of existing buildings. In this instance if VBC was applied then the requirement for affordable housing would reduce to 1.7 units or 24%.

The CLT will fund the development through the use of Homes England (HE) grant. Due to the restrictions with grant funding where HE they will not lend on affordable units which are required under planning policy the units provided in excess of policy requirements should not be captured within the S106 agreement.

Further comments on amended plans – 25.03.20:

This proposal is now for 6 dwellings rather than 7. This reduces the policy compliant number of affordable units to 3. However it is still the intention that all 6 units will be for affordable housing. The proposed units are all 2 bedrooms and offer spacious accommodation. Given the sloping nature of the site the houses are arranged over 3 floors which will not suit those with mobility issues.

Devon County Highway Authority

The LPA is reminded of a previous pre-app consultation in February 2017 (17/0044/Pre) for 4 dwellings and vehicle parking, for which the CHA responded with the following:

"In principal the CHA does not object to the proposed development of 4 dwellings on this site. It does however note that the proposed layout proposes primary access from Berry Hill for units 1, 2 & 3 without any footway provision. Therefore people will be in conflict with traffic

when accessing or leaving the dwellings. Also I would require suitable visibility splays for the proposed vehicle parking spaces."

This application is for 7 number dwellings (4 no. three storey two bed terraced houses and a three storey linked building to provide 3 no. two bed apartments).

It would appear that most of the dwelling thresholds will be directly onto Berry Hill road without any footway provisions, this puts people in conflict with vehicular traffic using Berry Hill. Berry Hill is a narrow road and therefore pedestrians and vehicles will come into conflict. There is however, no lower speed limit on this road and therefore it is quite legal to do 30

mph on this road and with the lack of any pedestrian refuges, this puts people in danger of being struck by passing vehicles.

The proposed car parking spaces appear to be lacking in suitable visibility onto Berry Hill, a 30 mph road where the recommended visibility is 2.4 metre by 43.0 metre for each space. This is especially so for space 1 where the boundary west impedes visibility and spaces 6 & 7 where the front of Unit 7 impedes visibility. Also the width of Berry Hill road is approximately only 3 metres, in places, and suitable manoeuvring for vehicles to be able to access the car parking spaces has not been shown on the application plans. The CHA would require suitable vehicle path tracking plans to show how all the parking spaces could be used safely by vehicles.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, visibility splays and off-street parking contrary to paragraph 108 (b) safe and suitable access to the site can be achieved for all users; and (c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree of the National Planning Policy Framework.

Further comments on amended Plans - 11/03/2020:

The CHA has been re-consulted with a new layout and makes the following comments:

The proposed new development is for 6 units rather than the original 7 units.

The proposed layout now includes front entrances that align onto refuge areas between the blocks of houses, this is an improvement upon the previous layout (7 units) with entrances directly onto the carriageway. However, the addition of an internal walkway (albeit with steps) connecting all units with a lower pedestrian access also means that there is an alternative to using the carriageway for pedestrians.

The proposed vehicle parking of 5 parking spaces to the west end of the development site and 1 to the east where an existing parking space is/was, is an improvement in terms of the spacing of spaces. This does however, require travellers using the block of 5 spaces to access their vehicles via the carriageway.

The vehicle tracking of vehicles entering and leaving the parking spaces is symbolic rather than showing the actual path vehicles will take. This is however, better than what was shown on previous plans.

Whilst Berry Hill is technically a 30mph road, its width and horizontal alignment means that in reality the traffic speeds are much less, although I do not have any recorded traffic speed data, my estimated 85th percentile would be in the region of 10 to 15mph.

On balance, I think that the visibility provided at all vehicle parking spaces will be adequate for and of vehicles using the spaces and all users of the road.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. The site access shall be constructed, laid out and maintained thereafter in accordance with the attached diagram Proposed Site Plan - Drawing No. P100 Revision D .

REASON: To provide a satisfactory access to the site and to protect the pedestrian priority on the carriageway

Environmental Health

I have considered the application and recommend that the following condition:

A Construction and Environment Management Plan 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. 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: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

Conservation

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

ADDRESS: Beer Social Club, Berry Hill, Beer.

GRADE: N/A APPLICATION NO: 19/2674/FUL

CONSERVATION AREA: Beer Conservation extension Area

PROPOSAL: Demolition of the old Beer Social Club and construction of 4 no. three storey two bed terraced houses and three storey linked building to provide 3 no. two bed apartments.

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

This is an interesting scheme that is within the historic settlement core of Beer. There was an earlier application ref: 19/1401/FUL, regarding the demolition of the existing building, however it was withdrawn and is now encompassed in this application. The comments are as follows;

Existing site - This is a linear building that has had further awkward, linear additions over time. The ridge height is not overbearing to the surrounding buildings. Sections of the building are on raised columns to counteract the steep topography of this site. The materials are of little merit and in this case would not recommend that they are reused.

The stone boundary wall that sits close to the line of the road and gully, is a consistent feature that adds character to the area by virtue of its traditional material and is consistent with the historic boundary walls in the area.

It is recommended that any works seek to retain this wall and use sympathetic lime mortar repairs if necessary.

Demolition - the application fails to detail the extent of the demolition. It would be helpful if it was clearly notated as a separate layer on the relevant drawings, with supporting text.

The site - the overall area of the site has changed, (increased) since the earlier, withdrawn application and the drawings in general do not illustrate the relationship the revised boundary edges have to the existing topography and the surrounding built environment. A point in particular is the top of the site at the Western edge. It seems to leave an awkward space outside of the application site now.

Bats & birds - the information and design for mitigation seems to be missing.

Boundary - as already noted, the existing stone boundary wall makes a positive contribution to the character of the conservation area. The proposed design, although it does use some stone on the street (North) elevation, it does not seem to seek to retain the form of the boundary wall and is entirely lost from the large parking area. The boundary treatments to the other end, lowest end (South-East) of the site become a confused accumulation of entrances and partitions. The view up into the site from Berry Road from this lowest point is important as the site is seen in close context to the surrounding historic environment. The details of the other edges of the boundary treatments is minimal and is suggested that they are more detailed in the drawings. The hard landscaping that all of the structural foundations create, again are limited in detail and appear very dominant. This is most apparent from the Southern elevation. More details would be useful. Is this left as shuttered concrete?

Design - this is an unusually narrow site with steep levels. The design follows the line of the site. It is unfortunate the ridge lines do not reflect the pattern of the traditional roofscape, with the ridges following the line of the road rather than the gable ends. This is at odds with the local context and is considered to have a negative impact on the character of the conservation area. The balconies are too large and dominate certain areas of the elevations, in particular the flats at the lower end. The car parking

is a concern and again the design lacks sufficient detail. Would it have barriers to prevent others parking or turning in the spaces? Is this cleared as a level, open space? The rooflights are excessive and are recommended to be conservation type. The materials are not detailed in full however, the current information supplied requires a more robust explanation.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

Further comments on amended Plans – 25.03.20

There were positive discussions between the agent's team, Planning Officer and Conservation Officer. These comments should be considered to be an addition to initial comments made.

Comments are as follows;

Design - the reduction in the units and a more spaced arrangement greatly reduce the impact of the principle of new development on this land. They follow the steep topography of the site and are in context to the historic street pattern/ridge line of the neighbouring houses too. It is further noted that the existing stone wall is reused as a boundary treatment to this site.

Should this be recommended for approval it is suggested that conditions may include; Details and samples of all materials and colour finish. Details of any external fixings such as meter boxes (preferably not wall mounted), extraction vents & flues. All rooflights to be conservation type.

Historic England

BEER SOCIAL CLUB, BERRY HILL, BEER, SEATON, EX12 3JP.
Application No. 19/2674/FUL

Thank you for your letter of 19 December 2019 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Natural England

Natural England has previously commented on this proposal and made comments to the authority in our communication dated 07 January 2020.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Other Representations

Comments on the original scheme –

3 no. representations objecting to the proposal and 1 no. in support have been received, the comments are summarised as below:

Objections/Concerns:

- The roof line of the whole development already appears to be far too high and will block light to nearby properties.
- The plans makes no reference to the challenging traffic conditions on Berry Hill where the road is narrow and there are no passing places and the junction of Berry Hill with New Road is dangerous.
- The lack of footways and proposed pedestrian access direct onto the highway results in safety concerns.
- Consideration should be given to making Berry Hill one way and removing existing parking spaces at lower end of road.
- Impact of balconies serving proposed apartments resulting in overlooking and overbearing impact resulting in loss of privacy/amenity.
- Overcrowding/overdevelopment of the site.
- Inadequate parking provision to serve the development.
- Impact of construction phase, in particular due to the difficulties of accessing the site.
- Roof heights indicated should be adhered to or reduced

Reasons for Support:

- Support in principle to the development.

Comments on the amended scheme –

1 no. representations objecting to the proposal has been received, the comments are summarised as below:

Objections/Concerns:

- Continued objection based on inadequate parking provision/lack of visitor parking

- Exacerbating of existing access problems due to nature of highway serving site and existing on-street parking at bottom of Berry Hill.
- Although removal of balconies to the apartments is a benefit there remain concerns in relation to potential for overlooking.
- Concerns over the practicalities of accessing the site for construction purposes.

PLANNING HISTORY

Reference	Description	Decision	Date
19/1401/FUL	Demolition of the old Beer Social Club.	Withdrawn	09.08.2019

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

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

Strategy 27 (Development at the Small Towns and Larger Villages)

Strategy 34 (District Wide Affordable Housing Provision Targets)

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

E14 (Change of Use of Village Shops or Services)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Beer Neighbourhood Plan (Made)

H1 - Meeting the Demand for Local Needs Housing in Beer Village

H2 - Community Housing

HBE2 - High Quality Design

CFS1 - Loss of Community Assets and Facilities

TP2 - Car Parking

TP3 - Off-street Parking

Government Planning Documents

National Planning Practice Guidance
NPPF (National Planning Policy Framework 2019)

Site Location and Description

The (former) Beer Social Club occupies a pair of linked single storey buildings that are cut into the hillside and run parallel to Berry Lane. The buildings are linear in nature and step down in height from west to east as they follow the slope of the road. The floor levels of the building are mostly set below the adjoining road level. The westerly (higher) building features profile sheeting to the roof and elevations and has a flat roofed rendered extension at its east end. The south-easterly (lower) building is rendered under a concrete tiled roof. In the southeast corner of the site there is a small area of outside space to the rear of the buildings where the site widens out.

The site lies to the north of but close to the village centre and is within (with the exception of the club itself) a predominantly residential area. The existing properties in Berry Hill are, on the whole, traditional terraced 2 storey properties sited close to the back of the highway and staggered in height as they follow the fall of the road. The only property that doesn't follow this pattern is 'The Bungalow' to the north of the site.

The site falls with the Beer Conservation Area and the built up area boundary of the village - as defined in the East Devon Villages Plan- but lies outside the East Devon Area of Outstanding Natural Beauty.

Proposed Development

The application is proposed as a 100% affordable housing scheme being brought forward by the Beer Community Land Trust (CLT).

The application proposes the demolition of all buildings on site and its redevelopment to provide for 4 no. townhouses in two pairs of semi-detached properties and 2 no. apartments in a two storey block. Associated parking provision is proposed in the form of off-road street level parking to the west end of the site and a single off-road space at the eastern end. Communal amenity space is proposed to the rear (south) of the buildings.

The houses would be located in the central part of the site, these would be three storey and finished in render under asymmetrical pitched slate roofs with the ridges parallel to the road and stepping down in height to the east following the slope of the road. On the roadside (north) elevation the buildings would appear as two storey with single storey lean-tos providing independent entrance to each unit from the road.

At the eastern end of the site a two storey block is proposed to house the apartments. This block would be two storey in height and set below the level of the adjoining road. It would reflect the general design and materials of the townhouses.

At the western (higher) end of the site 5 no. parking spaces are proposed on a raised platform with level access from the adjoining highway. A further space is proposed at the eastern end of the site, thereby providing 1 no. space per unit.

Communal amenity space is provided to the rear of the buildings and provision is made for refuse/recycling and cycle storage.

ANALYSIS

The main issues in relation to the determination of the application are set out below under the following headings:

- Principle and Loss of Community Use
- Affordable Housing Provision
- Impact on the character and appearance of the area and conservation area
- Amenity Impacts
- Ecological Impacts
- Highways and Access Issues
- Economic Impacts
- Other Issues

Principle and Loss of Community Use

The site is located within the built-up area boundary of the village, as defined through the East Devon Villages Plan (EDVP), Adopted 26th July 2018 and forming part of the Local Plan and the Beer Neighbourhood Plan 2014-2031.

This being the case the principle of additional development is supported by Strategies 7 and 27 of the East Devon Local Plan (EDLP) subject to meeting a number of additional criteria.

More specifically policy H1 of the Beer Neighbourhood Plan 2014-2031 (BNP) offers support for new dwellings that seek to help meet local housing need and which provide an appropriate tenure mix. Policy H2 supports proposals in principle for development of community housing.

The Beer Social Club was registered as an Asset of Community Value on 17th March 2017. Under the provisions of the Localism Act (2012) community groups can make an application to their local Council to have buildings or other amenities listed. The effect of a building being listed is that when listed assets come up for sale, or change ownership, the Act then gives community groups the time to develop a bid and raise the money to bid to buy the asset when it comes on the open market. The aim being to help local communities keep such valued assets in public use and part of local community life.

The community right to bid introduces a moratorium period whereby when an owner wishes to sell a listed 'asset of community value' they must inform the local authority and this will then trigger a moratorium period, during which the owner cannot 'conclude

the sale of the asset'. There are actually two moratorium periods, both of which start from the date the owner of the asset notifies the local authority of their intention to sell.

The first, 'Interim moratorium period' is for 6 weeks during which a community group wishing to bid for the asset must notify the local authority that they wish to be considered as a potential bidder. If this does not happen the owner can proceed to a sale. If a community group does notify of an intention to bid the 'Full moratorium period' is triggered - this is a six month period during which a community group can develop a proposal and raise the capital required to purchase the asset.

Both the interim and full moratorium period were triggered for the Beer Social Club, the latter expiring on the 3rd October 2017. Therefore whilst the inclusion of the club on the Council's register of Assets of Community Value clearly signals a community desire to retain the community use of the site, as the 6 month moratorium period has expired there appears to be no further restriction on the sale of the property. In any case the current application does not seek to sell the asset nor would it require planning permission to do so, but seeks to demolish the buildings on the site and redevelop it to provide community led affordable housing, there appears to be nothing to prevent this in terms of the sites Asset of Community Value Status.

Nevertheless, the community use of the building and its retention is covered by Strategy 32 and policy RC6 of the East Devon Local Plan (EDLP) and policy CFS1 (Loss of Community Assets and Facilities) of the Beer Neighbourhood Plan (BNP). These policies of the respective Local and Neighbourhood Plans seek to retain buildings/sites in community use unless it can be demonstrated that there is no longer a requirement for such uses and a number of specified criteria are met.

Policy RC6 of the Local Plan states that permission will not be granted for development that would result in the loss of a community facility unless it is no longer needed, is not viable or an alternative facility of equal or higher value is being provided. In relation to Strategy 32 those criteria state permission will not be granted unless one, or more of the following criteria are met:

1. Continued use (or new use on a specifically allocated site) would significantly harm the quality of a locality whether through traffic, amenity, environmental or other associated problems; or
2. The new use would safeguard a listed building where current uses are detrimental to it and where it would otherwise not be afforded protection; or
3. Options for retention of the site or premises for its current or similar use have been fully explored without success for at least 12 months (and up to 2 years depending on market conditions) and there is a clear demonstration of surplus supply of land or provision in a locality; or
4. The proposed use would result in the provision or restoration of retail (Class A1) facilities in a settlement otherwise bereft of shops. Such facilities should be commensurate with the needs of the settlement.

In consideration of these criteria, there is no evidence that a continued (or alternative similar use of the site) would result in any harm to the quality of the area. Until the social club closed it appears to have operated without any particular issue for a good number of years.

The buildings on site are not listed.

There are no proposals as part of the current application to provide A1 facilities as part of any redevelopment package, in any case the village has a number of existing such uses.

Given the aforementioned, support under Strategy 32 would only be found where options for the retention of the site have been fully explored for at least 12 months. In this respect the supporting statement refers to the marketing of the site from September 2016 to September 2018 and details of the marketing methodology and particulars have been provided. Marketing was by informal tender but no details of the guide price have been provided and it is unclear what expressions of interest were received. It is advised though that no offers for a continued community or commercial use of the site were received and in the end the site was sold to the CLT. Whilst the marketing evidence provided is somewhat light on detail, in this instance given the nature of the existing use, the period of marketing undertaken and that the proposed use would be retained for wider community benefit it is considered to be satisfactory.

Note is also taken of the applicants case that given that the club has been closed for two years and that there are a number of other venues within the village, providing opportunities for social and community gathering purposes, that the proposal would not result in the loss of such facilities nor harm employment and community opportunities in the locality. They therefore suggested that the other criteria of Strategy 32 need not be applied. In support of this view, reference is made to another appeal decision at the Doyle Centre in Exmouth (ref. APP/U1105/W/18/3201622). The Inspector was considering a proposal to demolish a building, formerly used as a day care centre and social worker office accommodation and to redevelop the site for housing. In that case, the Inspector allowed the appeal as, among other things, she considered that proposal would not have resulted in the loss of social or community gathering places and/or business and employment opportunities as the uses had already been lost and the former uses had found new venues. Some comparison can be drawn with the current case where the use ceased several years ago and there are other venues in the town which offer alternative options for social/community gathering.

In relation to the policy CFS1 of the BNP the relevant criteria are that:

- i) it is to be replaced with community space of an equal or higher quality on the same site or another site with satisfactory access for the main users of the existing community asset or facility;
- ii) the proposed alternative use would, overall, provide equal or greater benefits to the local community; and
- iii) it is demonstrated, through local community consultation, that it is no longer required by the community for the current use it serves.

The application seeks to replace the existing facility with 100% affordable housing, albeit this is above the policy requirements for such provision. Such over provision could be considered to represent an alternative use for the benefit of the community albeit of a different nature. However it is difficult to compare the benefits of each use given their differences. Nevertheless, it is accepted that provision of affordable housing on the site retained in perpetuity for such purposes for people with a local connection would in itself provide significant benefits to the local community. The supporting statement lists the alternative community facilities available in the village, which includes a number of other halls and function areas.

In terms of community consultation, the supporting statement suggests that Public consultation in relation to the proposed redevelopment of the site for community affordable housing was undertaken, from 9th September 2019 to 27th September 2019, and included a public open day at the Mariners Hall between 10 am to 2pm on Saturday 21st September 2019. The public consultation undertaken included the following:

- Notices on the Beer Community Land Trust (CLT) facebook page, Beer Parish Council website and Beer Parish Council facebook page.
- Paper notices displayed throughout the village.
- Paper copies of the response form distributed in the following locations; The Dolphin Hotel, Football club, Sailing Club and distributed at Coffee mornings.

The responses to the public consultation process were analysed and the applicant advises that, whilst 85% of respondents had used the social club at some point in the past, 94% supported the change of use to allow community housing, with the remaining 6% supporting the reopening as a community club. There was no support for use as a commercial club or pub, private housing or employment land.

Overall on this issue it is considered that the proposal would not harm social or community gathering purposes in the village and that the proposed redevelopment has the potential to bring an alternative use with greater community benefits than arise from the current vacant use of the site.

Affordable Housing Provision

Strategy 34 of the Local Plan requires 50 % of units on schemes, within the built-up area boundary of the village, to be provided as affordable. Policy H1 of the Beer Neighbourhood Plan reflects this requirement, albeit it refers to provision of '*...at least 50%*'. However, on schemes of between 6 -9 units in rural parishes, such as Beer, and in accordance with National Planning Practice Guidance, on-site provision is exempt and an off-site contribution in the form of a commuted sum payment is instead required. Such commuted sum payments are calculated on the basis of the equivalent cost of providing the required number of units off-site but on-site provision can secured if offered by the applicant.

The tenure mix required by Strategy 34 is a mix of 70% social or affordable rent and 30% intermediate or other affordable housing. Policy H1 of the Neighbourhood Plan is less prescriptive but instead requires proposals to reflect need demonstrated through an up to date housing needs survey in terms of tenure mix, size, design and

type of dwellings as well as looking to secure such provision for people with a local connection.

A Housing Needs Survey for the village was carried out in 2018 and identified a need for 21 affordable units over the next five years. Of these 17 of the households qualified for affordable rent with 4 no. households potentially able to afford a shared ownership property. In terms of size the survey identified need for 13 no. 1 or 2 bedroom properties, 6 no. 2 bedroom family properties and 3 no. 3 bedroom family properties.

A recent scheme elsewhere in the village on land adjacent to Short Furlong (18/1957/MOUT) looks to secure development of 'up to' 30 dwellings and would include provision of a minimum of 12 no. affordable units on site with a tenure split of 70% for rent and 30% for shared ownership or similar route to home ownership. Whilst that scheme is noted and a resolution to approve it has been reached it has not yet been issued reserved matters approval would still need to be secured.

The application scheme proposes the provision of a 100% affordable scheme with 3 no. units proposed as affordable rent and 3 no. units proposed as discount market sale. All units would be 2 bedroom. It therefore would provide a 50/50 split between affordable rent and shared equity/discount market sale, where the need is clearly in favour of rental properties. Nevertheless, given the over-provision proposed it would be possible to secure a policy compliant scheme i.e. minimum 2 no. affordable rent and 1 no. shared equity/discount sale property through a s.106 agreement with the remainder being provided unsecured through the applicant's choice.

It therefore seeks to make provision at a level above that required by the relevant policy of the Local Plan. Whilst such affordable housing provision is welcomed, as it is not a policy requirement, it is not possible to secure this through a legal agreement and therefore only 50% provision can be secured through this means.

In terms of tenure mix, 3 of the units are proposed to be provided as Affordable rental units, offered at 80% market rent with the remaining units being provided as discount sales units, offered either as shared ownership with maximum stair-casing of 75% of market value, or simple discount sales at 80% of market value.

Although only 50% of the units can in this instance be secured through the s.106 agreement this still is a significant positive benefit to the scheme which would go some way to addressing the identified affordable housing need of the parish and therefore weighs strongly in favour of the scheme.

Impact on the character and appearance of the area and conservation area

The site lies within the designated Beer Conservation Area where it forms part of an area (including Townsend/The Causeway/Long Hill) identified in the Conservation Area Appraisal, as consisting of '*...an extensive band of mainly 19th century development of cottage groups and almshouses aligned on relatively level or gently sloping ground...*'. In terms of materials used the appraisal notes the significant use of Beer stonework as well as some use of chert, the associated maps also reveal significant use of painted render or stonework. Roofing materials are predominantly slate and this is evident in properties adjoining the site.

The existing building on site is in a state of some disrepair and whilst relatively low key does not make a positive contribution to the conservation area. The materials used are not in keeping and other than the stone boundary wall that forms the boundary with the road for some of its length there is little worthy of retention.

The application seeks to demolish all existing buildings on site and to redevelop the site for community led affordable housing. The original scheme proposed the construction of a terrace of 4 no. townhouses at the western end of the site and a flat roof apartment block at the eastern. However following concerns over both the design approach and access/parking issues the scheme has been redesigned and reduced in numbers from 7 no. to 6 no. units.

This is a narrow and steeply sloping site which present significant constraints on how the site might be appropriately developed. However the amended proposal have sought to works with these constraints to provide a scheme which reflects the key characteristics of the surrounding area whilst providing appropriate facilities to serve the development. The amended proposal has re-orientated the ridgelines on the townhouses to now run parallel to the road and has sought to simplify their overall appearance. By splitting the terrace into 2 no. semi-detached pairs has allowed greater permeability to the communal area to the rear of the site and provided separate access to each unit and a pedestrian refuge area to avoid residents/visitors from having to step out directly onto the highway. At the western end of the site a parking platform, level with the highway is proposed. This platform would, similar to the existing building and due to the steep drop in levels be supported on columns providing an undercroft that would provide some alternative roost provision for bats (see below). Other than for the roadside this part of the development is largely screened from public view by the position and proximity of adjoining development at Barnards Farm.

In terms of form and layout both the town houses and apartment block now better reflect the surrounding pattern of development with buildings of (from the roadside) 2 storey form featuring ridge lines running parallel with the road and stepping down in height as the road descends, this is considered to be appropriate and helps to reinforce this pattern of development found elsewhere in the conservation area.

In terms of materials the use of painted render and slate to the roofs of the buildings is reflective of surrounding properties and are extensively used elsewhere in the conservation area. Policy D1 of the Local Plan and HBE2 of the Neighbourhood Plan respectively seek to ensure, that new development '*respects the key characteristics and special qualities of the area*' and '*...is sympathetic to the traditional and historic built character and landscape of the parish*'. Policy HBE2 goes on to state development proposals will be supported where they are of high quality design, enhance visual amenity of the setting and minimise any adverse visual impact on locally valued character, and on neighbouring properties to the proposed development site. In assessing high-quality design it lists a number of criteria to be addressed including size, height, density, scale and location; ensuring that materials and design are in-keeping with the character of the surrounding built environment, with a focus on the use of local materials. In this regard it seek to resist block walls and render in preference to the use of Beer stone or flint and chert. Whilst the use of such materials would certainly be encouraged it is not in this instance considered that objection could

be sustained on the use of render, given materials widely used in the vicinity of site. It is also unlikely that sufficient quantity of Beer stone could be sourced and the use of this or chert is likely to create viability issues. However, it is intended to re-use flint stonework from the existing roadside boundary wall to create new sections of boundary wall and to face the inner walls of the car park area at the western end of the site.

In terms of design detail fenestration is predominantly simple casements described as grey uPVC, whilst their design as a contemporary approach is considered acceptable the proposed use of grey uPVC is disappointing as this is not considered to be an appropriate material for use in the conservation area. It is therefore recommended that in the event of the application otherwise being found to be acceptable further details of fenestration should be controlled by condition. On the rear elevation which is less publically visible metal railings are now proposed in lieu of previously proposed glass balustrading and this is considered an improvement. The use of a darker render colour to the lower part of the elevations is indicated to break up this elevation.

Overall the revised design of the proposal is considered to be appropriate in relation to its form and layout and respects the general pattern and orientation of development found in the locality. In terms of detailed design and the use of certain materials the proposal is considered to be less successful but on balance the proposal through the removal of the existing buildings on site and redevelopment with buildings of an appropriate overall form and layout is considered to preserve the character and appearance of the conservation area in accordance with policy EN10 of the Local Plan.

Amenity Impacts

The proposal has the potential to impact on properties on the opposite side of the road to the north of the site, those to the east and those to the rear south.

Starting to the rear of the site, the existing pattern of development is relatively tight knit and laid out in such a way that there is a high degree of mutual overlooking of private garden spaces/amenity areas already. Whilst the proposal certainly has the potential to increase the overlooking of these areas to the south of the site, it is not considered that this would be to a significantly detrimental degree that would warrant objection on these grounds.

In terms of overlooking between windows on the rear elevation of the building and those to the southwest at Barnards Farm these are arranged at an oblique angle and to the south/south-east at Richmond Terrace/The Square the separation distance between facing windows is sufficient to avoid harm. The buildings themselves would be taller than the existing building on site but sufficient separation distance would remain to avoid an overbearing impact. Where the proposed development does overlap with Barnards Farm, at the western end of the site it is the car park area close to existing properties. There are limited window openings facing the site here and those present appear to serve bathrooms. The use of the car parking area at night could give rise to some impact from car lights however the proposed wall to the car park should limit any such impact. The communal rear garden areas are shown at the same level as the existing ground levels. This space does not appear to have formerly

been used as amenity space but doing so would reflect the use of surrounding land at the rear of the site and no specific harm would arise.

To the north are a number of properties that currently view south over the roof of the existing building, some of these views may be reduced or restricted but the separation distance, at a minimum of approx. 6 metres (at the lower end of the site) is appropriate to avoid any overbearing impact. Windows at first floor level on the proposed townhouses serve bathrooms and a landing area and in the first instance are shown as obscure glazed and the second would not serve habitable accommodation. It is not considered that the amenity of neighbouring occupiers to the north would be significantly affected.

Finally to the east the neighbouring property would sit gable end on to the proposed apartment block, which would have a lower overall height, there are no facing windows proposed and again the separation distance is sufficient to avoid harm.

The proposed construction phase of the development is likely to give rise to some amenity impacts but these could be controlled to an acceptable level through a condition requiring submission of a Construction and Environmental Management Plan (CEMP). Outside the construction phase noise activity associated with the development would be limited and is likely to be less than that associated with the historic use of the site.

Ecological Impacts

The application is accompanied by a Protected Species Survey report which includes the result of bat and nesting bird surveys and two bat emergence surveys. It identifies the use of the site by both Common pipistrelle and Lesser Horseshoe bats with the demolition of the building resulting to the loss of a hibernation and night roost respectively. A European Protected Species Licence would be required. Mitigation measures are proposed which include timing of works to avoid the hibernation period, alternative roosting provision and replacement nesting sites. These measures could be secured by an appropriately worded condition which would ensure the maintenance of protected species at a favourable status in accordance with policy EN5 of the Local Plan.

Highways and Access Issues

The revisions to the scheme and reduction in number of units proposed has enabled the development to now seek to provide 1 no. parking space per unit. Such provision is however below the guide level suggested under policy TC9 of the Local Plan which seeks to secure 2 no. spaces for each dwelling of 2 bedrooms or more. In the Neighbourhood Plan the requirement under policy TP2 is for new development to demonstrate how any additional parking requirements generated will be accommodated. The site is relatively well related to the range of services available within the village, which are all within easy walking distance and therefore in this instance the proposed level of parking provision is considered to be acceptable. Any requirement for additional parking provision would, given the constraints of the site, require either a significant reduction in the number of units proposed, or alterations to the scheme which would result in car parking provision dominating the development.

The County Highway Authority (CHA) has considered the amended proposals and whilst the vehicle tracking to the individual parking spaces is considered to be symptomatic and visibility splays are below that normally required for accesses within 30 mph zones, no objection has been raised. This view takes into account the much lower actual vehicles speeds estimated to occur on Berry Hill.

In relation to pedestrian access, the revised scheme includes pedestrian refuge areas outside of the front door to each unit, avoiding the need for pedestrians to step straight out onto the highway. The addition an alternative route via the communal area to the rear and access steps is available. In pedestrian accessibility terms the scheme is not ideal, there are stepped entrances to the townhouses and to the rear of the site and there is no pedestrian footway provision forward of the building, however this is symptomatic of the sites constrained nature, existing road layout, location within the village centre and the topography of the site. In this instance the proposal is, on balance, considered to provide suitable pedestrian and vehicular access and to accord with policy TC7 of the Local Plan.

Economic Impacts

As the former social club closed a number of years ago and was staffed, at least partially on a voluntary basis the current proposal would result in no direct loss of jobs.

On the other hand the development would help to support construction based jobs directly and indirectly linked to the development. In addition, the future occupiers of the units are likely to provide additional benefits to shops and services within the village through their patronage of these and in this way would help to sustain and maintain such services providing longer term economic benefits.

Other Issues

Some concern has been expressed in relation to the difficulties of accessing the site for construction purposes and more generally once this is complete. As with many construction projects in tight knit areas of development construction can present challenges and the steeply sloping nature of the site further adds to the construction issues. However these issues are not insurmountable and how they are overcome generally sits outside of the remit of planning. In this case there is direct highway access to the site and the application includes details of how it is intended to carry out the demolition phase of development, as such there is no reason to consider that any additional special provisions need to be made. It is though considered reasonable and necessary to seek to control construction impacts through the requirement for a Construction and Environment Management Plan and requiring demolition to proceed in accordance with the submitted demolition plan, such matters can be controlled by condition.

It has been suggested that Berry Hill should be made one-way to avoid the potential for vehicle/pedestrian conflicts and in particular to avoid the awkward junction with New Road at its north-western end. This appears to be a reasonable suggestion but is not one that can be required through this application and is a matter for the County Highways Authority to consider.

Legal agreement

A legal agreement under s.106 of The 1990 Town & Country Planning Act (as amended) is required in order to secure 50% of the units as affordable in perpetuity and to secure an appropriate tenure mix which reflects evidenced demand and nomination rights in favour of those with a local connection.

The applicant is proposing that 100% of the units are provided as affordable, in one form or another, but as the policy requirement is for only 50% provision this is all that can be secured through this planning permission. In this respect the legal agreement would secure 3 no. of the units as affordable rented.

CONCLUSION

The application seeks the redevelopment of this site through the demolition of the existing vacant buildings and construction of 6 no. new residential units. The proposal would result in the loss of a community facility albeit the use of the existing buildings as a social club ceased several years ago and there are other venues within the village which perform a similar function. It is also recognised that the proposal, though the provision of affordable housing to people with a local connection, would continue to provide a community benefit.

The supporting information indicates that all of the units would be provided as affordable and managed through the Beer Community Land Trust which already manages other affordable units within the village. Whilst it is only possible to secure through the planning application that 50 % of the units would be provided as affordable in perpetuity this is still recognised as a significant benefit in favour of the scheme. Other benefits would also arise through construction and related jobs associated with the construction phase of development and the likely support of future residents to shops and other service providers in the village.

The site is located within the designated conservation area and therefore there is a requirement to pay special regard to the need to preserve and where possible enhance this designated heritage asset. The amended scheme seeks to reflect the surrounding pattern of development in form and layout and generally through the use of materials and further details can be adequately controlled by condition. The development proposed will have a greater impact than the existing buildings due predominantly to the increased height and massing however, it is not considered to be harmful and would preserve the character and appearance of the conservation area.

There are some elements of the scheme, including the parking platform which are not ideal in terms of their appearance, provision or usability but overall the benefits of the proposal are considered to weight in favour of the scheme and it is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions and completion of a s.106 legal agreement to secure the above matters:

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. Unless otherwise previously agreed in writing with the Local Planning Authority development shall proceed in accordance with the submitted demolition and site restoration plan.
(Reason - In order to ensure an orderly demolition and site restoration process in the interests of residential amenity and the character and appearance of the site in accordance with policies D1 - Design and Local Distinctiveness and EN10 - Conservation Areas of the East Devon Local Plan 2013-2031.)
4. A Construction and Environment Management Plan 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. 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 - To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with policies D1- Design and Local Distinctiveness and EN14 - Control of Pollution of the East Devon Local Plan 2013-2031.)
5. Notwithstanding details indicated on plans hereby approved and before development above foundation level is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development as well as for windows and doors 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 the materials are sympathetic to the character and appearance of the area in accordance with Policy HBE2 - High Quality Design of the Beer Neighbourhood Plan 2014-2031 and policies D1 - Design and Local Distinctiveness and EN10 - Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)
6. Prior to any development above foundation level, a 1-2 square metre sample panel of stone walling to be used shall be constructed on site for inspection by an officer of the Local Planning Authority. Any such sample provided shall be agreed in writing with the Authority together with any variations as to coursing,

pointing and the type of stone to be used. All stone walling as may be agreed, shall be completed prior to the initial occupation of any of the dwellings hereby approved.

(Reason - To ensure that the materials are considered at an early stage in the interests of the appearance and character of the area in accordance with Policy HBE2 - High Quality Design of the Beer Neighbourhood Plan 2014-2031 and policies D1 - Design and Local Distinctiveness and EN10 - Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)

7. Notwithstanding the limited details indicated on drawing no. P-100 rev. E and prior to their installation the following further details of refuse/recycling and cycle storage, to serve all of the residential units hereby approved, shall be submitted to and agreed in writing with the Local Planning Authority.

(a) location and siting of any bin-recycling enclosures

(b) scaled elevation drawings and material finish for any enclosures

(c) means of providing secure undercover cycle parking provision for each unit
Development shall proceed in accordance with details as agreed and shall be provided prior to the initial occupation of any of the dwellings and shall thereafter be retained and maintained for that purpose.

(Reason - To ensure appropriate provision is made and in the interests of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness, EN10 - Conservation Areas and TC9 - Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031.)

8. The site accesses and parking provision shall be constructed, laid out and maintained thereafter in accordance with the attached diagram Proposed Site Plan - Drawing No. P100 Revision E.

(Reason - To provide satisfactory access to the site, to protect the pedestrian priority on the carriageway and to ensure adequate parking provision to serve the development is maintained in accordance with policy TP2 - Car Parking of the Beer Neighbourhood Plan 2014-2031 and policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013-2031.)

9. Development shall proceed in accordance with recommendations and mitigation proposals set out in the Protected Species Survey Report, prepared by Richard Green Ecology Ltd. and dated June 2019, unless otherwise previously agreed in writing by the Local Planning Authority.

(Reason - In the interests of the continued protection of protected species and biodiversity enhancement and in accordance with policy EN6 (Wildlife Habitat and Features) of the Adopted East Devon Local Plan 2013-2031.)

10. 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: Schedule 2, Part 1, Classes A to E (inclusive) for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than those that do not materially affect the external appearance of the buildings, or

for the provision within the curtilage of any building or enclosure (other than any hereby approved or required).

(Reason - In the interests of residential amenity and the character and appearance of the conservation area in accordance with Policy HBE2 - High Quality Design of the Beer Neighbourhood Plan 2014-2031 and policies D1 - Design and Local Distinctiveness and EN10 - Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)

11. Prior to the initial occupation of the dwellings to which the window relates the first floor windows on the north elevations of units 1 -4 which are shown to be obscure glazed on drawing no. P-300 Rev.D shall have been glazed as such with the obscure glazing of these windows thereafter retained at all times.

(Reason - To protect the privacy of occupiers of properties opposite the site in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

12. Prior to their installation the following details and specification for these items (including where required samples) shall be submitted to and approved in writing by the Local Planning Authority:

- New rainwater goods including profiles, materials and finishes.
- External fixings including meter boxes, extraction vents & flues
- Rooflight specification and design which should be of conservation type flush with the roof.

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

(Reason - In the interests of the character and appearance of the conservation area in accordance with Policy HBE2 - High Quality Design of the Beer Neighbourhood Plan 2014-2031 and policies D1 - Design and Local Distinctiveness and EN10 - Conservation Areas 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.

This planning permission shall be read in conjunction with the completed s.106 legal agreement dated XXXXXXXX and which secures the provision of on-site affordable housing.

Plans relating to this application:

E100 Rev D:	Existing Combined	09.03.20
Location/Site	Plans	
Plan		

P200 Rev D	Proposed Floor Plans	09.03.20
P201 Rev D	Proposed Floor Plans	09.03.20
P300 Rev D	Proposed Elevation	09.03.20
P301 Rev D	Proposed Elevation	09.03.20
P400 Rev E	Sections	06.04.20
P201 Rev E	Proposed Floor Plans	06.04.20
P100 Rev E	Proposed Site Plan	06.04.20

List of Background Papers

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