

Agenda for Development Management Committee Tuesday, 16 June 2015; 10am



[Members of the Committee](#)

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

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01395 517542, Issued 4 June 2015

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[Speaking on planning applications](#)

In order to speak on an application being considered by the Development Management Committee you must have submitted written comments during the consultation stage of the application. Those that have commented on an application being considered by the Committee will receive a letter or email (approximately 9 working days before the meeting) detailing the date and time of the meeting and instructions on how to register to speak. The letter/email will have a reference number, which you will need to provide in order to register. Speakers will have 3 minutes to make their representation. **Please note there is no longer the ability to register to speak on the day of the meeting.**

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

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

The day before the meeting a revised running order for the applications being considered by the Committee will be posted on the council's website

[Applications with registered speakers will be taken first.](#)

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Monday 8 June up until 12 noon on Thursday 11 June by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

[Speaking on non-planning application items](#)

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

- 1 Apologies
- 2 [Declarations of interest](#)
- 3 [Matters of urgency](#)
- 4 To agree any items to be dealt with after the public (including press) have been excluded. There are **no** items that officers recommend should be dealt with in this way.

- 5 **Planning appeal statistics** (page 5 -10)
Service Lead – Planning Strategy and Development Management

- 6 **Proposed revisions to Local Development Scheme** (page 11 - 26)
Planning Policy Manager
2 speakers permitted – please see front of agenda for instructions on how to register to speak on this item.

- 7 **Cranbrook Development Plan Document** (page 27 - 29)
Planning Policy Manager
2 speakers permitted – please see front of agenda for instructions on how to register to speak on this item.

- 8 **East Devon Villages Plan - Proposed criteria for reviewing Built-up Area Boundaries (BUABs)** (page 30 - 38)
Planning Policy Manager
2 speakers permitted – please see front of agenda for instructions on how to register to speak on this item.

- 9 **Gypsy and Traveller Plan and means for securing sites** (page 39 - 49)
Planning Policy Manager
2 speakers permitted – please see front of agenda for instructions on how to register to speak on this item.

- 10 **Planning Obligations Development Plan Document** (page 50 - 52)
Planning Policy Manager
2 speakers permitted – please see front of agenda for instructions on how to register to speak on this item.

- 11 **Enforcement report – Plot 406 Hawkerland, Colaton Raleigh** (page 53 - 59)
Service Lead – Strategic Planning and Development Management
2 speakers permitted – please see front of agenda for instructions on how to register to speak on this item.

- 12 **Waste Management and Infrastructure – Draft Supplementary Planning Document by Devon County Council** (page 60 - 63)
Planning Policy Manager

13 **East Devon Playing Pitch Strategy 2015** (page 64 - 66)

Planning Officer (Planning Policy)

2 speakers permitted – please see front of agenda for instructions on how to register to speak on this item.

Please note the following applications are all scheduled to be considered in the morning, however the order may change – please see the front of the agenda for when the revised order will be published.

Applications for determination:

Wherever possible and in order to prevent unnecessary site inspections, Members of the Committee should familiarise themselves with application sites in their locality where such sites are visible from the public highway and other public vantage points.

14/3001/FUL (Minor) (page 67 - 73)

Budleigh Salterton

29 Moormead, Budleigh Salterton EX9 6PZ

15/0440/FUL (Minor) (page 74 - 79)

Budleigh Salterton

27 Honey Park Road, Budleigh Salterton EX9 6EG

15/0682/FUL (Minor) (page 80 - 84)

Budleigh Salterton

23 Greenway Gardens, Budleigh Salterton EX9 6SW

Lunch break - Lunch will be provided for Development Management Committee members in the Members' Area

Afternoon Session – the applications below will not be considered before 2pm.

Please note the following applications are all scheduled to be considered in the afternoon, however the order may change – please see the front of the agenda for when the revised order will be published.

15/0280/VAR (Minor) (page 85 - 98)

Dunkeswell

Mansell Raceway, Dunkeswell Aerodrome, Dunkeswell EX14 4LT

14/2946/MFUL & 14/2947/LBC (Major) (page 99 - 145)

Exmouth Halsdon and Woodbury & Lympstone

Courtlands House, Courtlands Lane, Exmouth EX8 3NZ

13/1230/MFUL (Major) (page 146 - 173)

Exmouth Littleham

Pankhurst Close Trading Estate, Pankhurst Close, Exmouth

15/0872/FUL (Minor) (page 174 - 183)

Exmouth Littleham

Land adjacent to Clayton House, Salterton Road, Exmouth

14/2239/FUL (Minor) (page 184 - 187)

Exmouth Town

Exmouth Leisure Centre, Royal Avenue, Exmouth EX8 1EN

15/0983/CM (Other) (page 188 - 192)

Exmouth Town

Strand Gardens, The Strand, Exmouth

15/0670/FUL (Minor) (page 193 - 199)

Exmouth Withycombe Raleigh

Land adjacent to 12 Newlands Avenue, Exmouth

15/0239/FUL (Minor) (page 200 - 212)

Woodbury and Lympstone

Land east of Orchard Cottage, The Avenue, Exton EX3 0PX

Please note:

This meeting is being audio recorded by EDDC for subsequent publication on the Council's website.

Under the Openness of Local Government Bodies Regulations 2014, members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

[Decision making and equalities](#)

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

East Devon District Council
List of Planning Appeals Lodged

Ref: 14/1430/FUL **Date Received** 03.04.2015
Appellant: IKNG
Appeal Site: Rosario Ebford Exeter EX3 0QN
Proposal: Construction of 4 detached dwellings
Planning APP/U1105/W/15/3012614
Inspectorate
Ref:

Ref: 14/2804/FUL **Date Received** 08.04.2015
Appellant: Dr Richard Crosthwaite-Eyre
Appeal Site: 1 Victoria Cottages Greenway Woodbury Exeter EX5 1LU
Proposal: Remove front wall and part of side wall to form parking space.
Planning APP/U1105/W/15/3013864
Inspectorate
Ref:

Ref: 14/2835/LBC **Date Received** 08.04.2015
Appellant: Dr R Crosthwaite-Eyre
Appeal Site: 1 Victoria Cottages Greenway Woodbury Exeter EX5 1LU
Proposal: Remove front wall and part of side wall to form parking space
Planning APP/U1105/Y/15/3013857
Inspectorate
Ref:

Ref: 14/2904/FUL **Date Received** 13.04.2015
Appellant: Mr & Mrs I Doble
Appeal Site: Park View Stockland Honiton EX14 9BT
Proposal: Demolition of workshop and erection of dwelling
Planning APP/U1105/A/15/3032631
Inspectorate
Ref:

Ref: 14/2222/PMB **Date Received** 20.04.2015
Appellant: Mr M Weeks
Appeal Site: Agricultural Building East Of Yonder Down Rewe
Proposal: Prior approval for change of use of agricultural building to a dwelling house and associated operational development.
APP/U1105/W/15/3007024
Planning Inspectorate Ref:

Ref: 15/0332/TRE **Date Received** 22.04.2015
Appellant: Mr J Harvey
Appeal Site: Elvestone, Fore Street Hill Budleigh Salterton
Proposal: T7 & T8, Holm Oaks: - Fell.

Planning Inspectorate Ref:

Ref: 14/2424/OUT **Date Received** 28.04.2015
Appellant: Mrs Caroline Bayley
Appeal Site: Land North Of Ebford Lane Ebford Lane Ebford
Proposal: Outline application (seeking approval for the means of access only) for the construction of 3 detached dwellings
APP/U1105/W/15/3027379
Planning Inspectorate Ref:

Ref: 14/2791/FUL **Date Received** 29.04.2015
Appellant: Mr Michael Graham
Appeal Site: 9 Burnside Exmouth EX8 3AH
Proposal: Demolition of existing garage and construction of two-storey side extension incorporating front and rear dormer windows.
APP/U1105/D/15/3027964
Planning Inspectorate Ref:

Ref: 14/2574/MOUT **Date Received** 07.05.2015
Appellant: Heritage Developments (SW) Ltd
Appeal Site: Land To Rear Of Orchard House Globe Hill Woodbury
Exeter EX5 1JP
Proposal: Outline application (appearance, landscaping, layout and
scale reserved) for the construction of up to 24 dwellings, 5
aside astro turf pitch, changing pavilion and toilets,
community parking and access.
Planning APP/U1105/W/15/3031347
Inspectorate
Ref:

Ref: 14/2174/MOUT **Date Received** 08.05.2015
Appellant: Mr David White
Appeal Site: Land Adjacent Little Orchard Exmouth Road Newton
Popleford
Proposal: Revised outline application for the development of up to 26
houses and associated infrastructure, including access and
landscaping (all matters except access reserved)
Planning APP/U1105/W/15/3032502
Inspectorate
Ref:

Ref: 15/0445/FUL **Date Received** 11.05.2015
Appellant: Mr & Mrs J Westoby
Appeal Site: Threepenny Lodge Poltimore Exeter EX4 0AU
Proposal: Construction of first floor extension to provide additional living
accommodation
Planning APP/U1105/D/15/3032675
Inspectorate
Ref:

Ref: 15/0009/FUL **Date Received** 12.05.2015
Appellant: Mr And Mrs Atkins
Appeal Site: 18 Northview Road Budleigh Salterton EX9 6DE
Proposal: Two storey extension on east elevation, pitched roofs over
existing dormer and bay window and rendering of all
elevations (resubmission of 14/2290/FUL seeking permission
for clear glazing in the first floor bedroom window on the east
elevation)
Planning
Inspectorate
Ref:

East Devon District Council
List of Planning Appeals Decided

Ref: 14/1672/PMB **Appeal Ref:** 14/00065/REF

Appellant: Messrs W & T Bailey
Appeal Site: Cattle Building Loxhill Courtlands Lane Exmouth EX8 5AB
Proposal: Prior approval of proposed change of use of agricultural building to dwellinghouse

Decision: **Appeal Allowed (with conditions)** **Date:** 01.04.2015

Procedure: Written representations
Remarks: Delegated refusal, sustainability reasons overruled. During the course of the appeal, amendments were made to the Government's Planning Practice Guidance in relation to applications for prior approval under Class MB of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The recent amendments to the Guidance clarify that the Class MB permitted development rights do not apply a test in relation to sustainability of location.

BVPI 204: **No**
Planning Inspectorate Ref: APP/U1105/A/14/2226269

Ref: 14/1756/FUL **Appeal Ref:** 14/00076/REF

Appellant: Sophie, Harriet And Oliver Persey
Appeal Site: Pitmans Farm Dulford Cullompton EX15 2ED
Proposal: Conversion, alteration and extension of existing farm buildings to provide a dwellinghouse with garage parking.

Decision: **Appeal Dismissed** **Date:** 01.04.2015

Procedure: Written representations
Remarks: Delegated refusal, countryside protection and sustainability reasons upheld (EDLP Policies S5, TA1 & D10).

BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/14/3000489

Ref: 14/1241/FUL **Appeal Ref:** 14/00075/REF
Appellant: Vida Developments Ltd
Appeal Site: Old St Andrews School Chardstock Axminster EX13 7BX
Proposal: Conversion to 3 no. dwellings and erection of car port
Decision: **Appeal Dismissed** **Date:** 07.04.2015
Procedure: Written representations
Remarks: Officer recommendation to approve, Committee refusal.
Listed building conservation reasons upheld (EDLP Policies EN9 & EN11). Application for a full award of costs against the Council refused.
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/14/3000197

Ref: 14/1242/LBC **Appeal Ref:** 14/00074/LBCREF
Appellant: Vida Developments Ltd
Appeal Site: Old St Andrews School Chardstock Axminster EX13 7BX
Proposal: Internal and external alterations to facilitate conversion to 3 no. dwellings and erection of car port
Decision: **Appeal Dismissed** **Date:** 07.04.2015
Procedure: Written representations
Remarks: Officer recommendation to approve, Committee refusal.
Listed building conservation reasons upheld (EDLP Policies EN9 & EN11). Application for a full award of costs against the Council refused.
BVPI 204: **No**
Planning Inspectorate Ref: APP/U1105/Y/14/3000185

Ref: 14/1283/VAR **Appeal Ref:** 14/00082/REF
Appellant: Mr John Ashbolt
Appeal Site: Tritchayne Farm Colyton EX24 6SP
Proposal: Variation of condition 4 of consent 00/P0545 to enable Unit 1 to be occupied by a site manager
Decision: **Appeal Dismissed** **Date:** 22.04.2015
Procedure: Written representations
Remarks: Delegated refusal, sustainability reasons upheld.(EDLP Policies S5 & D10).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/14/3001628

Ref: 14/1473/TRE **Appeal Ref:** 15/00001/TRE
Appellant: Mr K Quiggin
Appeal Site: Puzzle Cottage Widworthy Court Wilmington Honiton EX14 9JN
Proposal: Fell two Sycamore trees and one Ash tree, protected by a Tree Preservation Order.
Decision: **Appeal Dismissed** **Date:** 24.04.2015
Procedure: Written representations
Remarks: Amenity reasons upheld.
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/TPO/U1105/4296

Report to: **Development Management Committee**

Date of Meeting: 16 June 2015

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: 6

Subject: **Proposed Revisions to Local Development Scheme**

Purpose of report: The Council needs to revise its Local Development Scheme (LDS) which sets out a timetable for producing planning policy documents. The existing LDS has been effective since December 2013 and is now out of date.

The new draft has been updated to reflect the progress that has been made on the Local Plan, Villages Plan and Community Infrastructure Levy. In light of proposed modifications to the Local Plan an additional document, the Cranbrook Development Plan Document, has been added to the scheme. The timetables for a gypsy and traveller plan and planning obligations plan have also been updated to reflect the Local Plan timetable.

The LDS will have to be approved by Council and it is recommended that approval is sought at the next meeting, 29 July 2015, with it to take effect from the following day.

Recommendation: **That Development Management Committee recommend to Council to adopt the Local Development Scheme with effect from 30 July 2015.**

Reason for recommendation: There is a legal requirement under the Planning and Compulsory Purchase Act 2004 for local planning authorities to prepare and maintain a Local Development Scheme.

Officer: Matthew Dickins, Planning Policy manager, mdickins@eastdevon.gov.uk (01395 – 571540)

Financial implications: No financial implications have been identified.

Legal implications: As there is a legal requirement to maintain a Local Development Scheme it is important that the Council complies with this requirement. By adopting the revised LDS Members will be ensuring compliance with our legal obligations. Other legal implications are covered in the report.

Equalities impact: Low Impact
No specific equalities issues are identified.

Risk: High Risk
The Council would be in breach of legislative requirements if it did not have an up to date Local Development Scheme.

Links to background information: • The current scheme may be found at <http://eastdevon.gov.uk/media/343849/local-development-scheme.pdf>

Link to Council Plan: Living in this Outstanding Place.

1. The existing Local Development Scheme (LDS) has been effective since December 2013. Since that time progress on the Local Plan and Community Infrastructure Levy has been delayed in the examination process and this has had implications for other development plan documents which are dependent upon the production of the Local Plan.
2. The revised Local Development Scheme is appended to this report and it advises of production of:
 - a. **Local Plan** – this will set out strategic and more detailed policies policy for development across East Devon and is currently at Examination.
 - b. **Villages Development Plan Document** – this plan will be specifically concerned with development issues at and boundaries around the main villages of East Devon and Colyton. Village plan work will need to align with work on neighbourhood planning.
 - c. **Planning Obligations Development Plan Document** – this document will set out the requirements for development across the whole of the District.
 - d. **Gypsy and Traveller Development Plan Document** – this document will identify the permanent and transit housing needs of the gypsy and traveller communities and allocate sites, if appropriate, to meet this need.
 - e. **Cranbrook Development Plan Document** – this is a new addition to the LDS, the need for which has emerged through master planning work that was initiated by the Council in November 2014. The Cranbrook DPD will identify and allocate land to take Cranbrook up to or around 8,000 new homes.
3. We are also producing a Community Infrastructure Levy Charging Schedule that is currently at Examination and is referred to in the revised Local Development Scheme.
4. In the revised LDS the dates for production of the Local Plan and Community Infrastructure Levy have been adjusted to reflect the current timetable. The other Development Plan Documents also have adjusted timetables to reflect the fact that it would be inappropriate to make too much progress on these in the absence of a n adopted Local Plan or confidence that the Local Plan will be adopted.



EAST DEVON REVISED LOCAL DEVELOPMENT SCHEME

June 2015

1.0 Introduction

- 1.1 The Council's Local Development Scheme (LDS) sets out a timetable for production of future planning policy documents and we also provide a summary of how we will consult at each stage of plan making. For full details of consultation arrangements for both planning policy development and development management (how we will deal with planning and related applications) please see the separate Statement of Community Involvement (SCI) at: <http://eastdevon.gov.uk/media/344008/statement-of-community-involvement-2013.pdf>
- 1.2 The Council will be asked to resolve that the LDS will take effect from 30 July 2015. Assuming that Council endorse the LDS this sentence will be updated in the published document.
- 1.3 This LDS sets out that there will be five main Development Plan Documents that will be produced that contain plan policy:
- a) **Local Plan** – this will set out strategic policy for development across East Devon and the full suite of policies for the seven main towns of the district, the West End and countryside areas, but not those villages with Built-up Area Boundaries (see below).
 - b) **Villages Plan** – this plan will be specifically concerned with development issues and boundaries in and around the main villages of East Devon and Colyton.
 - c) **Planning Obligations Development Plan** – this document will set out the requirements for planning obligations from and for development across the whole of the District.
 - d) **Gypsy and Traveller Development Plan** – this document will identify the permanent and transit housing needs of the gypsy and traveller communities and if appropriate allocate sites to meet this need.
 - e) **Cranbrook Development Plan** – this document will allocate development sites and establish policy to enable the new town of Cranbrook to expand provide up to or around 8,000 homes.

2.0 Programme for plan production

- 2.1 Tables 1 sets out the proposed programme for plan production. Table 2 gives further detail on the plan preparation work and shows how this links to the community engagement steps set out in our Statement of Community Involvement. For full details of our commitment to consultation on plan preparation please refer to our Statement of Community Involvement at - <http://eastdevon.gov.uk/planning/planning->

[policy/emerging-plans-and-policies/detailed-work-programme-and-consultations-on-future-plans/statement-of-community-involvement/](#) The notes in the 'Stages in Plan making' column of Table 2 refer to the relevant section of the Town and Country Planning (Local Planning) (England) Regulations 2012.

3.0 The East Devon Local Plan and impacts on production of other policy documents

3.1 Timetable for policy document production, and ability to make progress on their production, will be tied into overall timescales for progression of the East Devon local Plan. The local plan timetable out assumes swift progress will be made with no significant extra stages of work required and with adoption in late 2015 or early 2016. Extra delays on the local plan could slow down production of other plans.

4.0 Community Infrastructure Levy

4.1 We will also produce a **Community Infrastructure Levy (or CIL) Charging Schedule**. The CIL is a charge for every square metre of building floor space developed. It will assist with funding for infrastructure required to support and promote development. The process for producing a CIL charging schedule follows similar stages to that for development plan production as detailed in the table at the end of this document.

4.2 The Community Infrastructure Levy has progressed alongside Local Plan production. The following key future dates are envisaged:

- a) Consultation on further Cranbrook evidence – April to June 2015;
- b) Further oral hearing session – July 2015;
- c) Inspectors report – summer 2015;
- d) Adoption Late 2015/early 2016 (at the same time as Local Plan adoption).

5.0 Supplementary Planning Documents

5.1 In addition to Planning Policy Documents we will also produce **Supplementary Planning Documents (SPDs)**, where appropriate and where in accordance with the National Planning Policy Framework. Such documents will assist with and encourage sustainable development. We will produce these with consultation, as set out in the SCI. Details of SPDs will be published on the Planning Policy Pages of the Council web site.

6.0 Neighbourhood Plans

6.1 Many of our Parish Councils are actively involved in neighbourhood plan production. Table 3 gives an overview of the stages currently reached.

Table 1 - Timetable for Development Plan Document Production

Plan and Key Stages	Reg	2015												2016												2017												Notes
		Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec						
Local Plan																																						
Oral Hearing Sessions	24																															Oral sessions started 2014 & reconvene July 2015						
Inspectors Report	25																																					
Main Modification Consultation																																Assumed that Mods Consultation will be required						
Adoption	26																															Adopted expected late 2015/early 2016						
Villages Plan																																						
Preparation	18																														Specific engagement proposed - parish councils							
Council Authority to Consult																																						
Publication & Representations	19 & 20																																					
Collate Representations																																						
Council approval to Submit																																						
Submission and Examination	22 & 24																																					
Oral Hearing	24																																					
Inspectors Report	25																																					
Main Modification Consultation																																Assumed that Mods Consultation will be required						
Adoption	26																																					
Obligations Plan																																						
Initial Evidence																																Report to Committee – 16 June 2015						
Preparation	18																																					
Council Authority to Consult																																						
Publication & Representations	19 & 20																																					
Collate Representations																																						
Council approval to Submit																																						
Submission and Examination	22 & 24																																					
Oral Hearing	24																																					
Inspectors Report	25																																					
Main Modification Consultation																																Assumed that Mods Consultation will be required						
Adoption	26																																					

Plan and Key Stages	Reg	2015								2016								2017								Notes												
		Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May		Jun	Jul	Aug	Sept	Oct	Nov	Dec					
Gypsy & Travellers Plan																																						
Evidence Gathering		█																																		Report to Committee – 16 June 2015		
Preparation	18		█	█	█	█	█																															
Council Authority to Consult							█																															
Publication & Representations	19 & 20							█	█																													
Collate Representations										█																												
Council approval to Submit											█	█																										
Submission and Examination	22 & 24											█	█	█	█																							
Oral Hearing	24														█																							
Inspectors Report	25															█																						
Main Modification Consultation																	█	█																			Assumed that Mods Consultation will be required	
Adoption	26																																					
Cranbrook Plan																																						
Initial Evidence		█																																			Report to Committee – 16 June 2015	
Preparation	18		█	█	█	█	█																															
Council Authority to Consult							█																															
Publication & Representations	19 & 20							█	█																													
Collate Representations										█																												
Council approval to Submit											█	█																										
Submission and Examination	22 & 24											█	█	█	█																							
Oral Hearing	24														█																							
Inspectors Report	25															█																						
Main Modification Consultation																	█	█																				Assumed that Mods Consultation will be required
Adoption	26																																					

Table 2 - Development Plan Documents – Commentary on Proposed Plan Preparation Work and Community Engagement

Regulatory Stage in Plan Making	Local Plan	Villages DPD	Obligations DPD	Gypsy & Travellers DPD	Cranbrook DPD
<p><u>Initial Background Work and Developing the Evidence Base</u></p> <p>This is the start of the plan making process where we gather information and seek to gain an initial understanding of public views.</p> <p><u>Consultation</u></p> <p>We will gather evidence and consult through some or all of the following:</p> <ul style="list-style-type: none"> • Review of existing data; • Use of specialist consultants; • Exhibitions and Roadshows; • Workshops; • Focus groups; • Surgeries; • Attending Meetings of Other Groups; • One-to-One Meetings; and • Questionnaires <p>Any technical or background documents that form or will form a (substantive) part of our evidence base will be available in electronic form on the Council web site and in paper form for inspection at the main Council office. Details of findings of consultation events that we undertake will be available on our website and in paper format.</p> <p><u>It should be noted that evidence gathering can be ongoing through all stages of plan preparation.</u></p>	<p>The new Local Plan evolved from earlier work undertaken in support of a Core Strategy. We have produced and commissioned a number of background studies and undertaken extensive evidence gathering.</p>	<p>Work undertaken to inform the Local Plan forms key evidence for the village’s document.</p> <p>We held village workshops with rural parish councils to establish a framework for assessing and choosing potential village development sites.</p> <p>We will establish the methodology for defining Built-up Area Boundaries and other potential plan policies. We will consult on this and provide scope for interested parties to comment on it and land areas that boundaries may impact on.</p>	<p>We will identify the potential scope of the document by identifying relevant issues and undertaking focussed consultation with interested parties.</p> <p>We will undertake and refine assessment and research into potential plan content and key issues arising and matters related to planning obligations.</p>	<p>We commissioned a Devon authorities Gypsy and Traveller Accommodation Needs Assessment (this report was completed in early 2015).</p> <p>We will consider and assess alternative site allocation options.</p>	<p>We will identify the potential scope of the DPD by examining relevant issues and undertaking focussed consultation with interested parties.</p> <p>The Cranbrook plan work, supported by consultation, will form the primary evidence for the Cranbrook Development Plan Document.</p>

Regulatory Stage in Plan Making	Local Plan	Villages DPD	Obligations DPD	Gypsy & Travellers DPD	Cranbrook DPD
<p><u>Preparation - Regulation 18</u></p> <p>As a minimum we must notify parties that we are proposing a plan and invite them to comment on what it should contain. When we prepare the Plan we must take comments into account. In addition we may consider it appropriate to make one or more draft documents available.</p> <p><u>Consultation</u></p> <p>We will notify bodies, groups and individuals that may have an interest in the subject of a plan we propose to prepare and invite representations about what the plan should contain. Representations made will be taken into account when preparing the plan. For each document we produce we will ensure:</p> <ul style="list-style-type: none"> • Documents are published on the Council website and made available at the main Council Office and public libraries within East Devon. • Paper copies of documents are available during the consultation period. At key stages Sustainability Appraisal will be undertaken. This will detail the likely significant environmental, social and economic effects of each proposal or option will be undertaken and will be made available for public comment. If consultation leads to the approach changing significantly this will be reviewed and re-consulted on. 	<p>The new East Devon Local Plan is supported by past work for a Core Strategy that included consultation on:</p> <ul style="list-style-type: none"> • LDF Issues and Options Report of 2009. • Core Strategy Preferred Approach Document • Consultation draft of a new Local Plan. <p>We consulted on draft Inset Maps for the seven main towns of East Devon. These set out proposed policy boundaries (lines and sites on maps).</p> <p>Consultation also cross-referenced to overall evidence gathering work – see preceding stage.</p>	<p>We invited representations on potential plan content.</p> <p>Parish Council’s undertook public consultation on development options.</p> <p>We published a consultation draft village boundaries plan with preferred allocation sites.</p> <p>As part of the local plan work we published a village development suitability assessment.</p> <p>We will work specifically with Parish Council’s and Neighbourhood Plan groups to draw up proposed boundaries.</p> <p>Consultation also cross-referenced to overall evidence gathering work – see preceding stage.</p>	<p>We will advise relevant bodies that we are about to prepare the DPD and invite comments on what it should contain.</p> <p>Consultation also cross-referenced to overall evidence gathering work – see preceding stage.</p>	<p>We will advise relevant bodies that we will prepare the DPD and invite comments on what it should contain.</p> <p>We will undertake specific focussed consultation with the gypsy and traveller community in East Devon to look at desires, aspirations and potential scope to expand existing sites.</p> <p>We will review existing and emerging allocations for residential (or other uses) with a view to looking at scope to also accommodate gypsies and travellers.</p> <p>We will issue a call for sites and give 6 weeks for responses.</p> <p>The Council will look at scope to acquire a site or sites in its own right.</p>	<p>We will advise relevant bodies that we are to prepare the Cranbrook DPD and invite comments on what it should contain.</p> <p>As part of the Cranbrook Plan work consultation will take place with interested parties.</p> <p>Consultation also cross-references to overall evidence gathering work – see preceding stage.</p>

Regulatory Stage in Plan Making	Local Plan	Villages DPD	Obligations DPD	Gypsy & Travellers DPD	Cranbrook DPD
<p><u>Publication - Regulation 19</u></p> <p>This is the stage where we publish the document that we intend to submit to the Secretary of State.</p> <p><u>Consultation</u></p> <p>A minimum of six weeks formal public consultation is undertaken in readiness for plan Examination. The following documents will be made available on the Council's web site, at the main Council Offices and certain libraries in East Devon</p> <ul style="list-style-type: none"> • The relevant local plan • A submission policies map (if applicable) • The relevant sustainability report • A representation statement giving details of who was invited to make representations (under regulation 18) and how this was done, a summary of the main issues raised and how they have been addressed in the local plan. • Any relevant supporting documents. <p>Details will also be provided of where and when the above documents are available for inspection and this will be sent to the bodies and persons invited to make representations (under regulation 18). This is called a 'statement of representation procedure'.</p> <p>A Sustainability Appraisal will be carried, which will be subject to public consultation. If consultation leads to the approach changing significantly this will be reviewed and re-consulted on.</p>	<p>The plan was published in November 2012 and we allowed 8 weeks consultation to take place account of the Christmas period.</p>	<p>The village's plan will be formally published for consultation for a minimum period of 6 weeks.</p>	<p>The Planning Obligations DPD will be formally published for consultation for a minimum period of 6 weeks.</p>	<p>The Gypsy and Traveller Plan will be formally published for consultation for a minimum period of 6 weeks.</p>	<p>The Cranbrook DPD will be formally published for consultation for a minimum period of 6 weeks.</p>

Regulatory Stage in Plan Making	Local Plan	Villages DPD	Obligations DPD	Gypsy & Travellers DPD	Cranbrook DPD
<p><u>Representations relating to a local plan - Regulation 20</u></p> <p>Any person may make representations at this stage, but they must be received by the local planning authority by the date specified in the 'statement of representation procedure' produced at the 'Publication' stage.</p> <p><u>Consultation</u></p> <p>We will publish submitted representations on our web sites as soon as reasonable practical, but signatures and private e-mail addresses and telephone numbers will not be visible on our web site, although they will be shown on paper copies that will be sent to the planning inspector.</p>	<p>Representations received were recorded.</p> <p>A series of changes were made to the plan in response to comments received.</p>	<p>Representations received in response to consultation will be recorded by the Council and made publically available.</p>	<p>Representations received in response to consultation will be recorded by the Council and made publically available.</p>	<p>Representations received in response to consultation will be recorded by the Council and made publically available.</p>	<p>Representations received in response to consultation will be recorded by the Council and made publically available.</p>

Regulatory Stage in Plan Making	Local Plan	Villages DPD	Obligations DPD	Gypsy & Travellers DPD	Cranbrook DPD
<p><u>Submission Document – Regulation 22</u></p> <p>Documents that must be submitted to the Secretary of State include:</p> <ul style="list-style-type: none"> • the sustainability report; • the submission policies map; • a consultation statement; • copies of any representations made at the publication stage. <p><u>Consultation</u></p> <p>In contrast to previous stages of consultation, the council should not be making any further substantial changes to the Local Plan prior to submitting the Plan to the government. If required, a Schedule of Minor Post-Publication Changes will be prepared and submitted to the Planning Inspectorate and will be available for the public to view.</p> <ul style="list-style-type: none"> • We will make all of the submission documents available on our web site and at our principle offices. • We will notify all persons and bodies invited to make representation at the plan preparation stage and advise of submission all those persons who requested it. 	<p>The local plan was submitted to the Secretary of State in readiness for the examination in 2013.</p>	<p>The village's document will be submitted to the Secretary of State.</p>	<p>The Planning Obligations DPD will be submitted to the Secretary of State</p>	<p>The Gypsy and Travellers DPD will be submitted to the Secretary of State.</p>	<p>The Cranbrook DPD will be submitted to the Secretary of State.</p>

Regulatory Stage in Plan Making	Local Plan	Villages DPD	Obligations DPD	Gypsy & Travellers DPD	Cranbrook DPD
<p><u>Consideration of representations by appointed person - Regulation 23</u></p> <p><u>Consultation</u></p> <p>We will send the following documents to the Inspector in electronic and paper form:</p> <ul style="list-style-type: none"> • The sustainability appraisal report; • A submission policies map, if the adoption of the local plan would result in changes to the adopted policies map; • A statement setting out: <ul style="list-style-type: none"> ○ Which bodies and persons were invited to make representation on the content of the plan (Preparation stage); ○ How those bodies were invited to make representations; ○ A summary of the main issues raised in those representations; ○ How any of those representations have been taken into account; ○ If representations were made at the publication stage, the number of representations made and a summary of the main issues raised; and ○ If no representations were received a statement that none were received; • Copies of any representations made at the publication stage; and • Any supporting documents the local planning authority consider relevant. 	<p>The Inspector considered representations made on the published plan <i>(as made at Regulation 20 stage)</i>.</p> <p>The Inspector advised that earlier modifications proposed by the Council warranted consultation. This was undertaken in 2013 and responses were sent to the inspector.</p>	<p>Before making recommendations on the plan, the Inspector will consider any representations made on the published plan <i>(as made at Regulation 20 stage)</i>.</p>	<p>Before making recommendations on the plan, the Inspector will consider any representations made on the published plan <i>(as made at Regulation 20 stage)</i>.</p>	<p>Before making recommendations on the plan, the Inspector will consider any representations made on the published plan <i>(as made at Regulation 20 stage)</i>.</p>	<p>Before making recommendations on the Cranbrook DPD the Inspector will consider any representations made on the published plan <i>(as made at Regulation 20 stage)</i>.</p>

Regulatory Stage in Plan Making	Local Plan	Villages DPD	Obligations DPD	Gypsy & Travellers DPD	Cranbrook DPD
<p><u>Independent Examination - Regulation 24</u></p> <p>An inspector will be appointed by the Secretary of State to conduct the examination. The Inspector will determine whether the plan has complied with various legal requirements (including the 'duty to co-operate') and whether it is 'sound'.</p> <p><u>Consultation</u></p> <p>We will publish (on our web site and at our principal offices) details of the date, time and place of the hearing and the name of the Inspector at least 6 weeks before the opening of the hearing. We will also send these details to anyone who maintains a representation on the plan.</p>	<p>Oral examination sessions were held during February and March 2014 and the Inspector's initial letter was received on 31st March 2014. This requested that further work was undertaken which was completed in March 2015.</p> <p>Consultation on modifications will take place during April and May 2015 and any representations will be sent to the Inspector for his consideration.</p> <p>It is expected that oral examination sessions will reconvene in July 2015.</p>	<p>Examination into the villages plan.</p>	<p>The examination into the Planning Obligations DPD.</p>	<p>The examination into the Gypsy and Traveller plan.</p>	<p>The examination into the Cranbrook DPD.</p>
<p><u>Publication of the recommendations of the appointed person - Regulation 25</u></p> <p>At this stage the Inspector may propose main Modifications.</p> <p><u>Consultation</u></p> <p>We will publish the Inspector's recommendations and reasons on our web site and at our principal offices. We will also advise those people who requested it that the recommendations are available. If made we will consult on Main Modifications.</p>	<p>We might expect the inspectors report in summer 2015. We must publish the Inspectors report as soon as reasonably practical after receipt.</p> <p>Should main modifications be recommended these will be consulted on (we envisage this being in Autumn 2015).</p>	<p>We must publish the Inspectors report as soon as reasonably practical after receipt.</p> <p>Main modifications may need to be consulted on.</p>	<p>We must publish the Inspectors report as soon as reasonably practical after receipt.</p> <p>Main modifications may need to be consulted on.</p>	<p>We must publish the Inspectors report as soon as reasonably practical after receipt.</p> <p>Main modifications may need to be consulted on.</p>	<p>We must publish the Inspectors report as soon as reasonably practical after receipt.</p> <p>Main modifications may need to be consulted on.</p>

Regulatory Stage in Plan Making	Local Plan	Villages DPD	Obligations DPD	Gypsy & Travellers DPD	Cranbrook DPD
<p><u>Adoption of a local plan - Regulation 26</u></p> <p><u>Consultation</u></p> <p>As soon as possible after the plan is adopted we will publish on our web site and make available at our main office:</p> <ul style="list-style-type: none"> • The local plan; • An adoption statement; • The sustainability appraisal report; and • Details of when and where the plan can be inspected. <p>We will also send a copy of the adoption statement to anyone who has asked to be notified and send a copy of the adoption statement to the Secretary of State.</p>	<p>The plan must be adopted by resolution of Council as local planning authority. We would hope that this will be in late 2015/early 2016.</p>	<p>The plan must be adopted by resolution of Council as local planning authority.</p>	<p>The plan must be adopted by resolution of Council as local planning authority.</p>	<p>The plan must be adopted by resolution of Council as local planning authority.</p>	<p>The plan must be adopted by resolution of Council as local planning authority.</p>
<p><u>Monitoring and Review</u></p> <p><u>Consultation</u></p> <p>We will notify all bodies and individuals of monitoring processes/the Monitoring Report and of document Review (if proposed).</p>	<p>We would envisage Local Plan review starting almost immediately after plan adoption.</p>	<p>Village boundaries are likely to be reviewed as part of a full new Local Plan or potentially through neighbourhood plans.</p>	<p>We will consider the most appropriate way to update the Planning Obligations DPD and this may be done in conjunction with a Community Infrastructure Levy update or review.</p>	<p>Accommodation for gypsies and travellers is likely to be reviewed as part of a full new local plan.</p>	<p>Future policy for Cranbrook is likely to be reviewed as part of a full new local plan.</p>

Table 3 – Progress on Neighbourhood Plans - Table updated May 2015

Parish	Stage	Neighbourhood Area Approval Date	Other information
Chardstock	Neighbourhood Area Approved	16/10/2012	
Dunkeswell	Pre-submission consultation	16/10/2012	
Lympstone	Referendum	16/10/2012	Plan approved by Referendum on the 26 th March 2015 and Made (adopted) by Council in April 2015.
Woodbury	Neighbourhood Area Approved	12/06/2013	
Uplyme	Neighbourhood Area Approved	04/09/2013	
Axminster	Neighbourhood Area Approved	02/10/2013	
Axmouh	Neighbourhood Area Approved	02/10/2013	
Beer	Neighbourhood Area Approved	02/10/2013	
Broadclyst	Neighbourhood Area Approved	02/10/2013	
Luppitt	Neighbourhood Area Approved	30/10/2013	
Stockland	Pre-submission consultation	30/10/2013	
Bishop's Clyst	Neighbourhood Area Approved	05/02/2014	
Broadhembury	Neighbourhood Area Approved	05/03/2014	
Clyst Honiton	Neighbourhood Area Approved	02/04/2014	
Cotleigh	Neighbourhood Area Approved	02/04/2014	
Membury	Neighbourhood Area Approved	02/04/2014	
Upottery	Neighbourhood Area Approved	02/04/2014	
Monkton	Neighbourhood Area Approved	04/06/2014	
Newton Poppleford	Neighbourhood Area Approved	04/06/2014	
Yarcombe	Neighbourhood Area Approved	04/06/2014	
Aylesbeare	Neighbourhood Area Approved	03/09/2014	
Otterton	Neighbourhood Area Approved	03/09/2014	
Rockbeare	Neighbourhood Area Approved	03/09/2014	
Feniton	Neighbourhood Area Approved	03/10/2014	
Ottery	Neighbourhood Area Approved	07/01/2015	
All Saints	Neighbourhood Area Approved	11/03/2015	
Clyst St George	Neighbourhood Area Approved	11/03/2015	

Report to: **Development Management Committee**

Date of Meeting: 16 June 2015

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: 7

Subject: **Cranbrook Development Plan Document**

Purpose of report: To set out the proposed work programme for production of a Cranbrook Development Plan Document with committee recommendations going to Council

Recommendation:

- That Development Management Committee endorse Council accepting that the defined work programme set out in this report for production of the Cranbrook Development Plan Document is endorsed.**

Reason for recommendation: To gain approval to proceed with work on production of a Cranbrook Development plan Document.

Officer: Matthew Dickins, Planning Policy Manager, mdickins@eastdevon.gov.uk (01395 – 571540)

Financial implications: The report indicates the potential requirement to appoint consultants to support this work.

Legal implications: The legal implications (including the need to ensure proper compliance with legal requirements / procedures) are suitably addressed in the report.

Equalities impact: Low Impact
No specific equalities issues are identified.

Risk: Medium Risk
On the basis that the intent is to produce a Cranbrook development Plan Document it is essential that certain procedural steps are taken. This report highlights an number of these and places the current Cranbrook Plan work in the context of these procedural requirements.

Links to background information: No background documents are referred to.

Link to Council Plan: Living in this Outstanding Place.

1 Context

- 1.1 The Local Development Scheme, which is also before this Committee in proposed revised form, sets out summary details for production of a Cranbrook Development Plan Document. Revised Local Plan wording provides for the future development of Cranbrook through intensification of existing land allocations and/or development of additional land. Development will be in the Local Plan proposed Cranbrook Plan Area.
- 1.2 The Cranbrook Plan is a master planning exercise that was commissioned by the Council in 2014. The master plan will set out, amongst other matters, the proposed form and nature of future Cranbrook development and land areas appropriate for future development. The master planning work is ongoing and will involve extensive workshop sessions in the coming months that will be supported by ongoing evidence gathering and research.
- 1.3 It is important to recognise, however, that the Masterplan itself (in currently proposed output format), is not directly a Development Plan Document. It, or more specifically its content and conclusions, will need to be 'translated' into a formal document and run through various further stages of work to attain this status, most notably;
 - a) formal consultation under the plan making regulations;
 - b) submission for examination;
 - c) examination by a planning inspector, possibly to include oral hearing sessions, to consider plan content and any objections; and
 - d) responding to recommendations made by the planning inspector.
- 1.4 The key benefit of the master plan work being 'translated' into a formal Development Plan Document is that with this formal status it will carry far more weight in the decision making process.

2 Defining the role of the Cranbrook Development Plan Document

- 2.1 The starting expectation is that the Cranbrook Plan work (the current master planning work) will cover most or all matters and issues that will feature in the proposed Development Plan Document.
- 2.2 However, before the exact role of the Development Plan Document is defined we need to formally consult potential interested parties in respect of the matters and issues that they regard as being appropriate for inclusion in or to be addressed through the plan. The intention is, therefore, that assuming endorsement is gained for production of the plan the first stage of work will be to contact potential interested parties to seek their views on potential content.

3 The Cranbrook Plan work and matching it to Development Plan Document requirements

- 3.1 Although there are stages of work and activities that are required to be followed in order to prepare a Development Plan Document many of these are and will be covered by work that

is ongoing in and through the Cranbrook Master Plan work. These include evidence gathering and public consultation. The intention is to draw on these work-streams as a means to ensure that the subsequent Development plan Document has both followed best practice in production and also will have met formal plan making requirements.

4 Local Plan examination

- 4.1 At and after the local plan examination hearing sessions, that recommence in July 2015, the Inspector may make recommendations that impact on the future development of Cranbrook. The overall work will, therefore, need to take account of the Inspector's final conclusions and any changes that he may recommend to the Local Plan.

5 Sustainability Appraisal and supporting assessments

- 5.1 Any Development Plan Document needs to be supported and informed through its production by Sustainability Appraisal and Strategic Environmental Assessment. There can also be other assessment work that is required in support of a plan, this could, for example include assessment under the Habitat Regulations.
- 5.2 These assessment processes could have staffing implications and can require specific skill and qualification requirements. We have previously employed external consultants to undertake these work areas, for example on the Local Plan, and may need to look to external support for this plan. Furthermore the Cranbrook Plan as well as the Cranbrook Development Plan Document, in their production, should be subject to relevant ongoing appraisal.

6 Plan Publication and formal public consultation

- 6.1 In late 2015 (or early 2016) the intent is (assuming the Local Plan proceeds in a timely manner) to come back to this Committee with a proposed publication draft of the Cranbrook Development Plan Document and seek Committee endorsement for formal consultation. The document will have been produced with the full engagement of the community and other interested parties and so this final consultation stage will be a formal process to receive comments ahead of examination. At this stage it is also intended to seek endorsement of the document so that it can be used as an evidence base to inform decision making on planning applications for development at Cranbrook. This will enable timely and informed decisions to continue to be made and ensure that delivery is not held up. It is planned, as detailed in the draft Local Development Scheme, that consultation will take place in early 2016. The consultation responses would be collated and authority would then be sought for submission of the plan, responses received and background supporting reports to the planning Inspectorate. This is the Submission stage and plan examination formally starts on submission.

Report to: **Development Management Committee**

Date of Meeting: 16 June 2015

Public Document: Yes

Exemption: None

Review date for release: None



Agenda item: 8

Subject: **East Devon Villages Plan - Proposed Criteria for Reviewing Built-up Area Boundaries.**

Purpose of report: To establish criteria for consultation to inform future review of Built-up Area Boundaries. This report is being presented to Development Management Committee seeking endorsement for a recommendation to Council for consultation to take place on the proposed criteria. This report will also be presented to Cabinet and Overview Committee.

Recommendation:

- 1. That Development Management Committee recommend to Council that the draft consultation document attached at Appendix 1 is agreed as the basis for consultation with interested parties, with a focus on working with parish councils and neighbourhood planning groups.**
- 2. That the criteria set out in Table 2 of Appendix 1 form the basis of initial officer survey work on defining Built-up Area Boundaries, noting that it will be necessary to respond to consultation responses.**
- 3. That the consultation includes an opportunity for individual sites to be put forward for either inclusion or exclusion from the Built-up Area Boundaries of the settlements under assessment.**

Reason for recommendation: To agree criteria to guide the review of built up area boundaries for certain settlements for public consultation.

Officer: Matthew Dickins, Planning Policy manager, mdickins@eastdevon.gov.uk (01395 – 571540)

Financial implications: There are no financial implications

Legal implications: The report identifies the need for this DPD to further supplement the (draft) Local Plan policies and more specifically the settlements stated in Strategy 27 as requiring boundaries to be identified. To enable a composite Development Plan it is therefore crucial to ensure that this DPD is adopted and conforms to the overarching policies of the Local Plan (as and when adopted). This report requests endorsement to initiate a programme of work to ensure that part of the legal obligations (being the public consultation) are carried out which is clearly a requirement we must adhere to.

Equalities impact: Low Impact
No specific equalities issues are identified.

Risk: Medium Risk
Without agreed criteria for making consistent judgements, redefining Built-up Area Boundaries would be a subjective process and there is a risk that the DPD may subsequently be found to be unsound.

Links to background information:

- Previous work undertaken on the Villages DPD may be accessed here [East Devon villages plan - East Devon](#)
- The proposed 'Strategy 27' of the Revised Draft New East Devon Local Plan may be viewed here <http://eastdevon.gov.uk/media/1060693/psd2015a-local-plan-tracked-changes-consultation-apr-2015.pdf>

Link to Council Plan: Living in this Outstanding Place.

1 Built-up Area Boundaries (BUAB's) are an established planning policy tool in East Devon that distinguish areas of 'countryside', where development is usually only acceptable in specified exceptional circumstances, from built-up areas, where planning policies establish in principle acceptability of many forms of development. It is common planning practice to establish such 'black lines' to aid the decision making processes of development management. The approach of defining BUAB's from the adopted East Devon Local Plan has been continued into the emerging local plan, but the only Built-up Area Boundaries defined in the new local plan are the towns of Axminster, Budleigh Salterton, Exmouth, Ottery St Mary, Honiton, Seaton and Sidmouth. Under the emerging local plan strategy the other settlements that will have a Built-up Area Boundary are:

- a) Beer;
- b) Broadclyst;
- c) Chardstock;
- d) Dunkerswell;
- e) Clyst St Mary;
- f) Colyton;
- g) East Budleigh;
- h) Feniton;
- i) Kilminster;
- j) Lympstone;
- k) Musbury;
- l) Newton Poppleford;
- m) Sidbury;
- n) Uplyme
- o) West Hill;
- p) Whimble and
- q) Woodbury

(these settlements are subsequently referred to as 'Strategy 27 settlements').

2 The revised BUAB's for these settlements will be defined through the East Devon Villages Plan, progress on which has been delayed awaiting the outcome of the local plan. Although there remains uncertainty over the progress of the local plan, it is recommended that a

consultation on the criteria for a review of BUAB's be undertaken during the summer/autumn so that matters of principle can be established. Such work could be fed into future policy work and so would not be wasted, whatever the outcome of the local plan.

- 3 The proposed revision to the Local Development Scheme (considered elsewhere on this agenda) sets out a timetable for producing a formal consultation version of the Villages Plan by March 2016. Preparation work on the Villages Plan, including reviewing the BUAB's for the 17 'Strategy 27' settlements, will need to be undertaken during the remainder of 2015, and will involve working closely with Parish Councils or neighbourhood planning groups. It is important that work on individual settlements within the Villages Plan is undertaken on a consistent basis, particularly decisions on where Built-up Area Boundaries should be drawn. Before detailed work starts, criteria need to be established on which judgements can be made when BUAB's are defined for individual settlements.
- 4 It is important that the Villages Plan is prepared in accordance with the strategy set out in the new local plan, in particular planned development levels. The new local plan does not set out a need for allocations for housing or commercial development in rural settlements, nor does it make provision for increased levels of development in the 'Strategy 27' settlements. The review of BUAB's should not therefore actively seek to 'enlarge' the BUAB's defined in the adopted plan, although it will need to take account of changes in circumstance, including where planning permission has been granted for development (unless it was granted having regard to 'exceptional' circumstances). It is also important that the BUAB's make sense in terms of physical features so that they are easy to read and understand, although this is sometimes difficult to achieve in practice due to complicating factors such as where buildings are set in large grounds on the edge of settlements.
- 5 As part of the next stage of work on the Villages Plan it is recommended that a consultation be undertaken to establish criteria to guide definition of BUAB's. A draft consultation document is attached to this report which sets out the proposed criteria in table form (Table 2). Consultation on proposed criteria for drawing 'black lines' is usefully accompanied by a opportunity for people to put forward specific areas of land that they either consider should be included or excluded from the BUAB. It is therefore recommended that the consultation on criteria for reviewing BUAB's include the opportunity for sites or land to be proposed for inclusion or exclusion from BUAB's. The results of this, together with officers initial assessments of revised BUAB's will be reported to Members, together with the input of the relevant Parish Council's, prior to formal consultation on the Villages Plan (expected to be in March/April 2016). It should be noted that this process would be affected if progress on the local plan is further stalled or if there are changes to the proposed Strategy 27. The intent is that with appropriate covering reports this report will be presented to:
 - Cabinet on 17 June 2015;
 - Overview Committee on 30 June 2015; and
 - Council on 29 July 2015.

East Devon Villages Plan

Proposed Criteria for Defining Built-up Area Boundaries

Informal Consultation – add dates – 6 weeks

What we are consulted on?

Built-up Area Boundaries are lines drawn on maps that define areas of ‘countryside’, where development is usually only allowed in specified exceptional circumstances from ‘built-up’ areas, where planning policies provide, subject to other considerations, for development.

The new local plan for East Devon only defines Built-up Area Boundaries for the towns of Axminster, Budleigh Salterton, Exmouth, Ottery St Mary, Honiton, Seaton and Sidmouth. If the new local plan progresses as currently drafted, Built-up Area Boundaries will also be drawn around 17 other settlements (listed in Table 1). The boundaries will be agreed through the East Devon ‘Villages Plan’, which is a formal Development Plan Document that will guide decisions on planning applications. Although there is uncertainty about the progress of the new local plan it is important to develop the Villages Plan as far possible so that the future of our rural areas can be planned for positively.

Work on individual settlements needs to be undertaken on a consistent basis and so we are seeking views on the criteria that will be used to judge where Built-up Area Boundaries should be drawn. The proposed criteria are set out in the Table 2.

We recognise that many people would like the opportunity to put forward areas of land that they feel should be either included or excluded from the Built-up Area Boundaries for particular settlements. We are happy to consider such requests when accompanied by a plan that clearly identifies the location and extent of the land concerned. In such cases it would be helpful if the case for including or excluding a site focuses on either how the site meets with the proposed criteria or why and how the criteria should be amended to facilitate this.

We are only seeking to review the settlements listed in Table 1 and any sites put forward for inclusion in the BUAB should be well related to their main built-up areas.

Table 1

Built-up Area Boundaries, under Strategy 27 of the emerging Local Plan (at June 2015) to be defined through the Villages Plan for the settlements of:			
Beer	Dunkerswell	Musbury	Whimble
Broadclyst	East Budleigh	Newton Poppleford	Woodbury
Chardstock	Feniton	Sidbury	
Clyst St Mary	Kilmington	Uplyme	
Colyton	Lympstone	West Hill	

Table 2 - What are the proposed criteria for defining Built-up Area Boundaries?

	Ref.	Criteria	Exceptions	Commentary
General Criteria	A1	Boundaries should reflect the existing scale and core built form of the settlement and should not seek expansion to facilitate additional development.	Communities may wish to allocate specific sites to accommodate additional development through neighbourhood planning. If a neighbourhood plan is made that allocates development, that site may be included within the Built-up Area Boundary under criteria B3, although this may be at a future review of the Villages Plan, depending on the timing.	It is important that the Villages Plan is prepared in accordance with the strategy set out in the new local plan, which does not make provision for increased levels of development in rural settlements (rather it provides for infill development within the boundary and potential for affordable housing justified exception development at the edges).
	A2	Where practical, boundaries should follow clearly defined physical features such as walls, fences, hedgerows, roads and water courses.	Where buildings are set in large grounds physical features may not form the appropriate boundary, depending on the relationship with the fabric of the settlement. For example, large gardens that 'stretch out' from the main built up area may be specifically excluded despite the absence of a physical boundary feature.	It is clearly desirable for lines on maps to follow physical features that have a degree of permanence. This enables the plan to be easily read and understood by interested parties and often such features on the edge of settlements mark a change in character from built settlement to rural. However, sometimes the change in character is more gradual, for example where large gardens form a 'buffer' between the main built form of the settlement and the wider countryside. In these circumstances it may be appropriate for the BUAB not to follow physical features.

	Ref.	Criteria	Exceptions	Commentary
Areas to be included	B1	Built and extant planning permissions for residential and employment uses which are both physically and functionally related to the settlement.	Where planning permission has been granted as an exception to normal planning policy, including any market housing built to enable affordable housing under either the interim 'mixed market affordable housing' policy or Strategy 35 of the emerging East Devon Local Plan.	Where sites with permission will secure development that will fall in line with the criteria detailed in this methodology it will typically be appropriate to include them in the boundary.
	B2	Built and extant planning permissions for community facilities, such as religious buildings, schools and community halls which are considered to be functionally related to the settlement.	Where the buildings are set in extensive grounds either the grounds or the buildings and grounds may be excluded, depending upon the physical and functional relationship with the settlement.	Where buildings are physically well related to the built form of a settlement inclusion is appropriate. However, to include spacious grounds that are clear beyond the built form of a settlement would suggest that development would be permitted in them when this is not the intention.
	B3	Site allocations identified in the development plan for residential, community or employment uses which are physically and functionally related to the settlement.	Significant areas of open space on the edge of site allocations with the countryside will not be included	If site allocations are contained in a neighbourhood plan that is Made, the Built-up Area Boundary defined in the Villages Plan will be amended when the plan is reviewed. In the interim there may be a discrepancy between the neighbourhood and village plan.

	Ref.	Criteria	Exceptions	Commentary
Areas to be excluded	C1	The curtilage of any property with the capacity to extend the built form of the settlement, including large residential gardens.	Where there are small areas of land surrounded on more than two sides or mainly surrounded by buildings that would not extend the visual appearance of the settlement, subject to detailed landscape assessment.	The definition of Built-up Area Boundaries, is about defining a group of land and buildings that together take the physical form of a settlement. It is not about including outlying land and buildings simply because they share an address or post code or including land with future development potential.
	C2	Recreational or amenity space at the edge of settlements which has a predominantly open visual character.	Built structures, such as clubhouses, may be included where they 'read' as being part of the built form of the village.	
	C3	Isolated development which is physically or visually detached from the settlement (including farm buildings or renewable energy installations).	There is no expectation of there being exceptions.	
	C4	Parts of settlements that might comprise of groups of houses or buildings but which are separated by fields or open space from the main core of the village.	The only exception would apply where an outlying area also contains a range of services and facilities which might form a core service area in its own right.	

We are inviting responses to the following questions:

1. Are the criteria set out in Table 2 for defining Built-up Area Boundaries the correct ones?
2. Are any additional criteria required to help define Built-up Area Boundaries?
3. Are there areas of land that should be considered for inclusion in the Built-up Area Boundaries for the settlements shown in Table 1? If so please explain either how the site meets with the proposed criteria for inclusion or why and how the criteria should be amended to facilitate the sites inclusion within the Built-up Area Boundary.
4. Are there areas of land that should be excluded from the Built-up Area Boundaries for the settlements shown in Table 1? If so please explain why the site meets the proposed criteria for exclusion or why and how the criteria should be amended to justify exclusion of the site from the Built-up Area Boundary.
5. Do you have any other comments relevant to the Villages Plan?

Details of consultation dates and arrangements to be added.

Report to: **Development Management Committee**

Date of Meeting: 16 June 2015

Public Document: Yes

Exemption: None

Review date for release: None



Agenda item: 9

Subject: **Gypsy and traveller plan and means for securing sites**

Purpose of report: To set out the proposed work programme for production of a Gypsy and Traveller Development Plan Document. This report is being presented to Development Management Committee seeking endorsement for a recommendation to Council.

In addition this report (specifically see Appendix 1) informs and seeks the views of Development Management Committee on proposals going to Cabinet seeking endorsement for direct District Council provision of one or more Gypsy and Traveller sites.

Recommendation:

- 1. That Development Management Committee endorse Council accepting that the defined work programme set out in this report for production of the Gypsy and Traveller Development Plan Document is endorsed.**
- 2. That Development Management Committee endorse the recommendations set out in the paper for the Cabinet, meeting on 17 June 2015 (attached as Appendix 1), that proposes direct District Council involvement in provision of one or more gypsy and traveller sites.**

Reason for recommendation: To gain approval to proceed with work on securing accommodation for gypsies and travellers.

Officer: Matthew Dickins, Planning Policy Manager, mdickins@eastdevon.gov.uk (01395 – 571540)

Financial implications: The report indicates the potential requirement to appoint consultants to support this work.

Legal implications: While acknowledging that the Inspector may propose a course of action that negates the need / remit of this proposed DPD, the Council's current position is that a DPD is required to address this particular requirement. Accordingly it seems sensible that work commences on production of the DPD in accordance with the identified programme adjusting the remit in light of any recommendation the Inspector makes and the Council adopts. Otherwise the legal implications are suitably addressed in the report.

Equalities impact:	Low Impact No specific equalities issues are identified.
Risk:	High Risk Without setting out a work programme for accommodation provision it could impact on the ability to secure a sound local plan and gypsies and travellers are part of the East Devon community with specific accommodation needs that warrant attention.
Links to background information:	<ul style="list-style-type: none"> Devon Partnership Gypsy and Traveller Accommodation Assessment 2015 - http://eastdevon.gov.uk/media/1072089/PSD2015o-DevonPartnership2015GTAA-Final-Report.pdf This assessment forms the primary evidence establishing accommodation needs.
Link to Council Plan:	Living in this Outstanding Place.

1 Context

1.1 The Local Development Scheme, which is also before this Committee in proposed revised form, sets out summary details for production of a Gypsy and Traveller Development Plan Document (DPD), to be referred to as the Gypsy and Traveller Plan. With partner local authorities in Devon the Council commissioned a Gypsy and Traveller accommodation needs study in 2014 and the final report was completed in Spring 2015. The production time scale for the needs study, and specifically knowledge of the overall scale of accommodation needs, did not allow sufficient time for inclusion of site allocations in the emerging local plan. The onus, therefore, is placed on to provision through a specifically focused Gypsy and Traveller Plan.

2 Defining the role of the Gypsy and Traveller Plan

- 2.1 The starting expectation is that the Gypsy and Traveller Plan will need to allocate sites for occupation by this sector of the East Devon community, noting inclusion in this work of new travellers and other people with a nomadic lifestyle and travelling show people.
- 2.2 Before the exact role of the Gypsy and Traveller Plan is defined the need exists, however, to formally consult potential interested parties in respect of the matters and issues that they regard as being appropriate for inclusion in it or to be addressed through the plan. The intention is, therefore, that assuming endorsement is gained for production of the plan the first stage will be to contact potential interested parties to seek their views. Whilst this work will start the plan making process the stages detailed below are also proposed.

3 Call for Sites

3.1 Identifying possible site options for gypsy and traveller occupation is likely to be a key function of the plan and this will necessitate establishing a range of potential site options to consider. It is proposed, therefore, that a 'call for sites' will be issued. This is likely to entail

writing to or contacting people and organisations in the land ownership, planning and development fields, as well as in more general terms the public and other bodies, to see if there is land that interested parties wish to promote for gypsy and traveller accommodation use. As well as letters and email communications we would also consider issuing press notices and promoting the call for sites through press releases with a view to gaining positive press reports.

4 Direct contact with the Gypsy and Traveller Community

- 4.1 To compliment the wider call for sites it is proposed that direct contact will be made with the existing gypsy and traveller community in East Devon. It is envisaged that this will need to take the form of visiting gypsies and travellers on their sites to specifically look at possible options for the expansion of existing sites. Existing site expansion may prove to be a key means for securing additional accommodation. It may be specifically relevant as much of the pressing need arises from the children of existing resident gypsies and travellers who are at the point of (or near to) setting up new households in their own right. The needs study identified a number of teenage children falling into this bracket.
- 4.2 There will be resource issues associated with visiting existing sites and as an exercise it is likely to require an informed approach. To undertake such visits and gather meaningful information about possible interest in site expansion or intensification of use we would envisage identifying partners to work with. It may well be that we need to appoint consultants to specifically undertake or assist with this aspect of the proposed work.

5 Potential District Council provision of a site or sites

- 5.1 To compliment other means for site identification and provision it is considered that the council will need to consider whether it should become a site provider in its own right or partner with other organisations in respect of site provision.
- 5.2 Direct provision could be a positive option for the Council in respect of ensuring that suitable accommodation is secured. For this reason a separate report has been prepared for consideration by Cabinet on 17 June 2015. This separate Cabinet report is appended to this Development Management Committee Report and members are asked to endorse the separate report recommendations. Comments made by this Development Management Committee will be reported to the Cabinet meeting.

6 Local Plan examination

- 6.1 At and after the local plan examination hearing sessions that recommence in July 2015 the Inspector may make recommendations on gypsy and traveller site accommodation that need to feed in to the Gypsy and Traveller Plan. It is possible that his recommendations, if endorsed by this Council, could negate the need for a separate gypsy and traveller plan. It might be that he recommends specific site allocations in the local plan for example as provision on and as part of larger residential/mixed use developments.

7 Overall evidence gathering and initial consultation

- 7.1 The stages of work summarised above are likely to be the relevant evidence gathering parts of the work on the Gypsy and Traveller plan production. However the work undertaken, including feedback from initial consultation, may identify matters that require further evidence gathering to be undertaken. Feedback on material gathered will be reported back to this Development Management Committee with a target date of late Summer/early Autumn 2015.
- 7.2 It will be desirable for informal consultation to be undertaken before the formal publication stage of plan making is entered into. It is proposed, therefore, that summary findings are made available for public comment. This stage of work could involve seeking views on possible site choices and specifically so within the context of site selection criteria that we may determine (with an expectation of these being a refinement of emerging local plan policy criteria/considerations).

8 Sustainability Appraisal and supporting assessments

- 8.1 Any Development Plan Document needs to be supported and informed through its production by Sustainability Appraisal and Strategic Environmental Assessment. There can also be other assessment work that is required in support of a plan, this could, for example include assessment under the Habitat regulations.
- 8.2 These assessment processes could have staffing implications and can require specific skill and qualification requirements. We have previously employed external consultants to undertake these work areas, for example on the Local Plan, and may need to look to external support for this plan.

9 Plan Publication and formal public Consultation

- 9.1 In late 2015 (or early 2016) the intent is (assuming the Local Plan proceeds in a timely manner) to come back to this Committee with a proposed publication draft of the plan and seek Committee endorsement for formal consultation. It is planned, as detailed in the draft Local Development Scheme, that consultation will take place in early 2016. The consultation responses would be collated and authority would then be sought for submission of the plan, responses and background supporting reports to the planning Inspectorate. This is the Submission stage and plan examination formally starts on submission.

Report to: Cabinet
Date of Meeting: 17 June 2015
Public Document: Yes
Exemption: None



Review date for release None

Agenda item: To be completed by Democratic Services.

Subject: **Gypsy and Traveller Site Provision**

Purpose of report: To set out the proposed approach to provision of gypsy and traveller pitches in East Devon and to seek endorsement of direct District Council provision of one or more Gypsy and Traveller sites.

Recommendation:

- 1. That the proposed approach to provision of Gypsy and Traveller pitches be approved.**
- 2. That Members support detailed further work in respect of potential for direct District Council involvement in provision of one or more gypsy and traveller sites**
- 3. That Members allocate a budget, proposed cost of/around £500,000, for provision of one or more gypsy and traveller sites though with potential for grant aid and potential rental returns on asset investment.**

Reason for recommendation: To gain approval to proceed with work on securing accommodation for gypsies and travellers.

Officer: Matthew Dickins, Planning Policy Manager, mdickins@eastdevon.gov.uk (01395 – 571540)

Financial implications: There is currently no provision in the capital programme for a land purchase of £500k and no available capital funding. This was not an item considered by the Capital Strategy and Allocation Group and not considered by Members during the budget approval process.

Therefore any purchase would need to be funded from borrowing with associated additional revenue costs for interest payments, again no budget provision has been made for these costs.

A fully costed and funded proposal would need to be approved by

Cabinet and Council before any purchase could be made with the inclusion of any likely external funding that might be available.

Legal implications:

Equalities impact: High Impact

A delay in delivering sites for gypsies and travellers could lead to them being disadvantaged through a lack of suitable housing and a failure to meet the Public Sector Equality Duty.

Risk: High Risk

Failure to set out a realistic strategy for the provision of gypsy and traveller sites could impact on the ability to secure a sound local plan. Failure to make local authority provision if private sector sites do not come forward could lead to gypsies and travellers being disadvantaged.

Links to background information:

- Devon Partnership Gypsy and Traveller Accommodation Assessment 2015 - <http://eastdevon.gov.uk/media/1072089/PSD2015o-DevonPartnership2015GTAA-Final-Report.pdf>
This assessment forms the primary evidence establishing accommodation needs.

Link to Council Plan: Living in this Outstanding Place.

1 Context

1.1 The Government requires Local Authorities to assess the need for gypsy and traveller pitches in their area and ensure that sufficient sites are available to meet the likely need for at least 5 years. These sites might often be allocated through the Local Plan and failure to provide for gypsies and travellers through the plan carries a risk of it being found unsound. A recent legal judgement concluded that gypsies and travellers had been disadvantaged by delays in determining their planning applications compared to those of the settled community and subsequently Maldon District Council's Local Plan was advised to be non-sound as it failed to allocate sites or specify the level of need for pitches.

1.2 With partner local authorities in Devon, this Council commissioned a Gypsy and Traveller accommodation needs study in 2014 and the final report was completed in Spring 2015. The production time scale for the needs study, and specifically knowledge of the overall scale of accommodation needs, did not allow sufficient time for inclusion of site allocations in the emerging local plan. It would be appropriate to set out the numbers of pitches required in the local plan but identify specific sites through a separate Gypsy and Traveller Development Plan Document, which will be referred to as the Gypsy and Traveller Plan. This Gypsy and Traveller Plan is in the early stages of preparation and is expected to be adopted approximately one year after the local plan.

2 The current position and scale of provision required

2.1 CLG “Planning Policy for Traveller Sites” (March 2012) is the key Government Guidance which is applicable to this report. This guidance defines travellers (including gypsies) as

“Persons of nomadic habitat of life whatever their race or origin, including such people who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such”.

This definition does not include travelling showpeople (who may be identified by their membership of the Showmen’s Guild of Great Britain) but, as the Council has a duty to also assess and meet their accommodation needs, it is considered expedient to include them in the needs assessment and the Gypsy and Traveller Plan.

2.2 There are currently 36 permanent residential gypsy and traveller pitches in East Devon and 72 gypsy or traveller families living in bricks and mortar housing. There are pitches distributed throughout East Devon but they are mainly concentrated in western areas of the District, close to main travel routes. With the exceptions of a 5 pitch County Council run site on National Trust land at Broadclyst (which is occupied by an extended family group) and a privately run commercial site of 12 pitches at Hawkchurch, East Devon gypsy sites are small scale (1-3 pitches) and usually occupied long term by the families who own them.

2.3 The headline findings for East Devon from the needs assessment are as follows:

- A need for **37 additional gypsy pitches** between 2014 and 2034, **with 22 of these needed in the first 5 years**;
- A need for **3 new travelling showpeople pitches**, with **1** of these needed in the first 5 years;
- A need for **4-5 temporary/emergency stopping places**, each 4-5 pitches in the first 5 years (this applies across the study area as a whole. East Devon is not specifically mentioned, although Devon County Council state that East Devon has the highest level of unauthorised stops in the County, so it could be concluded that at least one of these temporary/emergency sites should be in East Devon); and
- A need for **23 houses** for gypsies and travellers (this would be met through the general housing stock).

2.4 Most of the immediate need arises from overcrowding of existing sites and from newly formed families on existing sites (usually children reaching maturity and having their own children) who wish to stay close to extended family. Most of the need is on the western side of the District, around the M5/A30 (with significant unauthorised short-term stops occurring in the Clyst Honiton/Broadclyst areas), so this would be the obvious area of search for new sites.

- 2.5 The needs assessment identifies a need to accommodate 4 families currently occupying unauthorised pitches, but this figure was difficult to quantify given the short term nature and high turnover of families on unauthorised land. There are several long-term encampments (discussed later in the report) but most unauthorised stops are very short-term as families pass through the District.
- 2.6 There have been comparatively few complaints, specifically to Council officers and departments, about any of the family occupied sites and feedback from previous consultations suggests that they generally integrate well into the local communities. Evidence suggests that conflicts where they might arise can do so: as sites grow larger, where there is a high turnover of occupants, where occupants are unrelated and from diverse cultural backgrounds and where they negatively impact on the settled community. These considerations should influence the Council's approach to locating new pitches.
- 2.7 There are currently understood to be two travelling showpeople's sites in East Devon. One very small site to the north of Exeter, and a recently developed site at Clyst St Mary of 9 plots. The travelling showpeople work a 'circuit' of events throughout the year, often booking locations several years in advance, and require considerable space for their equipment and to carry out on-site repairs as well as excellent road access for large vehicles. The very small projected need (of 1 plot in the first 5 years and 2 further plots in the subsequent 15 years) arises from newly formed families and might be accommodated on the existing site, or nearby. No complaints are understood to have been made in respect of these sites.

3.0 The Proposed approach to site selection and allocation

Production of a Gypsy and Traveller Plan

- 3.1 Now that a need is proven, national policy requires the Council to provide means/allocate sites to accommodate it. Ideally, sites would appear in a Local Plan but time constraints mean that a case will be put to our Local Plan Inspector that a separate Gypsy and Traveller Plan is appropriate and will be produced over the next year. The Inspector will be told that there is recent precedent for this approach in West Dorset. Whilst the Gypsy and Traveller Plan is being produced, planning applications for new or extended sites will continue to be assessed against the development management policies of the Local Plan, ensuring that gypsies and travellers are not disadvantaged by a delay in decision making.
- 3.2 Assuming that this approach is acceptable in principle to the Inspector, the intention is that the first stage will be to contact potential interested parties to seek their views on what the Gypsy and Traveller Plan should contain. This is likely to be followed by a 'call for sites' where any interested parties are asked to put forward possible sites for gypsy and traveller accommodation use. As well as letters and email communications we would also consider issuing press notices and promoting the call for sites through press releases with a view to gaining positive press reports.

- 3.3 It should be noted that, whilst previous calls for residential housing sites have resulted in numerous pieces of land being put forward for consideration, a previous call for land for potential gypsy and traveller accommodation use didn't result in any sites being put forward. There is a real possibility that a new call for sites would result in none being put forward.
- 3.4 Provision of land for gypsies and travellers is complicated by the cost of buying and laying out new pitches, as just one family in the study said that they could afford to do so. This may be less of an issue if existing, privately owned, sites can be expanded, but is likely to be a major constraint to delivery of new sites. This situation parallels the settled communities affordable housing need.

Direct contact with the Gypsy and Traveller Community

- 3.5 To complement the wider call for sites it is proposed that direct contact will be made with the existing gypsy and traveller community in East Devon. It is envisaged that this will need to take the form of visiting gypsies and travellers on their existing sites to specifically consider possible options for their expansion. Most of the pressing need arises from the teenage children of existing resident gypsies and travellers who will shortly be setting up new households in their own right but want to remain close to family support. The needs study identified a number of teenage children falling into this bracket. This would enable the Council to meet some of the immediate need in the very short term.
- 3.6 There will be resource issues associated with visiting existing sites and it will require an informed approach. To undertake such visits and gather meaningful information about possible interest in site expansion or intensification of use we would envisage identifying partners to work with, for example the County Council Gypsy Liaison Officer. It may well be that we need to appoint consultants to specifically undertake or assist with this aspect of the proposed work.

Potential District Council provision of a site or sites

- 3.7 To complement other means of site provision, the Council will need to consider whether it should become a site provider in its own right or partner with other organisations to provide sites. The Council has a statutory duty under Section 225 of the Housing Act 2004 to review gypsy and traveller housing needs in the district and a general duty to meet the needs identified. There is also a duty to provide housing for homeless gypsies and travellers, subject to tests of priority need, local connection and intentionality (the normal homelessness tests). Whilst private sites may come forward the only definite way that site provision could be ensured is if the Council was to acquire and manage one or more sites, potentially through compulsory purchase.
- 3.8 Allocation of funds to enable the purchase of a local authority site would demonstrate the Council's commitment to site provision in the possible absence of private sector interest.
- 3.9 Council owned sites operate very successfully in South Somerset, with three sites (Tintinhull, 8 pitches; Ilton, 10 pitches; and Pitney Hill, 3 pitches) and in Teignbridge (Haldon Ridge, 15 pitches). In South Somerset the Council has a well-established Gypsy and

Traveller forum that meets regularly and ensures that the needs of the community are known and understood. For those Gypsies and Travellers who are unable to afford their own site, the pitches on the Councils own land mirror affordable housing provision and are operated by a site manager, employed by the Council. Annual reports are made to Scrutiny Committee addressing 10 key management issues so that Members can keep track of expenditure and behaviour on the sites. The latest report can be accessed here <https://www.southsomerset.gov.uk/media/659636/7.pdf> and it appears that rents and utility bills are paid promptly and antisocial behaviour is low. Overall, the sites are operating at a profit (in 2013/14 maintenance costs totalled £42,609 but a surplus of £32,400 was made) but this will be reinvested in park homes which need to be replaced after around 30 years. The main costs related to void periods when work was undertaken to the park homes, routine pump maintenance and refuse collection.

3.10 The District Council does not currently have a separate 'budget' allocated for provision of gypsy and traveller sites and there is no provision in the affordable housing budget (secured through section 106 contributions) or from Registered Providers who have expressed an interest so any funding may need to be made from Council reserves or savings. Funding may be available from the Homes and Communities Agency Affordable Housing Programme but this money covers all types of affordable housing and is really aimed at schemes with planning permission; it is unlikely to be applicable here, although this source of funding will be explored in detail once a site is identified. New Homes Bonus is available to the Council of between £6,000-£6350 per pitch upon occupation. Sites would produce a rental income which could be set against the capital expenditure and the Council might choose to draw or have scope on affordable housing contributions to pay towards provision.

3.11 To purchase a site/s in East Devon a budget would need to be allocated to potentially provide land for:

- Potentially 10-12 pitches on 1-2 sites (smaller sites work best and it is advised that site should exceed 15 pitches);
- Each pitch would ideally be around/at least 500sqm as they need to accommodate an amenities building, touring caravan/s, mobile home/living van, car/s, garden and potentially workspace (in which case pitches will need to be bigger);
- At 500 sqm per pitch, a site for 10 pitches would require a minimum ½ hectare of land, potentially more with a road access and space for services; and
- Potentially a travelling showpersons pitch. They are unlikely to want to share a gypsy site and need a lot of space and main road access for their equipment. It might be that scope exists to accommodate any needs on the existing Clyst St Mary site of 9 pitches. At present only 4 of 9 pitches are occupied.

3.12 As most need arises in the western part of the District this could be the preferred area in which a site may be sought. In very broad terms, large scale gross residential land values in

this area (based on the recent Pinn Court Appeal), are in the region of £1m+ per hectare. Outside the West End they will vary and in many parts of the District could be higher.

- 3.13 The value of a site in open countryside, unsuitable for market housing, could be considerably cheaper but this would need to be weighed against sustainability considerations and suitability for gypsy and traveller use. Values range from around £15k-£30k for agricultural land though can be much higher where agricultural land has development 'hope value'.
- 3.14 An employment site could be considered but these become available infrequently and the mix of other uses would need to be carefully considered to ensure there is no conflict with residential amenity. On balance, unless an employment site with potential is in District Council ownership and control, this is less likely to provide a solution.
- 3.15 There is obviously a risk associated with speculatively purchasing a site and then applying for planning permission. Potentially a site/s could be compulsorily purchased but this could add considerable legal costs to the budget and would probably only really be considered relevant should alternatives not be successful.

Alternative approach- Inclusion of provision within Local Plan strategic housing allocations

- 3.16 Our neighbouring authorities of Mid-Devon, Teignbridge and Exeter City, have agreed an approach to provision which requires gypsy and traveller provision on allocated strategic development sites. This aims to ensure that pitches are provided at the same rate/in-line as bricks and mortar houses and that gypsies and travellers integrate into the local community from the outset with all the infrastructure that new housing requires.
- 3.17 This approach was considered in East Devon prior to submitting the Plan (at the stage when most strategic sites were allocated) but the timing was such that the level of need was not known and it was considered unreasonable to define an un-evidenced blanket requirement on larger sites across the District. Now that the level of need has been identified, this would be an approach which could ensure that provision is made in West End locations where transport links and infrastructure provision is good. However at this late stage only the Inspector could make such a recommendation.

Report to: **Development Management Committee**

Date of Meeting: 16 June 2015

Public Document: Yes

Exemption: None

Review date for release: None



Agenda item: 10

Subject: **Planning Obligations Development Plan Document**

Purpose of report: To set out the proposed work programme for production of a Planning Obligations Development Plan Document. This report is being presented to Development Management Committee seeking endorsement for a recommendation to Council.

Recommendation:

- That Development Management Committee endorse Council accepting that the defined work programme set out in this report for production of the Planning Obligations Development Plan Document is endorsed.**

Reason for recommendation: To gain approval to proceed with work on production of a Planning Obligations Development plan Document.

Officer: Matthew Dickins, Planning Policy manager, mdickins@eastdevon.gov.uk (01395 – 571540)

Financial implications: No financial implications have been identified.

Legal implications: In order for the Council to be able to justify securing appropriate planning obligations (either specific works or contributions) which are not covered by CIL and which are required to make a development acceptable it is necessary of their to be a DPD to further expand on the overarching policy of the Local Plan (as and when adopted). This report requests endorsement to initiate a programme of work to ensure that part of the legal obligations (being the public consultation) are carried out which is clearly a requirement we must adhere to

Equalities impact: Low Impact
No specific equalities issues are identified.

Risk: Medium Risk
On the basis that the intent is to produce a Planning Obligations Development Plan Document it is essential that certain procedural steps are taken. This report highlights a number of these. requirements.

Links to background information: No background documents are identified.

Link to Council Plan: Living in this Outstanding Place.

1 Context

- 1.1 The Local Development Scheme, which is also before this Committee in proposed revised form, sets out summary details for production of a Planning Obligations Development Plan Document. Planning obligations take the form of contributions made by a developer in order to address infrastructure or other matters/issues that are relevant to allow for development to proceed in an acceptable manner. Infrastructure, in the context of this report and work, covers not just roads and pipelines and footpaths and other built features; it extends to cover social and community and environmental factors, but they have to be relevant to planning considerations.
- 1.2 The expectation is that in 2016 the District Council will be in a position to formally adopt the Community Infrastructure Levy (CIL) Charging Schedule. This levy, on adoption, will form an income stream that will help provide for some of the infrastructure needed to support development. There will remain, however, some infrastructure that CIL will not (cannot) provide for, most notably (in cost terms at least) affordable housing.

2 Defining the role of the Planning Obligations Development Plan Document

- 2.1 The clear expectation of this Development Plan Document is that it will set out policy and approach to collection and use of developer contributions. At this stage of work it is assumed that CIL will be adopted and the proposed work stream is based on this assumption. Should CIL not be adopted then revisions to the work will be required.
- 2.2 However before the exact role of the Development Plan Document is defined we need to formally consult potential interested parties in respect of the matters and issues that they regard as being appropriate for inclusion in or to be addressed through the plan. The intention is, therefore, that assuming endorsement is gained for production of the plan the first stage of work will be to contact potential interested parties to seek their views on potential content.

3 Evidence requirements and potential matters to be addressed

- 3.1 The obligations plan will need to be supported by evidence with an expectation that it could cover such topic matters as:
 - a) Affordable housing – including in respect of overall standards, delivery and the off-site contribution calculator;
 - b) On-site Section 106 contributions;
 - c) Off-site Section 106 contributions;
 - d) CIL and the relationship between CIL and Section 106;
 - e) CIL and payment in kind, rather than e.g. through provision of land, rather than as a cash contribution.

4 Local Plan examination

- 4.1 At and after the local plan examination hearing sessions that recommence in July 2015 the Inspector may make recommendations that impact on the future development of Cranbrook. The overall work will, therefore, need to take account of the Inspector's final conclusion and any changes that he may recommend to the local plan.

5 Sustainability Appraisal and supporting assessments

- 5.1 Any Development Plan Document needs to be supported and informed through its production by Sustainability Appraisal and Strategic Environmental Assessment. There can also be other assessment work that is required in support of a plan.
- 5.2 These assessment processes could have staffing implications and can require specific skill and qualification requirements. We have previously employed external consultants to undertake these work areas, for example on the Local Plan, and may need to look to external support for this plan.

6 Plan Publication and formal public consultation

- 6.1 In early 2016 the intent is (assuming the CIL proceeds in a timely manner) to come back to this Committee with a proposed publication draft of the Planning Obligations Development Plan Document and seek Committee endorsement for formal consultation. It is planned, as detailed in the draft Local Development Scheme, that consultation will take place in 2016. The consultation responses would be collated and authority would then be sought for submission of the plan as well as responses received and background supporting reports to the Planning Inspectorate. This is the Submission stage and plan examination formally starts on submission.

Report to: **Development Management Committee**

Date of Meeting: 16 June 2015

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: 11

Subject: **Enforcement report – Plot 406 Hawkerland Colaton Raleigh**

Purpose of report: This report seeks to provide members with an update of recent events and the enforcement history in respect of Plot 406 and to outline the available options for enforcement action and make recommendations for how to proceed in this case.

Recommendation:

- 1. To proceed with prosecution proceedings against the owner of the site for non-compliance with the previously served S215 notice to address the untidy condition of the site.**
- 2. To monitor activities on the site and review potential actions against unauthorised occupation of the site in the event that the site becomes occupied.**

Reason for recommendation: Although recent work that has been undertaken has resulted in a significantly tidier site than was previously the case the site remains in a poor condition by virtue of the derelict building, caravan and remains of previously imported waste material the removal of which can be secured through compliance with the untidy land notice already served.

Officer: Ed Freeman – Service Lead – Planning Strategy and Development Management (Ext. 2719)

Financial implications: The legal work for proceeding with prosecution can be undertaken in house. Direct action could cost in the region of £15 - £20k although this could potentially be recovered from the landowner.

Legal implications: The legal implications are addressed within the report.

Equalities impact: Medium Impact

This recommendation affects land owned but not occupied by a member of the gypsy and traveller community. Therefore while respect must be given to their traditions and way of life it must still be considered on its own merits and in accordance with the policies available. Consideration of pre-emptive action in relation to the potential future occupation of the site would have significant equalities impacts on the owners as the Council cannot provide an alternative site at this time and so the owners may become homeless albeit this would be by virtue of the sale of their existing home by family members.

Risk: There are risks in terms of the associated costs of pursuing either legal action or direct action when the site has been tidied and with the exception of an unused caravan stored in the middle of site, is now in an acceptable state for the countryside.

Links to background information:

Link to Council Plan: Living in, working in, enjoying and funding this outstanding place.

Report in full

1.0 Background and History

- 1.1 The site is located to the south side of the local road which runs though Hawkerland and links the B3178 and B3179. The site entrance is almost opposite the junction of this road with the local road that leads north to link to the A3052. There is a residential property, 'The Wilderness', to the northeast of the site on the opposite side of the road and further isolated dwellings further to the north, east and west. There is a small brick barn to the immediate east of the access which lies outside of the site. The site lies in open countryside designated as an Area of Outstanding Natural Beauty and is situated in close proximity to the East Devon Pebblebed Heaths which lie approximately 150 metres to the south and west. The Pebblebed Heaths are designated as East Devon Heaths Special Protection Area (SPA), East Devon Pebblebed Heaths Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI).
- 1.2 The site is relatively level and is shallow in depth but has a wide frontage, it measures approximately 0.1ha. The site entrance is located in the northeast corner. To the south of the entrance is an area of concrete hard standing leading to two low level, single storey, storage buildings located on the southern boundary. The buildings are located at right angles to each other and are both in a state of disrepair. One building has a pitched roof and is covered in corrugated metal sheeting, the other, which runs parallel with the southern boundary has a low mono-pitched roof and is again covered in metal sheeting but has brick construction to the lower part of its elevations. To the west of the buildings an area of rough hardcore has been laid to beyond the midpoint of the site, the remainder of the site is unsurfaced.
- 1.3 An open brook marks the southern boundary of the site, beyond which is a belt of hedge and tree planting. The remaining site boundaries, aside from the opening at the site entrance, are similarly screened by tree or hedge planting.
- 1.4 The site was monitored for many years due to its untidy condition and concerns from residents regarding its intended use. In late 2009 the current owners of the site commenced clearing the site with a small mini digger which was followed in early 2010 by waste hardcore and rubble being brought on to the site and spread across it creating an uneven hardcore surface.
- 1.5 An application for "retention of existing hard standing and provision of two permanent pitches with one day room" was submitted on 24 April 2010. However further dumping of hard core and other materials continued throughout August 2010 and a temporary stop notice was served requiring that all importation of waste building materials (including hardcore, broken paving materials and used paving sealant cans (toxic chemical)) ceased along with the spreading of such materials across the land. This notice expired on 15 September 2010

- 1.6 On 14 September 2010 a stop notice and Enforcement Notice were served on the owner of the land and posted on site.
- The stop notice required that all importation of waste building materials (including hardcore, broken paving materials and used paving sealant cans) ceased together with the spreading of such materials across the land.
 - The Enforcement notice required removal of all the waste building materials from the land and to restore the land to the condition (agricultural field) which existed prior to the breach of planning control. The enforcement notice took effect on 27 October 2010, and had three months for compliance to take effect
- 1.7 EDDC were advised on 20 September 2010, that the planning application for the retention of existing hard standing and provision of two permanent pitches with one day room had been withdrawn
- 1.8 By February 2011 the stop notice had been complied with, and the enforcement notice had been partially complied with in that the hardcore had been gathered into a pile behind the boundary hedge thereby obscuring it from view. It was considered at this time that this was sufficient and that no further action was warranted. This judgement was largely based on the site having long since been in an untidy condition and the site was no more untidy than it had been prior to service of the notice. Since the notice could only require restoration back to its prior condition the works carried out were deemed sufficient.
- 1.9 On 5 November 2012, a further complaint (12/F0496) was received in relation to a caravan being left on the site. A visit revealed that the caravan (a Compass Commodore 340) in poor condition and uninhabitable had been left on the site. This was backing onto the eastern hedgerow, just in from the access gate. The caravan was full of rubbish/junk. The piles of rubble/building waste were over grown, and the buildings on site were continuing to fall into disrepair.
- 1.10 On the 14 December 2012 a Section 215 Notice (Untidy Land Notice) was served as the condition of the site was detrimental to the visual amenity and character of the open countryside which forms part of the designated East Devon Area of Outstanding Natural Beauty. The Section 215 Notice required the owner to remove any caravans from the site, remove all the piles of waste building materials (including hardcore, broken paving materials, and general rubble and rubbish), demolish and remove the buildings on site, clear all the undergrowth from the site. All the works were required to be undertaken within 6 months from the date of issue of the notice.
- 1.11 When the site was checked at the end of the compliance period no works had been undertaken to tidy the site in accordance with the notice. In July 2013 a site meeting with the owner was held and the requirements of the notice were fully explained and a letter was sent confirming the discussion.

- 1.12 The owner of the site was chased at various times with no action being forthcoming and so the decision was taken to commence prosecution proceedings for non compliance with the Section 215 notice. The relevant court papers were served on the owners of the site at their only known address, however it is understood that the owner was away travelling at the time and did not receive the papers. He was therefore not in attendance at the hearing and the court was unwilling to hear the case in his absence. This led to an on-going problem of how we serve papers on someone with no fixed address which has left us unable to proceed with the proposed prosecution.

2.0 Recent activity and current situation

- 2.1 In May of this year it was brought to our attention that works were being carried out at the site. When an officer visited the site it was noted that approximately 80% of the vegetation across the site had been cleared and an area of hard standing had been created. It would appear that the original hardcore which had been piled up behind the frontage hedgerow had been removed and new hardcore of a smaller grade had been brought onto the site and spread across most of the area to create a level site. It was also noted that an electric box had been erected and a pipe to carry fresh water was in the process of being installed. The two derelict low level single storey storage structures and the caravan subject to the Section 215 Notice were still in situ.
- 2.2 On the 20th May a meeting was held with the residents and the ward member and the various issues with the site discussed and potential actions to resolve the situation discussed. Concerns were also expressed by the residents that the site was being prepared for occupation given the site works that had taken place and in particular the installation of services.
- 2.3 On 21 May 2015 a Temporary Stop Notice to cease the importation of waste building material and any further spreading of such material across the land was again issued. This notice has not been complied with as further material in the form of top soil has been brought onto the site and partially spread across the hard surfaced area with the remainder stored in piles around the site.
- 2.4 Following service of the notice the owner's father spoke to the Service Lead for Planning in some detail and explained that he considered that he was tidying the site as requested by the Council. He explained that the family were moving away from the area with the exception of his son in whose name the site at Plot 406 is registered. Upon sale of the families existing site at Farringdon the intention is to move the son and his wife onto the site at Plot 406.

3.0 Planning Viewpoint

- 3.1 The site's position is in an extremely sensitive location within a designated Area of Outstanding Natural Beauty and in close proximity to the East Devon Pebblebed Heaths: Site of Special Scientific Interest, Special Conservation Area and a Special Protection Area. Whilst it is not considered that the site is particularly prominent, it is visible from public view.
- 3.3 Although the materials, caravan and buildings on the site could be partially screened from view by a continuation of the hedge alongside the road, they will still have a detrimental impact on the visual amenity and character of this part of the AONB contrary to policy EN1 of the adopted Local Plan.

- 3.4 In addition, the building materials, caravan and buildings on site in the open countryside are without justification (namely a proven need for agriculture or forestry) and as such the principle of this development is contrary to policy S5 of the adopted Local Plan. However works that have been undertaken in recent days have improved the appearance of the site and reduced its visual impact on the character of the area. It is therefore debatable whether it is in the public interest to continue with either a prosecution or direct action. The harm that remains arises principally from the caravan and the dilapidated buildings.
- 3.5 It is noted that in recent communication the site owners have indicated their intention to move onto the site. This results in significantly different planning considerations most particularly in regard to the proximity of the site to the protected Heathland.
- 3.6 Affecting a small number of applications in recent times, an Ecological report (agreed for use in determining planning applications - Footprint Ecology) together with emerging Policy in the new East Devon Local Plan (Strategy 47) identifies that for sites within 400m of the boundary of the designated SPA and SAC, no new dwellings should be provided. This arises on account of the potential for cat ownership to adversely affect the wildlife on the designated heathland and recreational impacts from residents on the heathland.
- 3.7 It is also considered that the site is remotely positioned and set in an unsustainable location away from services and facilities. In recognition of this and significantly the ecological issues already identified, which attract the highest level of protection enshrined under European Law, it is therefore considered that the site is not suitable for occupation as a gypsy and traveller site.
- 3.8 It is important to note that evidence produced in conjunction with other authorities in Devon has shown that there is a significant need for gypsy and traveller sites within the district over the new Local Plan period. While this need is proposed to be met through a separate Development Plan Document it should be noted that in the meantime there are no available pitches for gypsies and travellers in need. Therefore should the owner find himself homeless by virtue of the family site having been sold then we do not have alternative sites for him to go to. Government guidance as with housing land requires us to have a 5 year supply of gypsy and traveller sites. Where a Local Planning Authority do not have a 5 year supply of desirable sites this has to be a significant material consideration when considering applications for temporary planning permission.

4.0 Potential Options

- 4.1 Prosecution – Clearly one option open to the council is to prosecute the owner of the site for non-compliance with one or both of the outstanding enforcement notice and untidy land notices served on the site in recent years. A prosecution for non-compliance with the untidy land notice had commenced prior to recent events but could not proceed as the owner was travelling. It is understood that the owner is now staying at the family site at Princes Paddock in Farringdon and therefore service of papers on him would now seem to be a viable option. It should also be noted that a prosecution would at best lead to the owner being fined and while this and the threat of further fines may incentivise him to comply with the notices this is not guaranteed. Such action would however only potentially secure compliance with the Untidy Land Notice. It is understood that much of the hardcore on the

site is new material brought on since that notice was served and as a result the owner could not be prosecuted for these works albeit the removal of the derelict buildings and the caravan would clearly lead to a marked improvement in the appearance of the site.

- 4.2 Direct Action – The Council has the power to enter land and carry out the works required by an enforcement notice or untidy land notice and recoup the cost of these works from the owner. Again this option is available however this again would not resolve the current situation that has evolved since the notices were served. It should also be noted that this action should only be taken as a last resort and when there is a significant harm resulting from the breach of planning control. In this case it could be argued that the recent works carried out at the site have in fact tidied up the site and it is actually in a better condition than it has been for many years. While this route could be used to secure compliance with the untidy land notice it would be usual to prosecute the owner first before taking direct action. It should also be noted that the costs associated with taking direct action could be substantial and in this case certainly tens of thousands of pounds. While these costs can in theory be recouped the costs of doing this through the courts can in themselves be prohibitive with no guarantee of success.
- 4.3 Pre-emptive Injunction – The concerns of the residents aside from the condition of the site also relate to the threat of gypsies moving on to the site which seems likely given the works that have been carried out at the site and conversations with the owner's father. Such an injunction could be based on preventing a breach of planning control or the environmental damage that occupation of the site would cause such as impact on the pebblebed heaths. Case law is limited on the use of such injunctions and have generally related to cases where public land such a park or public car park have been at risk having a direct affect on the general public. The guidance does however refer to them being available for use on private land as well. The council has not used this course of action previously and again significant costs are involved.
- 4.4 An injunction would be served on the person rather than the land and so it is worth noting that the owner has lived on the Princes Paddock Site near Farringdon and does not as far as we are aware have a record of unauthorised occupation of sites indeed the family have been quite co-operative in the past. In this context an injunction could be considered to be 'heavy handed' while there are concerns about this approach in relation to there not being other available sites and vulnerabilities in the Council's case due to the lack of a 5 year supply of sites. If by the time of an injunction the site is occupied and the site at Princes Paddock has been sold there is a risk that the owners would be made homeless and the lack of alternative site provision would count against the Council's case. While there would be some impact on the pebblebed heaths temporary occupation of the site would have only a limited impact in the short term and the council would be in a much better position to take action once alternative site provision has been made. There is therefore significant concern regarding whether a robust case can be made and the consistency of applying this approach in this case.
- 4.4 Stop notice and Enforcement Notice – The current stop notice is only a temporary measures that runs out on the 18th June. A permanent stop notice would be required to try and protect the site from further unauthorised importation of hardcore, however this would need to be accompanied by an enforcement notice. Such a notice would be able to include the works covered by previous notices plus the additional works that have recently been carried out on the site. The recent works have now however been partially covered by soil and therefore cause limited harm in terms of their visual appearance. Concerns have been expressed by a resident who also owns land adjoining the site that the weight of the

hardcore on Plot 406 is impacting on her land but there is no real evidence of this and to a large extent this is a private matter between the respective land owners.

- 4.5 The owners have not complied with a temporary stop notice that was recently served, however in conversation with them it is understood that no further hardcore is intended to be brought onto the site and this seems unlikely since most of the site is now covered. The owners have moved to placing top soil over some of the hardcore and this can only improve the appearance of the site and so there would be little point in preventing this from taking place.

5.0 Conclusions

- 5.1 Based on the current position on the site it is considered appropriate to proceed with already commenced prosecution proceedings over non-compliance with the untidy land notice now that the location of the owner of the site is known and papers can now be served. This approach will lead to the tidying of the site through the demolition of the derelict building, removal of the caravan and any materials that were on the site at the time of the service of the notice. The material that has subsequently been brought on to the site would not be affected by this but at the time of writing this is being covered by topsoil thus mitigating its visual impact. Aside from this it is considered that the issue over future occupation of the site should be reviewed when and if the site becomes occupied but the usual approach of the council would be to assess the impact of this at the time of the breach and if necessary serve an enforcement notice to remedy the breach at that time. There are no special circumstances arising with this case that would suggest that a different approach should be adopted particularly as the owner may have no other site to go to and the Council may be open to criticism as a result of this.

Report to: **Development Management Committee**

Date of Meeting: 16 June 2015

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: 12

Subject: **Waste Management and Infrastructure - Draft Supplementary Planning Document by Devon County Council**

Purpose of report: To advise members of the production of a consultation draft of a Supplementary Planning Document (SPD) by Devon County Council in respect of waste matters. The SPD deals with waste related issues that fall outside of the County Council's role as the Waste Planning Authority. The guidance is, therefore, primarily geared towards local planning authorities and developers in considering waste issues in schemes they are dealing with such as new housing developments.

Recommendation:

That Development Management Committee:

- 1. Welcome the production of the draft Waste Supplementary Planning Document by Devon County Council;**
- 2. Agree to the wording in the boxed text within the report forming the comments of this Council on the draft Waste Supplementary Planning Document.**

Reason for recommendation: To ensure this Council provide feedback on the draft document.

Officer: Matthew Dickins, Planning Policy manager, mdickins@eastdevon.gov.uk (01395 – 571540)

Financial implications: No financial implications have been identified.

Legal implications: As the Waste Supplementary Planning Document will be used in determining applications for waste development in East Devon it is important that the Council makes appropriate responses to the consultation to ensure, as far as possible, that the Council's views are taken on board.

Equalities impact: Low Impact
No specific equalities issues are identified.

Risk: Low Risk
No specific risk issues are identified.

Links to background information: Links are provided in the report to background documents.

Link to Council Plan: Living in this Outstanding Place.

1 Context

1.1 Devon County Council, as Waste Planning Authority, has adopted its Waste Plan and has now produced draft Supplementary Planning Guidance (SPD) on waste matters. The draft document can be viewed at;
<https://new.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>

1.2 In the draft they advise:

“The purpose of the SPD is to provide guidance to local planning authorities and developers to assist in implementation of three of the Waste Plan’s policies dealing with waste prevention, waste management infrastructure and the protection of waste management capacity.”

1.3 The production of the Waste SPD was subject to a scoping exercise earlier this year in respect of potential content. This Council, see:
<http://eastdevon.gov.uk/media/765023/100215-combined-dmc-agenda.pdf>
advised that we were of the view that it should have a wider remit than the above. The County Council determined, however, to not endorse the suggested wider remit and just to concentrate on the key matters described. The response of the County Council to East Devon District Council and others comments can be viewed at:
<https://new.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>

Comments in this paper are explicitly written within the context of the County Council approach and it is not considered that it would be relevant to re-raise earlier (dismissed) concerns.

1.4 The deadline for comments is the 12 June 2015. This report will be sent to the County Council on or before this date and followed up with Committee decision as soon as possible on/after 16 June 2015.

1.5 The document includes a useful succinct summary of its role that is particularly relevant to local planning authorities in advising:

“2.3 Local Plans and Neighbourhood Plans

2.3.1 Although waste planning is a county matter and Local Plans and Neighbourhood Plans may not make the provision for waste development, they may complement the objectives of the Devon Waste Plan, as outlined in the Planning Practice Guidance.

This can be by making the integration of local waste management facilities an integral part of promoting good urban design, including the provision of facilities for the storage and regular collection of waste. Policies in these plans could also promote sustainable design through promoting the use of recycled materials.

2.3.2 Local Plans and Neighbourhood Plans may potentially constrain waste management facilities in allocating sites for other uses either on, or near, an existing waste management site. The Plans should therefore ensure any proposed development does not constrain operations. The Waste Consultation Zones published by the County Council can aid this site selection process, informing those preparing a plan of the sites presence.”

- 1.6 Overall it is considered that the Waste SPD is a useful guide that will be of relevance and help to this authority in respect of waste related matters with a number of valuable key messages. The key use of the Waste SPD for this authority will be in assisting with the determination of planning applications and therefore will have specific relevance to the Development Management function of the Council. However, other services of the Council may find it of relevance to their work.

2 Managing waste from new development

- 2.1 Section 4 of the draft waste SPD deals with ‘managing waste from new development’ through both the construction and operational stages, and supplements Policy W4 and W21 of the Waste Plan. Comments on this section are set out below and refer to paragraph numbers in the draft Waste SPD.

Commentary from East Devon District Council on Section 4	Suggested Amendments Proposed to Section 4
4.2.3 It is to be welcomed that the SPD highlights the value of a waste audit statement and also that paragraph 4.2.5 and Appendix B set out a standard template for completion of audits.	The SPD could more explicitly encourage production of audits by all applicants and also the explicit use of the standardised template.
4.4.3 This paragraph usefully highlights that ground excavation works/waste quantities arising can be minimised through working with contours rather than against them. This is a relevant consideration to not just waste planning matters but also can apply to planning, design and landscaping considerations in general.	Paragraph 4.4.3 could be usefully expanded on the stress that good quality design, in general, should work with contours and therefore this is not just a waste issue.
4.4 – section in general – in this section the report does not refer to ‘top soil’ protection and reuse.	Include a new paragraph highlighting the importance of top soil and its reuse.
4.5.2 Reference to prefabrication of materials off-site is welcomed and frequently will be appropriate. However for non-waste planning reasons development schemes that rely on on-site works, not building off-site, can be desirable and the SPD could usefully recognise this.	Reference and acknowledgement could be noted that in some cases, for wider than waste reasons, on-site fabrication can be desirable and this needs to be balanced against off-site fabrication benefits in respect of waste concerns.

Commentary from East Devon District Council on Section 4	Suggested Amendments Proposed to Section 4
4.5.3 Reference to use of recyclable materials is to be welcomed. In addition however, it would be useful to have a reference to use of environmentally friendly materials in general as well.	Include reference to positive use of environmentally friendly materials in general.
4.5.4 A useful checklist is provided posing challenges to the developer and questions for the local planning authority. This is to be welcomed as a useful guide.	No changes are proposed
4.6 - section in general – this section in the SPD provides a useful summary that is relevant to planning matters as well as waste collection in general. In respect of waste collection at paragraph 4.6.9 it is suggested that wording could be go further/be more demanding than just specifying ‘adequate access to enable waste collection’ and also wording should require flexibility should new services/approaches to collection be applied.	Wording could be amended to promote more than just adequate access and also, noting that collections means may change in the future ‘future proofing’ should generate designs that meet emerging practices in collection, not just current approaches.

3 Protecting waste management and infrastructure

3.1 Section 5 of the draft waste SPD deals with ‘protecting waste management and infrastructure’ and supplements Policy W10 of the Waste Plan. The section is particularly concerned with ensuring that capacity is maintained, and not ‘lost’ to other uses or sensitive uses are not inappropriately developed nearby, to ensure that waste can be managed in the future. Comments are set out below and refer to paragraph numbers in the draft Waste SPD.

Commentary from East Devon District Council on Section 5	Suggested Amendments Proposed to Section 5
5.3.6 It is noted that consultation sites and zones will be on an annually updated web based County Council map. It is clearly desirable for information to be publically available.	It would be desirable for sites to be mapped and publically accessible before or at publication of the final SPD. It is, however questioned (in respect of paragraph 5.3.7), whether map updates could be done more frequently than annually.
4.6.5 Provision of communal recycling and composting facilities is, in principle, to be welcomed. However the SPD fails to note that these can sometime be noisy and intrusive facilities so great care needs to be given to location, screening and design. The SPD should note these considerations.	Amend/add text to refer to adverse impacts that can arise in inappropriate located facilities and stress need for amenity considerations to be taken into account, with appropriate screening, to avoid/minimise potential future adverse impacts.

Report to: **Development Management Committee**



Date of Meeting: 16 June 2015

Public Document: Yes

Exemption: None

Review date for release None

Agenda item: 13

Subject: **East Devon Playing Pitch Strategy 2015**

Purpose of report: A report is being taken to Cabinet on 17 June 2015 recommending adoption of the East Devon Playing Pitch Strategy (PPS) 2015 principally for use in determining planning applications but also corporately across the Council to help inform service delivery and investment priorities. As the primary purpose of the PPS is a planning focus it is appropriate that Development Management Committee are asked to endorse the draft strategy and make a recommendation to Cabinet that they adopt it.

Recommendation: **1. That Development Management Committee endorse the East Devon Playing Pitch Strategy 2015 and recommend to Cabinet that they adopt the East Devon Playing Pitch Strategy 2015 principally for use in determining planning applications but also corporately across the Council to help inform service delivery and investment priorities.**

Reason for recommendation: The Playing Pitch Strategy (PPS) 2015 should be formally adopted by the Council principally for use in determining planning applications in order to comply with the requirements of National Planning Policy Framework (NPPF) paragraphs 73 and 74 and to help with the implementation of Strategy 43 and policies RC1-7 of the draft New Local Plan. The PPS should guide the protection, provision and enhancement of playing pitches around the district and responding to planning applications is a principle way of achieving this.

The PPS should be corporately adopted across all Council departments to ensure joined up thinking on matters related to playing pitch provision, protection and enhancement. It is vitally important that for the delivery of the PPS to work all departments work together and the efforts of one department do not undermine the ambitions of another. The PPS should help to ensure that this does not happen by making all departments aware of the action plans and priorities which should then inform service delivery and investment priorities.

Officer: Graeme Thompson, Planning Policy Officer, gthompson@eastdevon.gov.uk, Ext. 1736

Financial implications: There are no financial implications in endorsing the report.

Legal implications: As the PPS meets the requirements of the NPPF, upon adoption it can be used to provide a robust evidence base to assist in securing / maintaining playing pitch provision when determining planning applications. There are no other legal implications arising

Equalities impact: Low Impact

The PPS is principally to ensure there are enough playing pitches of the right quality for the right sports in the right places. It is therefore about ensuring a positive equalities impact.

Risk: Medium Risk

The PPS is a document the Council are required to produce to comply with the NPPF (National Planning Policy Framework). The strategy highlights action plans some of which have potential financial implications on the Council if taken forward for delivery. By being highlighted as potential delivery partners, bodies including the Council are not obligated to fund or facilitate the action. However, it is suggested that they be involved in the project. Similarly, action plans are not guaranteed to be delivered against but they do suggest the best ways of potentially resolving the listed issues. Identification of action plans is not a guarantee that such solutions would gain planning permission. All planning applications are considered on their own merits.

It is important that the PPS is adopted for use in determining planning applications at the earliest possible opportunity to ensure that evidence carries weight in determining key planning applications including those at Winslade Park and Cranbrook.

Links to background information:

- [Cabinet report](#) (will be published on 8 June as part of 17 June Cabinet agenda)
- [Draft East Devon Playing Pitch Strategy 2015](#)
- [Appendix 1 – Needs Assessment](#)
- [Appendix 2 – Site by site summaries](#)
- [Appendix 3 – Honiton specific analysis](#)
- [Appendix 4 – Cranbrook specific assessment](#)
- [Appendix 5 - Exeter Youth RFC proposed pitch site, Oil Mill Lane, near Clyst St Mary](#)
- [Consultation Statement](#)

Link to Council Plan: [Living in/Enjoying/Funding this Outstanding Place](#)

1. The Playing Pitch Strategy (PPS) is an evidence based document that Sport England recommends Councils produce to guide investment, development and improvement in pitch sport facilities. This PPS has been produced following the Sport England methodology (published October 2013). The PPS meets the requirement to produce an assessment of sports facilities (with regards to pitches) as set out by paragraphs 73 and 74 of the National Planning Policy Framework (NPPF). The PPS will then be used to determine planning applications impacting on existing or the need for new sports pitches. In addition to this, the PPS will be used to help guide investment from a range of bodies (including but not limited to the Council) in pitch sport facilities around the district.
2. The PPS has been developed by a steering group including Council officers and Members, Sport England, National Governing Bodies (NGBs) for football, cricket, rugby and hockey, Active Devon and others. Work began in July 2013. A first draft was considered by Cabinet in October 2014, with a revised draft being approved for consultation in February 2015. Following consultation (as set out in the Consultation Statement), the PPS has been amended in response and now the latest draft is being recommended to Cabinet for adoption.

3. It is being recommended that the PPS is formally adopted by the Council principally for use in determining planning applications but also corporately to help inform service delivery and investment across the Council. The strategy will be a corporate document that guides overall Council work and also one that helps support and guide others, specifically including sports clubs and NGBs, in their decision making; it will promote partnership working.
4. The PPS sets out the playing pitch issues around the district and proposes action plans as to how they can be resolved. The planning system plays a key part in delivering against these actions through the determination of planning applications. The PPS is principally a planning policy document with the purpose of:
 - meeting the requirements of paragraphs 73 and 74 of the NPPF;
 - adding detail to the evidence set out in the Open Space Study requiring developments to mitigate their impact on outdoor sports pitch space translated into Strategy 43 of the emerging Local Plan and Policy RE3 of the current Local Plan;
 - adding detail to the evidence protecting against the loss of playing fields as set out by the NPPF, policy RC1 of the emerging Local Plan, policy RE1 of the current Local Plan and Sport England policy.
 - evidencing requirements for developer contributions raised through S106 and CIL and how they are spent.
5. Subject to Cabinet's resolution to adopt the PPS, the strategy will then hold weight as a material consideration in determining planning applications and will begin to be used corporately to inform Council service delivery and investment. It will also enable a number of projects to start applying for funding from Sport England, relevant NGBs and other bodies. Some of these projects (such as the refurbishment of the sand based AGP at the Kings School in Ottery St Mary) are already in the process of applying for funding and formal adoption of the PPS will significantly help their cause.
6. The PPS steering group which developed the strategy and will be the key players in delivering against its action plans will continue to meet on at least an annual basis to review the success of the strategy and set targets for the forthcoming year. The group will also aim to do a full data review every three years in order to keep the strategy up to date.

Ward Budleigh Salterton

Reference 14/3001/FUL

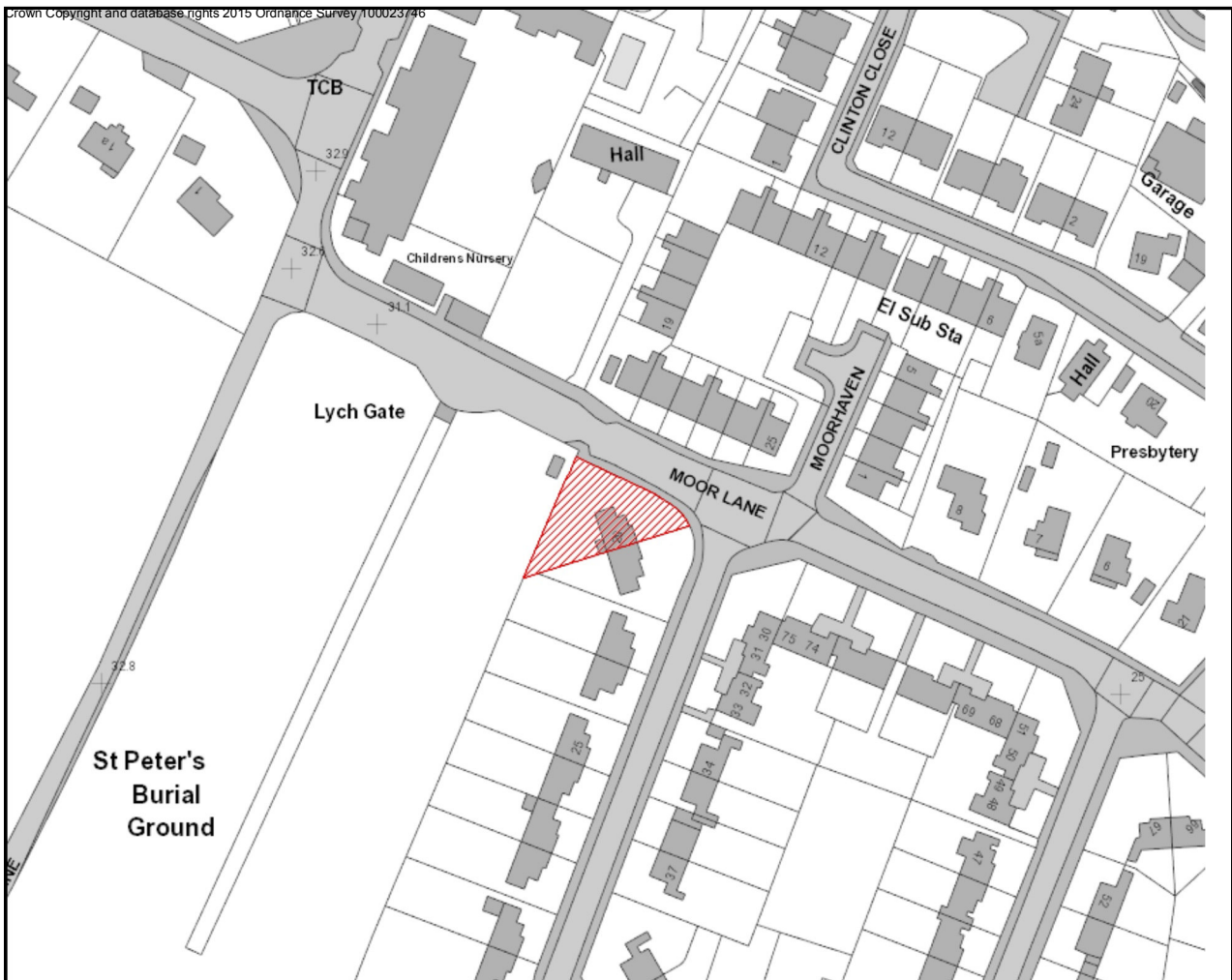
Applicant Mr M Watts

Location 29 Moormead Budleigh Salterton
EX9 6PZ

Proposal Detached garage incorporating
utility room and first floor storage
room.



RECOMMENDATION: Refusal



		Committee Date: 16.06.2015	
Budleigh Salterton (BUDLEIGH SALTERTON)	14/3001/FUL	Target 24.02.2015	Date:
Applicant:	Mr M Watts		
Location:	29 Moormead Budleigh Salterton		
Proposal:	Detached garage incorporating utility room and first floor storage room.		

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is referred to the Development Management Committee at the request of the former Chairman, having previously been referred to the Chairman's delegation meeting, in the light of a difference of opinion between officers and two of the ward members with regard to the merits of the application proposal.

The scheme involves the construction of a detached outbuilding housing a garage and utility room, with a store within the roof space above, at the side of 29 Moormead, a semi-detached dwelling that has a principal highway frontage onto Moor Lane in relation to which the dwelling itself is aligned at an angle.

The proposed building would be of a size, scale and height that it is considered would be insufficiently subservient in relation to the host dwelling. Furthermore, it would occupy a visually prominent position between the side wall of the property and the Moor Lane site boundary. As a result, it would appear unduly visually prominent and assertive within the street scene of Moor Lane to the detriment of the character and appearance of the area. The area is strongly defined by the geometric and rhythmic housing layout of Moormead that contribute towards a settled and harmonious street scene, a factor identified by a previous appeal inspector in his dismissal of an appeal against the Council's refusal of a proposal for a two storey side extension to a nearby property, no. 67 Moormead.

Although the absence of any objection to the scheme by the town council and ward members is duly acknowledged, this view is not shared by officers. As such, refusal is recommended for the reason set out in the report.

CONSULTATIONS

Local Consultations

Parish/Town Council

This Council supports the application.

Budleigh - Cllr A Dent

Thank you for this report. I will be attending the meeting as both the Town Council and my fellow Ward member - Tom Wright - disagree with the officer recommendation.

Budleigh - Cllr T Wright

Thank you for sight of the very comprehensive report. However I still consider the development because of its location at the extreme end of the row of houses is not overdevelopment and will add considerably to the amenities of this home.

I will attend the delegated meeting.

This application was supported by Budleigh Salterton Town Council and by me. I therefore do not agree with the suggestion that this would be overdevelopment of the site. The building is in essence the size of a double garage, albeit one half is to be a utility room. This site is at the end of Moorhead so will have no overbearing influence on the neighbouring plot, which in any case is the burial ground. You will soon be receiving plans for a number of classrooms on the site of the school just opposite so the proposed garage will have less of an impact. I also disagree with the turning of the structure. In my view the gable end with its ridge will be more pleasing on the eye than the total length of a tiled roof. A feature of the Moorhead houses and flats is that the corner plots are all arranged on an angle with a variety of gable end angles. This development would be totally in keeping.

As you are well aware Budleigh Town Council is always very quick to raise overdevelopment of a site as a reason for refusal. The fact that neither the town council nor ward members saw any problem with this application should carry some weight.

Technical Consultations

County Highway Authority

Does not wish to comment

Other Representations

No third party representations have been received in respect of the application proposal.

POLICIES

New East Devon Local Plan Policies

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Introduction

This application is reported to the Development Management Committee at the request of the former Chairman, having previously been referred to the Chairman's delegation meeting, in the light of a difference of opinion between officers and two of the ward members with regard to the merits of the application proposal.

Relevant Planning History

There is no previous history relating to the application site that is relevant to consideration of the current application proposal. However, issues pertaining to a 2011 application submitted in relation to a proposal for a two storey side extension to no. 67 Moormead are considered to be relevant in the context of assessment of those that are material to it. These are discussed within the main body of the report below.

Site Location and Description

29 Moormead is a semi-detached two storey dwelling that occupies a broadly triangular plot adjacent to the junction of Moormead with Moor Lane within the built-up area of Budleigh Salterton. The property, together with the other property of the pair to which it is joined, no. 28 Moormead, is laid out at an angle so that its principal aspect is towards the junction of Moormead with Moor Lane rather than directly fronting either road.

The whole of the built-up area of the town is within the designated Area of Outstanding Natural Beauty (AONB).

Proposed Development

The application proposal involves the construction of a detached outbuilding to the side and rear of the existing dwelling that would house a single garage and utility room on the ground floor with a storage area within the roof space above.

The submitted details show a building of gabled form measuring 8.5 metres in width by a depth of 6.7 metres with a fully pitched roof with a ridge height of 5.8 metres. Its design incorporates four roof lights, two in each roof plane, along with a pedestrian entrance door and adjacent three light window in the front (south east) elevation serving the utility room positioned alongside the garage door. A two light window is also proposed in the south western gable elevation of the building.

Externally, the development would be finished in painted render over a brick plinth with clay roof tiles, all to match the appearance of the main dwelling.

The building would be positioned within the northern corner of the plot with its side (north eastern) and rear (north western) elevations immediately alongside the road frontage boundary with Moor Lane and the rear site boundary with the adjacent St. Peter's Burial Ground respectively.

The existing vehicular access from Moor Lane and parking area within the site would be retained with the front of the proposed building positioned just about on a line that is currently occupied by a timber fence that physically separates the more private rear garden of the property from the front and side garden areas that have open frontages with Moor Lane and Moormead.

Assessment

The main issues that are material to consideration of the proposal in this case relate to the visual impact of the building upon the character and appearance of the street scene and wider area along with its impact upon the living conditions of the occupiers of adjacent and/or nearby residential properties.

Taking the second of these issues first, the physical separation of the site from nearby properties created by the intervening presence of Moor Lane to the north east and the burial ground to the north west is thought to be sufficient to ensure that the level of any harm to the amenity enjoyed by the occupiers through loss of outlook, aspect or light arising from the physical scale of the proposed building would be limited to the extent that objection to the proposal on this ground could not reasonably be justified since it is not thought that it would be unduly physically overbearing, dominating or intrusive to nearby residents. Equally, the building would be positioned sufficiently distant from the rear garden boundary of the site with the adjoining property, no. 28, to the south so as to avoid any significant physical impact upon the immediate adjacent neighbouring residents.

However, there is concern with regard to the overall scale of the building and its intended position within the plot in relation to the street scene of Moor Lane that it is thought weigh rather more against the proposal in the overall planning balance.

The footprint area of the proposed building would bear comparison with that of the host dwelling itself which, taken together with its height and gabled form, would result in a development that would appear unduly excessively bulky and which, notwithstanding its lower roof ridge height, it is thought would be insufficiently subservient in scale in relation to the main dwelling.

Moreover, its position within the plot immediately adjacent to the road frontage boundary is such that it would effectively stand 'forward' of the dwelling in the street scene of Moor Lane in views from both the south east and north west of the site.

The character of this street scene, and more especially along the southern side of Moor Lane, is largely defined by property groups and built forms that are set back from the highway with open and mainly landscaped frontages to plots. Within this context it is thought that the introduction of the development, at the scale at which it is proposed, would appear visually intrusive within views in both directions along Moor Lane and, as a consequence, have an unduly harmful impact upon the character and appearance of the street scene.

It is thought that the application proposal bears certain comparisons with that subject of application ref.11/2089/FUL relating to the construction of a two storey side extension to no. 67 Moormead which occupies a plot of not dissimilar size and configuration that fronts onto the lower junction of Moormead (which is a looped cul de sac) with Moor Lane around 100 metres to the south east of the site.

This application was refused by the Council in November 2011 for the following reason:

'The proposed development by reason of the forward projection and associated scale and massing of the extension, would harm the character and appearance of the area and the resulting street scene by virtue of the intrusion into an exposed corner arrangement that has an important open plan environment. The proposed development is therefore considered contrary to Policy C 06 (Quality of New Development) of the Devon Structure Plan and Policy D 1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan.'

As subsequent appeal against the decision was dismissed with the Inspector commenting, among other things, that 'the geometric housing layout in the vicinity of the appeal property, the gently indented building lines and the matching designs and external materials of the neighbouring properties all contribute to a settled, harmonious and rhythmic street scene, which sets the visual context for the proposed development'.

He found that 'although the proposed external materials, roof height and design would match the host property the bulk of the proposal and its lack of subservience to the host property would be exacerbated to the point of intrusiveness by its corner position and its protrusion beyond the front building line of the next door property'.

Although no. 29 does not itself directly occupy a corner plot, it is considered that the general thrust of the Inspector's conclusions with regard to the scheme at no. 67 largely also applies in respect of the current application proposal. The scale and bulk of the proposed development would exhibit a lack of subservience in relation to the host dwelling that would be exacerbated by its visually intrusive position 'forward' of the front and side of the property within an open and undeveloped part of the site that contributes significantly towards the open frontage character of the layout of the surrounding development and the 'settled, harmonious and rhythmic street scene' previously identified by the appeal Inspector in his dismissal of the appeal at no. 67.

In this case the detached building would stand just 1 metre back from the footpath with a largely blank end gable wall (except for one small high level window) facing the road and footpath at a height of 5.8m to the ridge. It is considered that this would appear as quite an imposing structure so close to the public footpath and roadway further to the detriment of the amenity of the street scene.

Discussions have taken place between officers and the applicant to seek to secure a revised scheme involving a building of a reduced scale alongside a possible repositioning elsewhere within the site. However, it has not been possible to negotiate modifications that are acceptable to both parties.

Notwithstanding these concerns, the location of the site within the built-up area of the town is such that the proposed development would not give rise to any harm or detriment to the rural landscape character or landscape or scenic beauty of the designated AONB.

RECOMMENDATION

REFUSE for the following reason:

1. The proposed development would, by reason of its scale, massing, lack of subservience in relation to the host dwelling and position within the site where it would project into and occupy a substantial part of the open space between the existing dwelling and the road frontage of the site with Moor Lane, represent the introduction of an unduly visually intrusive element within the street scene that would detract from the character and appearance of the area. As a consequence, the proposed development would be contrary to the provisions of Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan and Policy D1 (Design and Local Distinctiveness) of the emerging New East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Proposed Block Plan	22.12.14
1A	Proposed Combined Plans	19.12.14
	Location Plan	19.12.14

List of Background Papers

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

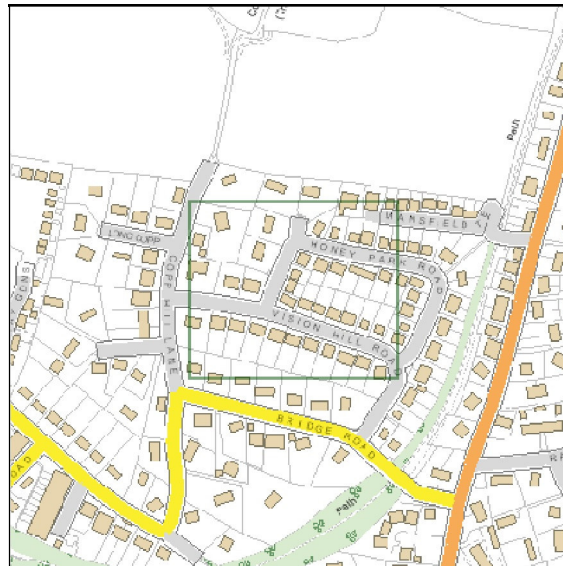
Ward Budleigh Salterton

Reference 15/0440/FUL

Applicant Mr & Mrs G Peach

Location 27 Honey Park Road Budleigh Salterton EX9 6EG

Proposal Construction of first floor front extension and infill dormer to rear elevation.



RECOMMENDATION: Refusal



		Committee Date: 16.06.2015
Budleigh Salterton (BUDLEIGH SALTERTON)	15/0440/FUL	Target Date: 16.04.2015
Applicant:	Mr & Mrs G Peach	
Location:	27 Honey Park Road Budleigh Salterton	
Proposal:	Construction of first floor front extension and infill dormer to rear elevation.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is reported to the Development Management Committee at the request of the former Chairman, having previously been referred to the Chairman's delegation meeting, in the light of a difference of opinion between officers and two of the ward members with regard to the merits of the application proposal.

The proposal mainly involves the addition of a second storey to a subservient single storey front gable projection that extends off of the principal elevation of a chalet bungalow of gabled form to provide an extra bedroom for the property. Also proposed is the infilling of a space between a pair of flat-roofed dormers on the rear elevation of the property to provide additional internal space for two cupboards. Tile hanging and roof tile wall and roof finishes to match the existing would be employed.

Although there is no objection to the proposed infilling of the two rear elevation dormers, there are concerns with regard to the proposed first floor extension at the front of the property. Aside from the loss of subservience to the existing single storey projection, the proposed first floor extension would result in a full two storey element on the principal elevation of the existing chalet bungalow that would appear unduly dominating and intrusive within the street scene as well as visually awkward when viewed alongside an existing dormer, not least owing to the elevated eaves height in relation to that of the present building. The resulting impact would be to the detriment of both the character and appearance of the dwelling itself as well as the wider street scene.

Although the absence of any objection to the scheme by the town council and ward members is duly acknowledged, this view is not shared by officers. As such, refusal is recommended for the reason set out in the report.

CONSULTATIONS

Local Consultations

Parish/Town Council

This Council supports the application.

Budleigh - Cllr A Dent

My comments - which I would like taken into account - are as follows:

- This application has been supported by the Town Council and Ward members
- As detailed in the officers report it is not harmful to the neighbours, the general ambience of the neighbourhood or damaging to the AONB
- There are a number of enlargements and extensions to the houses in this road and others close by
- The mass and scale of this application is in keeping with the general street-scene
- The design is sympathetic to the area.
- There are no objections from neighbours.

I therefore continue to support this application and do not agree with the conclusion drawn by the officer.

Budleigh - Cllr T Wright

I support the application which will very much tidy up the front aspect of the property.

Technical Consultations

County Highway Authority

Does not wish to comment

Other Representations

No third party representations have been received in respect of the application proposal.

POLICIES

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Introduction

This application is reported to the Development Management Committee at the request of the former Chairman, having previously been referred to the Chairman's delegation meeting, in the light of a difference of opinion between officers and two of the ward members with regard to the merits of the application proposal.

Relevant Planning History

There is no previous history relating to the application site that is relevant to consideration of the current application proposal.

Site Location and Description

27 Honey Park Road is a three bedroom detached chalet style dwelling located within a residential area towards the northern boundary of the built-up area of the town, the whole of which is subject of AONB designation.

The property is the southern of a row of three essentially similar dwellings which are each of gabled form and feature subservient forward projecting single storey gabled elements. In common with a number of adjacent and nearby properties in both Honey Park Road and Vision Hill Road, it also features a pair of flat-roofed dormers on its rear elevation. A modest flat-roofed dormer forms part of the principal elevation.

The dwelling is of brick and profiled tile construction with plain tile cladding to the cheeks of the rear dormers.

Proposed Development

The application proposal involves two main elements; first, the addition of a first floor level extension to the front gable projection to facilitate the provision of a fourth bedroom for the property and, secondly, the infilling of the existing space between the two rear elevation dormers to provide for an additional internal space for two cupboards.

The external wall finishes in both cases would comprise plain tile hanging to match that of the present dormers with a matching profiled tile finish to match the existing proposed for the roof of the first floor front extension.

The scheme would seek to maintain the same roof pitch to the proposed front extension as the present single storey element which would necessitate the raising of the present eaves level to a point level with the junction of a flat-roofed dormer on the principal elevation of the main body of the building. The roof ridge level would match that of the main roof.

Considerations/Assessment

The main issues that are material to consideration of the proposal in this case relate to the visual impact of the building upon the character and appearance of the street scene and wider area along with its impact upon the living conditions of the occupiers of adjacent and/or nearby residential properties.

In terms of neighbour amenity, it is not considered that either element of the scheme would adversely affect the living conditions of the occupiers of any of the adjacent or nearby properties through overlooking/loss of privacy or through being unduly physically overbearing or intrusive to the extent that existing levels of light, outlook or aspect enjoyed by the occupiers would be detrimentally compromised.

In visual terms, it is thought that the subservience of the existing single storey front gable projection would be lost as a result of the proposed height increase to match that of the main roof ridge. Equally, the resulting building would also incorporate a full two storey element to the present chalet bungalow form that, together with the raising of the eaves level, would appear out of character and result in a visually awkward relationship with the existing dormer to which it would be immediately adjacent.

It is also considered that this part of the scheme would also introduce a more visually dominating, intrusive and over assertive element to the street scene of Honey Park Road that would be unduly harmful to the form, character and appearance of the dwelling itself and detrimental to the wider character of the area. It would also adversely disrupt the rhythm exhibited by the trio of gable projections that are made up by those at the front of nos. 23 and 25 to the north of the site.

It is not thought therefore that this would represent an appropriate form and design of enlargement to the principal elevation of the property. In addition, whilst not of itself necessarily an issue to which significant weight can be attached given the established principle of considering each proposal on its individual merits, there are a significant number of properties throughout Honey Park Road and nearby Vision Hill Road that feature subservient single storey front gable projections that are very similar to that on the application property, not least the immediate adjacent properties nos. 23 and 25. A grant of permission in this case would set an undesirable precedent for similar extensions elsewhere, the cumulative effect of which would be to materially detract from the character and appearance of individual properties, the street scene and the wider area more generally.

The proposed infilling between the two rear elevation dormers would result in a built element that again would not appear particularly sympathetic to the character or appearance of the property. However, there are considered to be two main mitigating factors. First, this part of the dwelling is not readily visible from the road at the front of the site or any other public land or highways; as such, it would have a very limited impact upon the public domain. Secondly, many of the nearby properties in both Honey Park Road and Vision Hill Road (where rear gardens back or side on to each other) already feature rear elevation flat-roofed dormers of various sizes. As such, they are not an uncommon element of the character and appearance of the area and therefore within this context it is not considered that this part of the scheme would be unduly detrimental to the building or the wider area.

Neither element of the proposal would result in any adverse impact upon the living conditions of the occupiers of any adjacent or nearby properties through overlooking/loss of privacy or through being unduly physically overbearing, dominating or intrusive such as to cause loss of light, aspect or outlook. Furthermore, in view of the location of the site within the built-up area of the town,

the development would have no detrimental impact upon the rural landscape character and/or scenic beauty of the AONB, the designation of which washes over the town.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed increase in the height of the existing front single storey gable projection would result in the creation of a two storey element on the principal elevation of the dwelling, which is a chalet bungalow, that would appear unduly dominant and visually intrusive within the street scene by reason of the extent of its projection forward of the main part of the building, raised roof eaves height and lack of subservience in relation to the existing main roof ridge height. The development would as a consequence detract from the character and appearance of the dwelling, street scene and wider area. As such, the proposal would be contrary to the provisions of Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan, Policy D1 (Design and Local Distinctiveness) of the emerging New East Devon Local Plan and guidance contained in the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

1948/15/010A Proposed Combined 19.02.15
Plans

List of Background Papers

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

Ward Budleigh Salterton

Reference 15/0682/FUL

Applicant Mr And Mrs A Dent

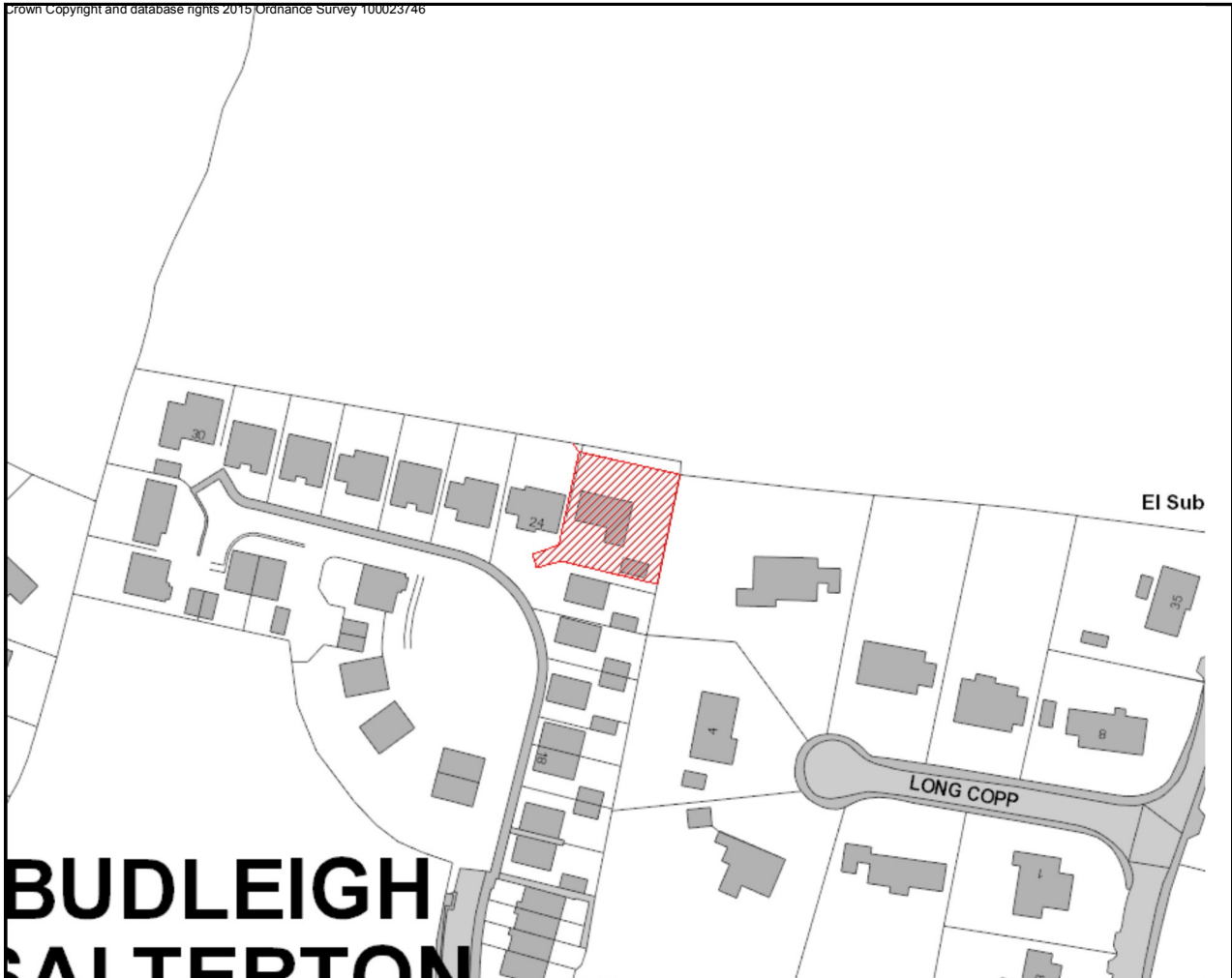
Location 23 Greenway Gardens Budleigh Salterton Devon EX9 6SW

Proposal Construction of replacement garage



RECOMMENDATION: Approval with conditions

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		Committee Date: 16/06/2015
Budleigh Salterton (BUDLEIGH SALTERTON)	15/0682/FUL	Target Date: 15.05.2015
Applicant:	Mr And Mrs A Dent	
Location:	23 Greenway Gardens Budleigh Salterton	
Proposal:	Construction of replacement garage	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is presented to the Committee because the applicant is a Member of the Council.

Planning permission is sought to replace a single garage with a detached double garage. As well as being wider, the garage would be slightly longer and taller and would be set slightly further back into the site. It would be constructed in the same materials as the existing garage, which match those used for the dwelling.

In spite of being larger than the existing garage, the proposed garage would be subservient to the host dwelling and would preserve the character and appearance of the area. It would be located on the north side of the neighbour's garden and would not therefore cause any shading and nor would it appear overbearing owing to its single storey height and the half-hipped roof. Similarly, there would be no adverse impact on the neighbour to the east (5 Long Copp).

Subject to the garage being constructed in materials to match the dwelling, the proposal is acceptable.

CONSULTATIONS

Local Consultations

Parish/Town Council

This Council supports the application

Other Representations

None received.

Technical Consultations

County Highway Authority
Does not wish to comment

PLANNING HISTORY

Reference	Description	Decision	Date
11/1251/MOUT	Residential development comprising up to 48 dwellings, retention and expansion of allotments and access.	Approval with conditions	03/08/2012
12/2507/MRES	Construction of 48 dwellings (details of appearance, landscaping layout and scale) pursuant to permission 11/1251/MOUT	Approval with conditions	31/01/2013
13/2482/VAR	Variation of condition 2 of permission 12/2507/MRES to remove a turning area between Plots 19 and 20	Approval with conditions	14/02/2014

POLICIES

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 7 (Development in the Countryside)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

S5 (Countryside Protection)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

Greenway Gardens is a new housing development on the northern edge of the town. No. 23 is located on the north east corner of the development and is a detached two storey dwelling with a detached single garage. Owing to its corner position, the neighbouring properties adjoin the western and southern boundaries of the site. The principal elevation of no. 23 faces the side elevation of no. 22, the neighbour on the south side. The existing single garage is located alongside the rear garden of no. 22, separated by the width of a parking space.

ANALYSIS

Planning permission is sought to replace the existing single garage with a detached double garage. As well as being wider by 3.4 metres, the garage would be longer by 0.9m and set further back into the site. The ridge would also be 0.4m higher but would have a half-hip on the side facing no. 22. It would be constructed in the same materials as the existing garage, which match those used for the dwelling.

In spite of being larger than the existing garage, the proposed garage would be subservient to the host dwelling and would preserve the character and appearance of the area.

The garage would be located on the north side of the neighbour's garden and would not therefore cause any shading of that garden. Furthermore, in spite of its proximity, it would not appear overbearing owing to its single storey height and the hipped roof which reduces the height further on the south side. Similarly, there would be no adverse impact on the neighbour to the east (5 Long Copp).

Subject to the garage being constructed in materials to match the dwelling, the proposal is acceptable.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The materials to be used in the construction of the external surfaces of the garage hereby permitted shall match, in type, colour and texture those of the host dwelling.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the existing building in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

7195 - LP	Location Plan		19.03.15
7195 - 01	Proposed C Plans	ombined	19.03.15
7195 - 02	Proposed C Plans	ombined	19.03.15

List of Background Papers

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

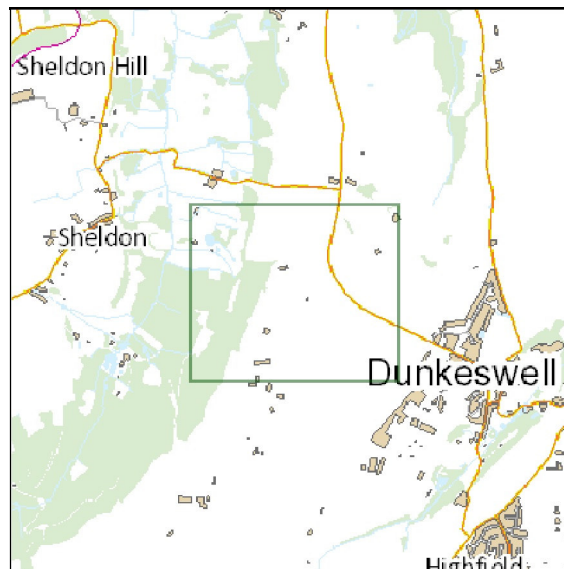
Ward Dunkeswell

Reference 15/0280/VAR

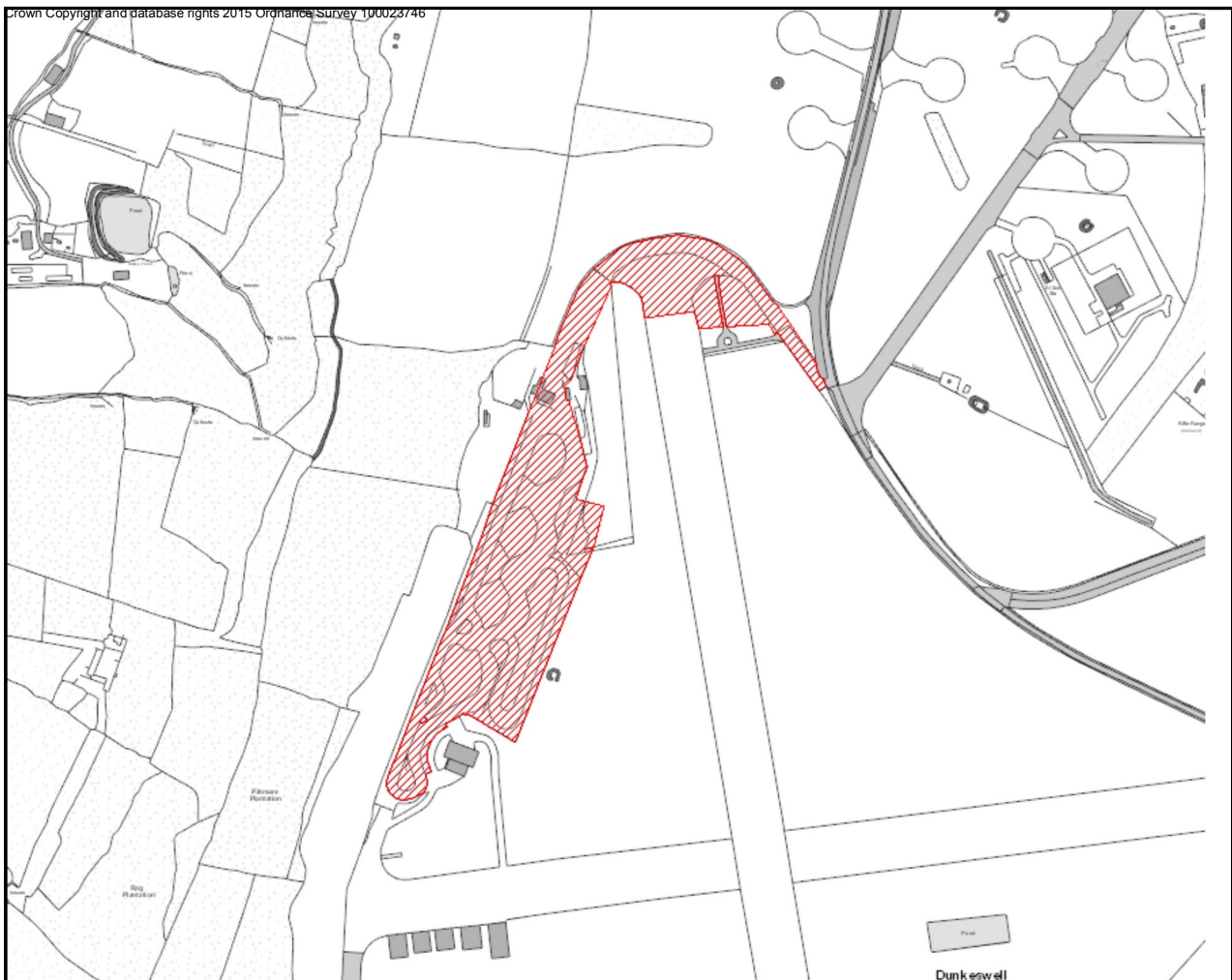
Applicant Mr Njal Lovell

Location Mansell Raceway Dunkeswell
Aerodrome Dunkeswell Honiton
EX14 4LT

Proposal Variation of Condition 2 of planning permission 99/P0234 to allow more than 8no karts to be in use at any time.



RECOMMENDATION: Approval with conditions



		Committee Date: 16.06.2015
Dunkeswell (DUNKESWELL)	15/0280/VAR	Target Date: 02.04.2015
Applicant:	Mr Njal Lovell	
Location:	Mansell Raceway Dunkeswell Aerodrome	
Proposal:	Variation of Condition 2 of planning permission 99/P0234 to allow more than 8no karts to be in use at any time.	

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

Mansell Raceway lies within the Dunkeswell Aerodrome between the villages of Dunkeswell and Sheldon and within the Blackdown Hills Area of Outstanding Natural Beauty. The raceway has operated for many years and its activities comprise two main areas these being leisure karts where the track is used by public groups as a social event utilising karts provided at the circuit and organised races where participants bring their own karts to the track. This application relates solely to the leisure kart activity and seeks to alter restrictions placed on an earlier permission for the site to enable 12 karts to be run at any one time rather than the current 8.

There have historically been concerns about noise from activities at the site impacting on the amenities of nearby residents however by legal agreement between the operators and the council suitable controls were put in place some years ago and these have been successful. Noise assessments provided by the operators and considered by the Council's Environmental Health Officers indicate that the increase in noise levels arising from the increased number of karts would not be significant. This is as a result of the new karts being operated at the site which are significantly quieter than the former fleet of karts but also because controls that already exist restrict noise levels at the site over the day and would continue to provide suitable controls. Similarly these controls would prevent the proposed increase in the number of karts having a significant impact on the tranquillity of the AONB. There are also considered to be some economic benefits to the proposal by enabling larger groups to race together rather than being split into separate groups. This may make the site more attractive to larger groups while the noise controls would prevent the overall impact of this on residents from being excessive.

In light of the detailed assessments that have been undertaken and the noise controls that are already in place it is considered that the proposal would not

have a significant detrimental impact in terms of noise and activity on the tranquillity of the AONB or the amenity of nearby residents and therefore the application should be approved.

CONSULTATIONS

Local Consultations

Parish/Town Council

It was agreed that the parish council should object strongly to the application, supporting the comments made by Lisa Turner Planning Officer for the BHAONB in their entirety.

Adj. Parish Council - Sheldon

At the parish meeting of 19th February 2015 in the Sheldon Village Hall the proposal was unanimously rejected by parishioners. Principal objections were as follows:

- An increase in karts will produce increased noise for longer periods, especially during summer evenings. The amenity to residents, protected by the existing limit of 8 karts will be lost.
- The further development of motorsport in the Blackdown Hills AONB is contrary to the management plan of the Blackdown Hills Partnership. Noise, pollution and high increases in unsustainable traffic movements on unsuitable roads will damage tranquillity and its enjoyment by the public at large.
- If this variation is accepted, further development of site facilities and buildings has been confirmed by Mansell Raceway, contrary to earlier rejected planning proposals.
- Leisure karting is already well served in the West Country, at sustainable venues. Further infringement into protected areas is unwelcome and unnecessary.

Dunkeswell - Cllr R Buxton (former Ward Member)

Having carefully considered the responses of Sheldon and Dunkeswell Parish Councils, the Dunkeswell Neighbourhood Plan and the response from the AONB, I cannot support this application. Should the officers recommend approval, then this must go to the Development Management Committee.

Technical Consultations

Blackdown Hills AONB Project Partnership

Variation of condition to increase the number of karts at Dunkeswell Kart Track

I write with reference to the above on behalf of the Blackdown Hills AONB Partnership.

The existence of this track in the middle of the AONB is an historic situation. The extensive planning history of the site, appeal decisions and noise abatement action demonstrate long held concerns about increased usage and activities and associated noise nuisance, and the intent to maintain control over these aspects,

both in terms of residential amenity and compatibility with the AONB status. I am concerned that this application would undermine that principle.

The Blackdown Hills AONB Management Plan 2014-19 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality in order to conserve and enhance natural beauty and special qualities. It contains the following objectives and policies of relevance to this proposal:

Objective LC 3 The Blackdown Hills landscape is valued as a place where a sense of tranquillity can be enjoyed free from man-made noise and visual intrusion.

Objective PD 5 The tranquillity of the Blackdown Hills AONB is conserved and enhanced by restricting or reducing noise and light pollution and major developments within or affecting the AONB.

Policy PD 5/A Encourage quiet enjoyment of the AONB and avoid or restrict developments, activities and events, including artificial light installations, which detract from the tranquillity of the Blackdown Hills.

Policy PD 5/B Support recreational development only where it is in keeping with the purpose and the special qualities of the AONB.

On one hand the application appears to make the case that this request to vary the condition is for practical reasons to enhance the customer experience, but it then seeks to justify the proposal on viability and economic grounds. This suggests that it will in fact lead to an intensification of use and increase in related activity.

So, on the issue of noise and nuisance, although the supporting information suggests that the decibel level has reduced slightly over the years, and therefore the increase in noise from more karts at one time would be marginal, this does not address the additional occurrences from the increased activity levels implied. Neither does it guard against the scenario of a different operator using different (noisier) vehicles or a poorly maintained fleet (this being noted as a contributing factor in the noise assessment).

In respect of economic impact, the case is made regarding impact on the 'local economy', however this appears to be defined as Devon (and Dorset), whereas we would look to commercial development in the AONB to more directly benefit the local AONB area.

While the transport statement states there is no evidence to suggest that traffic from the track or elsewhere at Dunkeswell causes significant issues, locally, heavy traffic, coupled with the nature of the AONB road network - narrow roads, single carriageway pinch points, steep hills - is identified as a problem in both the AONB Management Plan and the Blackdown Hills Community Plan in respect of causing noise, danger to other road users, and damage to banks and verges, and as such affecting the quiet enjoyment of the AONB and causing environmental damage. An increase in visitor numbers will add to this.

There are a number of implications arising from this application, and I trust that these observations are helpful to your considerations.

Environmental Health

Environmental Health comments on Mansell Raceway Planning Application 15/0280/VAR

1. The Environmental Health Team has now carefully considered the application and the submitted noise report. The four EHOs in the Environmental Protection team were all closely involved in establishing a number of noise management restrictions set out in a legal agreement made under section 106 of the Town and Country Planning Act and modifying the existing planning consents relevant to the site. This section 106 agreement made in 2010 is relevant and should be considered alongside this application.

2. By way of brief background, Noise Abatement action taken by the Council between 2006 and 2009 ultimately failed to convince the Courts that a statutory noise nuisance existed and it is a matter of record that the appeal against the Noise Abatement Notice was upheld in the Magistrates Court. However the Council in turn lodged an appeal against this decision with the Crown Court but was later able to withdraw that appeal on the basis that the above mentioned legal agreement imposed equivalent noise management restrictions (by mutual agreement) without the need to prove whether a statutory nuisance ever existed or not. The agreement is binding on both Mansell Raceway (the operators of the leisure kart business that is the subject of the present application) and on Dunkeswell Kart Racing Club Limited (the club that organises weekend race meetings). Officers from the Environmental Protection team have worked with Mansell Raceway through the intervening years as they have continued to make improvements to their own fleet of leisure karts as required by the agreement. According to our records there have not been any reported incidents of persistent non-compliance with the terms of the agreement. Annual noise tests have been carried out and EHOs have attended them all. Each test concluded that the terms of the agreement were being met and occasional personal observations have suggested that under most conditions the leisure karts appear to be either not audible or barely so in the open air in the village of Sheldon. EHOs have not received any reports that leisure kart noise is clearly audible within residents' homes, nor any complaints about leisure kart noise breaching the agreement within the last 5 years.

3. These observations and comments relate solely to the Mansell Raceway leisure kart fleet which currently comprises 18 vehicles. The situation on Dunkeswell Kart Racing Club's practice and race weekends is entirely different. This is also covered by the S106 agreement but is unaffected by the proposal in this application. Again by way of background for members who may be unfamiliar with the history, race karts are owned by participants, are transported to the track for racing purposes and are subject to individual "drive-by" noise testing on each race day. Noise from these race karts is unarguably clearly audible at times in much of the surrounding area and it does impact on the amenity of the area whilst it is occurring. There are specific controls on when race weekends can take place and how they are managed.

These weekends often involve larger vehicles visiting the track but this is not the case for participants using the leisure karts and is not subject of this application.

4. We understand that concern has been expressed that the proposed relaxation of the 8-kart maximum restriction will allow Mansell Raceway to participate in a national Leisure Kart Racing League and that associated with this will be an intensification of the level of activity at the venue along with additional vehicle movements through the surrounding villages. We have given consideration to the likelihood that such an intensification could in itself become detrimental to the amenity of the area. Whilst the specific impact of vehicle movements to and from the site on the public highway is not within our jurisdiction to control, the issue will be given due weight by the Planners and the Committee.

5. It is of importance to assess this application in the context of the nature and character of the locality in which it sits. The application site is on the edge of Dunkeswell airfield and although it is within the Blackdown Hills Area of Outstanding Natural Beauty, has in a previous public inquiry been referred to as only semi-tranquil which we believe is an accurate representation. The airfield is used for a variety of activities now and whenever in the area officers have noted noise from operations in the vicinity of the racetrack, but not associated with it affecting nearby villages. These noises include mechanical and engine noise from hangars, helicopters on the ground and in the air, mowers and generators. The noise source that has been most intrusive subjectively has been that made by the aircraft which circles around the airfield for parachute drops. This circling can go on for long periods, particularly during the summer and because the Council has no jurisdiction over noise made in aircraft in flight, this noise must be considered to be influencing the character of the locality.

6. With low level noise disturbances that are potentially annoying but on the cusp of audibility it is highly relevant to consider the effect of the wind. A favourable wind in this situation will make the difference between a noise being audible and not audible. Sheldons is located west-north-west of the racetrack and wind data obtained from Dunkeswell airfield shows that for around 80% of the time the prevailing winds are from the South or South West. Therefore it is more likely than not that on most occasions the wind direction will assist in reducing audibility.

7. The Environmental Health comments on this application (which includes the noise report prepared by John Dixon and dated November 2014 (submitted February 2015)) may be summarised as follows:

a) The Leisure karts are subject to several noise criteria one of which was designed to be flexible enough to take account of fleet changes, maintenance issues and general running conditions and also to act as an effective safeguard to growth and intensification that might result in detrimental noise impacts off site. A maximum noise dose of 65dBLAeq measured over 8 hours (at a defined location on site) must never be exceeded. We already know that this noise dose would be exceeded if eight karts from the current fleet were to operate continuously and simultaneously for more than 4 hours. If twelve of these karts were to run continuously and simultaneously they would reach this noise dose limit in approximately 3 hours. Clearly the karts do not run continuously for such long periods - there are breaks

between each heat, during briefings etc and long periods during the day and evening when there are no customers.

b) The raceway can operate between 9am and 9pm 7 days a week, but because of the above noise restriction karts can only run for a total of around 4 hours on each of these 12 hour days. 12 karts would only be able to run for a total of around 3 hours. This control therefore already prevent significant increases in leisure karting. Under the proposals, the safeguard remains in place protecting the amenity of the area from further intrusive noise.

c) Over the last 5 years there have been substantial improvements made in the noise levels associated with the karts in use at Mansell Raceway. The report sets this out clearly. The original fleet (the "bowman" karts) was subject to engine modifications which reduced the noise levels noticeably. Then in 2012 the old fleet was removed from the site and replaced with new LPG powered karts (the "sodi" karts). Overall the average noise level has dropped from 76dB(A) to 69.5dB(A) and looking at the frequency range that has been shown to be particularly annoying, that has reduced on average from 75dB to 61dB over the last 7 years. Both of these are very significant improvements.

d) During an exercise in 2014, done with the agreement and attendance of the EHO during the annual monitoring exercise, Mr Dixon measured the noise level of 12 karts racing simultaneously and continuously and then compared that with the measured level of 8 of the same karts racing. The average noise levels were only 0.9dBa different. He later carried out a theoretical modelling exercise to predict the change, and this came out with a figure of 1.8dB which could be taken as a worst case figure. This is the extra noise that causes the overall 8-hour equivalent noise dose to be exceeded in 3 hours rather than 4 with 50% more karts in use.

e) During this exercise the EHO was positioned in Sheldon on the road north of the village hall and made subjective observations. There was a light east wind and some noise was audible from the airfield - the most notable of which was a low level noise coming from the generator located within the application site. Noise from the 8 karts was barely audible at all on that day - a phone call was needed to clarify that they were running. When 12 karts were run they were very faintly audible but there was no perceptible difference which is consistent with the measurements reported above. Although subjective, the EHO reports that she could only hear any noise at all when standing very still and quietly. There were no specific noise sources of note in Sheldon on that day other than birdsong and the distant sounds from the airfield generally. It was extremely quiet before, during and after the kart activity.

8. We therefore conclude that we do not disagree with the observations and findings within the noise report. Whilst we acknowledge and recognise the concerns expressed by nearby residents about what this site may become and how suitable a use this might be for the locality, for the reasons set out above we find that there is no technical noise ground upon which the present application should be refused.

Other Representations

There have been 25 letters of representations received making the following comments:

Noise and pollution

- A 50% increase in karts on the land will result in the increased noise on the site;
- The additional karts will have an unacceptable impact upon the tranquillity of the Blackdown Hills AONB;
- The Local Planning Authority should refuse this application as per the 2006 refusal and defend its Noise Abatement order of 2010;
- Concern to increased pollution that additional karts would have upon the local area;
- Issues of additional light pollution from proposal;

Transport

- Concern to the increase of road traffic to the site on inadequate road network;
- This site is not within a sustainable location and accessed predominantly by private car as infrequent local bus services;
- An increase in customers and participants of the site will result in need for additional facilities to the site i.e. sewage outlets, etc;
- Concern to pedestrian and equine conflict with significant increase of vehicular movement to the site;

Impact upon AONB and wildlife

- The proposal does not comply with philosophy of the Blackdown Hills AONB and requirements of the National Park;
- Concern to further intensification of the site would harm the character and appearance of the AONB;
- These additional karts would result in the need for further buildings on the site and these would result in further visual detriment upon the AONB;
- The proposal would result in an adverse impact upon the local wildlife;
- Forestry operations comprising the removal of trees that protect local residents of Sheldon and Ashill which would exacerbate existing noise impacts

Other issues

- Concern that temporary buildings on the site that have been on the land for a number of years are not being removed by the Local Planning Authority.

PLANNING HISTORY

Reference	Description	Decision	Date
<u>06/3351/FUL</u> Full Application	Retention of car parking and pits area on land to north east	Approval retrospective (conditions)	17/04/2007

	of circuit	
<u>06/3353/FUL</u> Full Application	Retention of widening of kart track extension	Approval retrospective (conditions) 22/03/2007
<u>06/0241/FUL</u> Full Application	Proposed race control tower	Refusal 06/11/2006
<u>05/0540/FUL</u> Full Application	Formation of extended track	Approval with conditions 11/01/2006
<u>99/P0234</u> Full Application	Use Of Land For Commercial Pro/leisure Karting	Approval with conditions 08/04/2002
<u>88/P0870</u> Full Application	Kart Racing/amended Hours Of Operation.	Approval with conditions 15/09/1988

POLICIES

New East Devon Local Plan Policies

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 31 (Future Job and Employment Land Provision)

Strategy 33 (Promotion of Tourism in East Devon)

EN14 (Control of Pollution)

E4 (Rural Diversification)

TC7 (Adequacy of Road Network and Site Access)

Adopted East Devon Local Plan Policies

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

S5 (Countryside Protection)

EN15 (Control of Pollution)

TA7 (Adequacy of Road Network and Site Access)

TO6 (Provision of Visitor Attractions)

RE5 (Recreation Facilities in the Countryside and on the Coast)

Site Location and Description

Mansell Raceway is an existing and well established business located on the western side of Dunkeswell Airfield. The site is low key with its main office formed in a porta-cabin and the race control taking place from a transformed lorry trailer. The actual circuit extends in a south westerly direction away from the entrance and race control.

Operating from the circuit are two types of kart racing:

- Kart Club race meetings which occur on up to 9 weekends with an additional 15 Saturdays in a calendar year (with all dates notified to the Councils) which operates on the full length race track

- Leisure Karts which is the day to day business at the site and which has a resident fleet of karts at the circuit. This operates on a shorter loop of circuit.

Background

Kart racing has taken place at the site since the 1960's with a further permission granted in 1988 for Kart Race Meetings. Partly owing to the use of motor vehicles at the site, complaints were then made about the noise emanating from the site and most particularly affecting residents in Sheldon. In light of the level of noise nuisance the Council served an abatement notice as the noise was considered to be of a level which constituted a statutory nuisance. However this was successfully appealed against at the Magistrates Court and the Notice was quashed in its entirety with the Judge considering that there was no statutory nuisance arising from the activity at the site. A further appeal was lodged by the Council to that decision before agreement was reached with the operators on a way forward that led to the Council withdrawing its appeal. The agreement comprised the signing of Section 106 legal agreement that recognised the lawful activities that could take place at the site as well placing a series of noise restrictions on those activities.

While there are restrictions affecting both the leisure kart activity and the Race Karts, it is the leisure karts that are subject of this proposal and to which most attention will be given. In summary each leisure Kart must pass at least an annual by-pass noise test with throttle fully open and with records of each test for each kart maintained for inspection by the Council. In addition there is an hourly and 8 hourly noise cap requirement for the whole circuit over which the operators must not run.

In addition to the controls secured by the Section 106 agreement conditions on the 1999 grant of planning permission for use of the circuit for commercial pro/leisure karting still apply. This permission limits the number of karts that can be on the track at any one time to 8. The current application seeks to vary this number and raise the total to 12.

ANALYSIS

The main issues with this application is whether a change in the total number of karts operating within the leisure fleet and on track at any one time is appropriate having regard to the character of the area and the resulting impact that it may have, whether the increase would affect the amenity of nearby residents as a result of an increase in noise and whether there is an economic benefit that represents a material benefit of the proposal.

Impact on the character of the area

The site is located within the Blackdown Hills Area of Outstanding Natural Beauty (AONB) where the landscape in terms of both its character and visual quality must be given the highest level of protection. Part of the character of AONB's is generally their peaceful tranquillity, however the presence of Dunkeswell Airfield means that this part of the AONB can only really be described as semi-tranquil. Having regard to the Devon County Council land classification it can be noted that the site itself is classified as Open inland planned plateaux, while the land to the west where this

drops in the wooded valley is classified as Steep wooded scarp slopes. Importantly the character of the plateau is dominated by the open airfield and associated activity including use of the runway by light aircraft, the associated hangar building and traffic control and significantly the industrial estate and all activities associated with such an environment. In addition and recognising a more passive use is a solar farm development that has recently been completed on land to the north east. The highway infrastructure serving this large and somewhat sprawling complex has limitations although the main road that passes through the village of Dunkeswell and directly serves the entrance to the site, links with Honiton to the south and Hemyock and the A38 to the north.

It is against this backdrop that the applicant seeks to increase the number of karts on track at any one time from 8 to 12. It is considered that while at face value this represents a 50% increase in the number of karts it is only likely to generate a very limited number of extra vehicle movements to and from site when compared with the highway activity that already takes place locally and within the vicinity of the site. The leisure karts tend to be used by groups who would be likely to share transport. The increased level of activity which is a local concern is noted but when considering the background activity and the likely number of occasions when all 12 karts would in fact be used (the proposal is not to run 12 karts permanently but only allow up to 12 if a particular group of customers wish this) then the actual harm is limited and not one against which the application could reasonably be refused.

Noise

Information has been submitted by the applicant that seeks to demonstrate that even when running 12 karts at the same time the noise is unlikely to give rise to noise complaints or be at a level where a statutory nuisance could be evidenced. Such statements are backed by the Environmental Health Officers consultation response which is provided in full at the start of this report. The results outlined above reflect the investment that the operators have put into the business in recent years where they have changed their entire fleet of karts so that they now run on LPG rather than conventional petrol and have larger engines with limited throttle. This has the effect of reducing the screaming effect of engines when they are running at their maximum and helps to ensure that even when maximum speed is attained along the straight within the circuit this is not putting significant pressure on the engines. Not only does this therefore reduce the harsh noise that would otherwise be emitted but also helps to prolong the life of the engines which is clearly a benefit for the operator in reducing their costs.

Noise impact on residents in the adjoining valley and those that live in Sheldon has also been reduced by the previously constructed noise screen which runs along part of the western perimeter of the track where this adjoins with the straight section of the leisure circuit.

Notwithstanding the significant improvements that have been made by the operator to their fleet and the presence of the noise barrier, it is noted that significant objections have been received from local residents raising noise as a continued issue. While this is at odds with the recorded noise levels and those heard by Officers during testing activity, it is acknowledged that the "Kart racing" as opposed to the leisure karts can cause some issues. This activity is regulated by the National Karting Association and they have their own individual kart noise standards. Although there is no doubt that they abide by their own requirements, the karts used for racing are owned individually, are maintained to different standards and ultimately are a variety of models. As such this activity which also uses the whole circuit rather than simply a limited section is controlled differently to that of the leisure karting activity. Even if the kart racing activity is the source of the local concern that element is not under consideration with this application which is solely limited to the leisure karting operation.

Economic

It has already been alluded to that simply by seeking a relaxation of the maximum numbers of karts operating in a single race, does not necessarily mean that all 12 would be used all the time. As the maximum noise that can be created is limited over an 8 hour period the modest increase in noise associated with 12 karts would actually take away from the total noise that is controlled over the 8 hour period. It is therefore possible that the more occasions when 12 karts are run at the same time, the fewer the number of runs available and the shorter the period for actual activity. Having noted that, anecdotally it has been claimed that a number of groups are in excess of 8 and want to race together rather than being split into two smaller groups and then having to compare times. The increase in 8 to 12 kart races therefore has the potential to provide a much better offer to the customers of the Raceway as well as freeing up some additional racing slots in any given day subject to the overall noise restriction. On this basis it is considered that there is a modest economic benefit that is attributed to the proposal which weighs in favour of the variation sought.

Overall Assessment

Based on the above consideration it is noted that the activity takes place within the designated Area of Outstanding Natural Beauty which must be afforded the highest level of protection. However with only an extremely modest increase in the level of likely activity as associated with the kart racing (particularly when compared with the activity of the airfield and industrial estate), it is not considered that the variation would harm the designated landscape or the character of the area. In addition the restrictions and controls in respect of noise would remain in place and therefore despite the concerns of near neighbours it is not considered that the variation could be resisted on this basis. With a modest increase in the business associated with the raceway there is an economic benefit that can be attributed to the proposal and this weighs in its favour. Overall and based on the above assessment, it is considered that the proposal is acceptable.

RECOMMENDATION

Approval subject to the following conditions:

1. The Permitted Use shall not take place before 9.00am nor after 9.00pm on any day.
Reason: In the interests of the amenity of the local residents and to help protect the character of the Area of Outstanding Natural Beauty in accordance with Policies D1 (Design and Local Distinctiveness) EN1 (Developments Affecting Areas of Outstanding Natural Beauty) and EN15 (Control of Pollution) of the adopted East Devon Local Plan and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the emerging East Devon Local Plan.
2. No amplifier, loudspeaker or public address system shall be used at any time
Reason: In the interests of the amenity of the local residents and to help protect the character of the Area of Outstanding Natural Beauty in accordance with Policies D1 (Design and Local Distinctiveness) EN1 (Developments Affecting Areas of Outstanding Natural Beauty) and EN15 (Control of Pollution) of the adopted East Devon Local Plan and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the emerging East Devon Local Plan.
3. The maximum noise level 10m from the track side measured in 1minute LAeq levels shall not exceed 65dB LAeq 8 hours
Reason: In the interests of the amenity of the local residents and to help protect the character of the Area of Outstanding Natural Beauty in accordance with Policies D1 (Design and Local Distinctiveness) EN1 (Developments Affecting Areas of Outstanding Natural Beauty) and EN15 (Control of Pollution) of the adopted East Devon Local Plan and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the emerging East Devon Local Plan.
4. No more than 12 Karts shall be in use on the circuit at any time
Reason: In the interests of the amenity of the local residents and to help protect the character of the Area of Outstanding Natural Beauty in accordance with Policies D1 (Design and Local Distinctiveness) EN1 (Developments Affecting Areas of Outstanding Natural Beauty) and EN15 (Control of Pollution) of the adopted East Devon Local Plan and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the emerging East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

This permission shall be read in conjunction with the Signed Section 106 agreement which controls noise and activity at the race circuit dated 6 July 2010

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

Plans relating to this application:

Location Plan	04.02.15
Noise Impact Assessment	04.02.15
Transport Statement	04.02.15

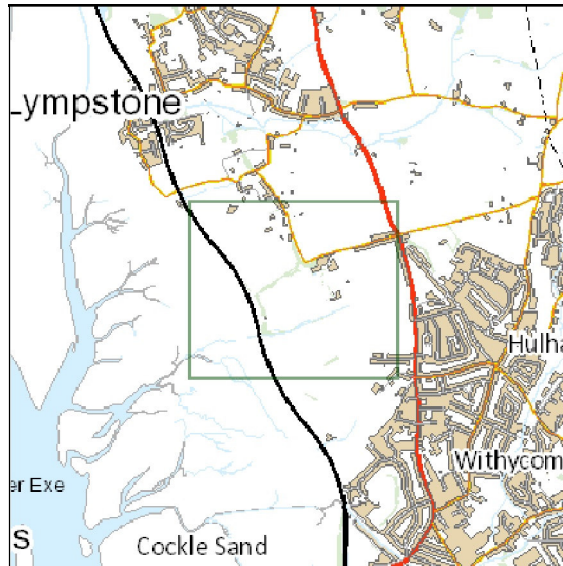
Ward Exmouth Halsdon

Reference 14/2946/MFUL &
14/2947/LBC

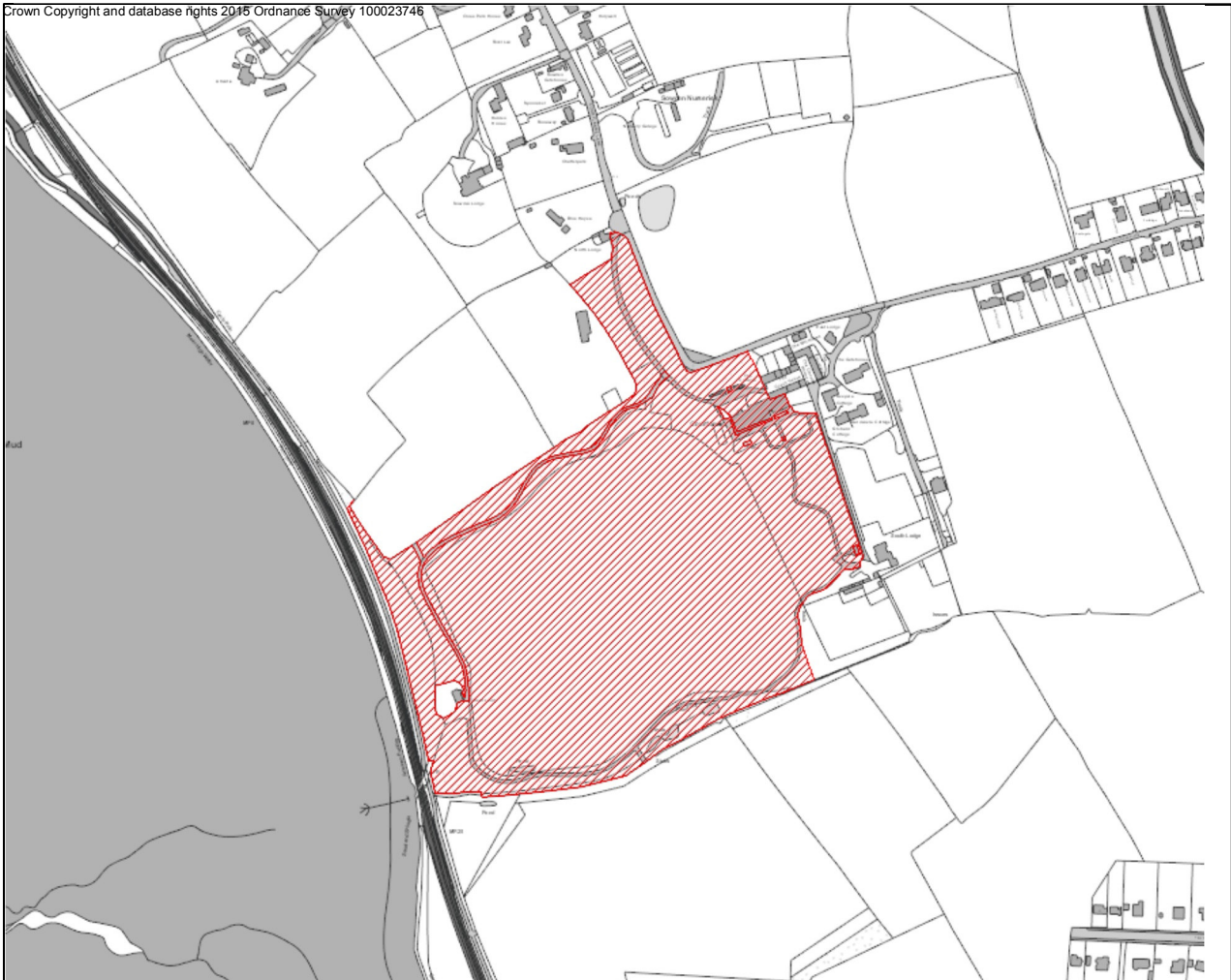
Applicant Michael Caines Ltd

Location Courtlands House Courtlands Lane
Exmouth EX8 3NZ

Proposal Renovation, restoration and
extension of Courtlands House
estate from a wedding venue into a
21 bedroom luxury country house
hotel and fine dining restaurant.
Including refuse and maintenance
store, staff accommodation and
kitchen facilities, landscaping of
private gardens and parkland
including a nature trail, tennis court
and croquet lawn and access to the
Exe Estuary cycle way.



RECOMMENDATION: Approval with conditions



		Committee Date: 16 June 2015
Exmouth Halsdon (EXMOUTH) Woodbury & Lympstone	14/2946/MFUL	Target Date: 14.04.2015
Applicant:	Michael Caines Ltd	
Location:	Courtlands House Courtlands Lane	
Proposal:	Renovation, restoration and extension of Courtlands House estate from a wedding venue into a 21 bedroom luxury country house hotel and fine dining restaurant. Including refuse and maintenance store, staff accommodation and kitchen facilities, landscaping of private gardens and parkland including a nature trail, tennis court and croquet lawn and access to the Exe Estuary cycle way.	

RECOMMENDATION: Approval with conditions

		Committee Date: 16 June 2015
Exmouth Halsdon (EXMOUTH) Woodbury & Lympstone	14/2947/LBC	Target Date: 14.04.2015
Applicant:	Michael Caines Ltd	
Location:	Courtlands House, Courtlands Lane	
Proposal:	Renovation, restoration and extension of Courtlands House estate from a wedding venue into a 21 bedroom luxury country house hotel and fine dining restaurant.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Committee as the Ward Member has objected.

The proposal seeks planning and listed building consent for the renovation, restoration and extension of Courtlands House and the change of use to a country house hotel and fine dining restaurant with associated ancillary accommodation, landscaping and infrastructure.

The proposal will facilitate extensive restoration of the building and its attractive landscape setting which has been the subject of underfunding over many years, which has resulted in the need for some significant repairs to the building and reinstatement of the landscaped gardens. This has to be balanced against the physical works, including the proposed extensions and interventions that form part of the applications. The economic and tourism benefits from the proposal (in terms of creating approximately 80 jobs and locating a Michelin restaurant on the doorstep of Exmouth) need to be balanced against any local impacts in terms of highway safety or impact upon amenity of nearby occupiers.

In planning terms the general principle of the proposal is supported given the current and authorised uses, improvement to the heritage asset and its setting, economic benefits from a Michelin Starred restaurant near Exmouth, job creation, and support for local businesses and apprentices. On this basis and subject to appropriate conditions to ensure that the use does not give rise to nuisance or harm to the amenity of the occupiers of neighbouring properties, it is considered that the benefits significantly and demonstrably outweigh any harm.

There are some concerns in respect of the proposed extension to the eastern side of the building from a heritage perspective, however the building is Grade II listed and whilst important as a heritage asset, and set within attractive grounds it has been the subject of many and varied alterations and extensions which have not always be sympathetic or appropriate to the building. On balance, and considering the positive benefits for the building in retaining a single use, restoration of the fabric and the removal of an unsightly external fire escape to one of the principle elevations of the building, together with the opportunity to restore the landscape setting of the heritage asset, the concerns are considered to be far outweighed by the benefits and the proposed alterations to the building are considered to be acceptable and will not harm the heritage asset or its setting subject to appropriate conditions.

Subject therefore to a number of conditions, it is considered that the benefits from the proposal far outweigh any impact from the extensions to the building, provision of outbuildings and location outside of the built-up area boundary for Exmouth. The impact upon nearby residents can be adequately controlled by conditions to ensure that the use does not have a detrimental impact upon amenity.

CONSULTATIONS

Local Consultations

Exmouth Halsdon - Cllr J Elson

28/01/15 - I support this application. It will improve the economy of Exmouth. Providing staff accommodation will reduce traffic movements and will probably be less than when it was a nursing home.

Exmouth Halsdon – Cllr Pauline Stott

02/06/15 - I was concerned about the chimney flues for the kitchen against the listed building also the noise from the extractor fans for the people living in the Court yard and also that there were several things outstanding in the report.

Woodbury & Lympstone - Cllr B Ingham

21.04.15 - This is a reminder of my request for this application to be referred to DMC at the appropriate time. See below and attached.

I am concerned about the sustainability of the site and access to it.

Further comments 26.04.15:

Having seen the report from Lynne and examining it in detail, I can now explain why this planning application must go to the Development Management Committee for their decision. In doing so I have addressed key issues as identified in the report.

1 – THE PRINCIPLE AND SUSTAINABILITY OF THE PROPOSAL

I am very concerned about the intensification of the use of this site. This site had a previous planning application (08/2693/COU) refused in 2008 for change of usage to a 20-bedroom hotel. The subsequent appeal in 2009 was dismissed. Since then the NPPF has been introduced, but in this case the thread of many of the policies in place at the time are still relevant. Therefore it is essential that EDDC make sure the correct decision is made for this planning application. This cannot be done properly unless it is determined at DMC.

I am not yet convinced by the sustainability of the access. The report mentions public access was considered acceptable in sustainability terms for two isolated dwellings, in that access to a local bus route is achievable. This may be the case, but it is certainly not appropriate for the proposed guests to access the bus route or the local railway.

The report talks of environmental benefits due to repair and restoration, but fails in this section to even mention the Coastal Preservation Area or the green wedge, let alone their relationship to the sustainability of the proposal.

2 – THE IMPACT ON THE HERITAGE ASSET – COURTLANDS HOUSE

Changes to the front elevation to provide kitchen facilities directly mask and affect the oldest part of the building. This has to be one of the reasons for the original listing of the building. The application goes on to propose removal of part of the

historic fabric of the building and windows. I am surprised these are considered acceptable by our officers and believe they have to be judged by DMC.

The extensions, physical works and staff accommodation will definitely have a profound effect on the heritage asset of the house. I certainly do not think it is appropriate for this level of change to be accepted through delegated duties.

3 – THE IMPACT ON THE HERITAGE ASSET – LANDSCAPE SETTING

I understand that the siting of the recycling centre is very sensitive and must meet the aesthetic requirements of the applicant. I also appreciate the effort made to improve sustainability by reducing traffic movements by the provision of accommodation for staff. But this site is in a Coastal Preservation Area. The report mentions that new development would normally be resisted in a Coastal Preservation Area. I suggest this definitely understates the case. Yet again, such consideration that deviates so significantly from our own policies and normal decisions should be referred to DMC.

In addition there would understandably be a need for staff parking. There are concerns mentioned about this in the report, as well as the proposed alterations and works changing the landscape setting of the building.

4 – IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

This planning application illustrates many very positive effects on the character and appearance of the area if this planning application were to be approved. But these must be weighed against the negative impacts generated by the staff accommodation and the management centre. I do not believe this level of impact on the Exe Estuary in a Coastal Preservation Area should be dismissed so lightly nor the decision made through delegated duties.

5 – THE IMPACT ON AMENITY OF THE AREA AND NEARBY RESIDENTS

I am aware of the weight of objection made by local residents. I also note that many are keen to consider change because they are so frustrated by the current usage. That does not give EDDC a free rein to provide any alternative. I note that Exmouth Town Council remains concerned about the effect on immediate neighbours. Similar was identified in 2008 as well. I suggest it is very dangerous indeed to approve such an application without having all the appropriate conditions firmly in place. I note throughout the report reference is made to making further changes, even further planning applications to complete this project. The potential risks involved in approving this planning application at this stage create an unreasonable situation for residents and the outcomes are likely to be permanent.

6 – THE IMPACT ON TREES

Any planning application on this scale will have some adverse effect on trees, but I recognize that considerable effort has been made to reduce this to a minimum and redress the environmental imbalance with further planting. It is the overall effect on the environment that concerns me.

7 – THE IMPACT ON THE ECOLOGY AND MITIGATION MEASURES

At this stage, I totally accept the observations of the report.

8 – TRAFFIC, PARKING AND ACCESS ISSUES

In February I made my concerns clear to you regarding traffic issues from the site to the A376. In addition, this mentions problems of access onto the site. I note from a recent claim made this week that six lorries access Courtland's House per day. Without any doubt this is wrong. I am not prepared to accept the submission of flawed data as acceptable evidence. Again, this has to be reviewed by DMC. I will not detail my surprise at Devon Highways' failure to correctly compare the effects of change of usage. Their decision to accept what may be unqualified data puzzles me.

CONCLUSION

Having reviewed the draft report, I now know the only correct process for these issues to be considered is through the Development Management Committee. This will ensure EDDC has every opportunity to make the correct decision. In addition, I know it would be totally inappropriate to consider this planning application under delegated duties, especially when so many policies are contravened and issues remain open.

I am shocked and very disappointed that EDDC Planning even consider it to be acceptable to deal with this planning application through delegated duties. I believe we must avoid gaining such a reputation, not indulge it. I suggest that for whatever reasons, every EDDC officer that I have spoken to has allowed themselves to become emotionally involved with this planning application, quite possibly taking on board issues that should not be part of the planning decision making process. Ultimately every planning application must be treated on its own merits. In addition, every applicant must be treated with the same level of respect. This has not happened.

I look forward to seeing the final report to be presented to the Development Management Committee and the opportunity of listening to Members views. I remain open minded and am confident they will make the correct decision.

Exmouth Town Council

27/01/15 - No objection

Exmouth Town Council

Meeting 20.04.15 - Amended Plans

Objection to the position of the plant room but support in principle the application for change of use.

Lympstone Parish

05/02/15 - [SUPPORT] We are of the opinion that a condition be made that any lodges built remain for staff accommodation only.

The development will secure the long term future of this important listed building and generate much needed jobs both for Lympstone and Exmouth.

Lympstone Parish

16.04.15 SUPPORT both applications.

Conservation

10/03/15 - BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

Courtlands House SX 98 SE 7/44 II. GV 2. Large colourwashed stuccoed mansion, divided into flats, parts of it are probably C18 or older. Moulded eaves cornice and blocking course. 2 storeys. East side facade has 6 barred sashes, west side (recessed) has 5 sashes with late C19 glazing and stone eared architraves with keystones. Stone band at 1st floor. Large later C19 advanced stone porch, massive with much carving in high relief. Quadrant walls flank this section of building. Garden facade has Victorian verandah. 8 arches, spandrels pierced with scroll design.

Steps to garden opposite entrance door of Courtlands House SX 98 SE 7/157 II GV 2. Probably C19. Steps up to garden with urns below and stone swans, of delicate design, above.

Garden wall along road boundary between Courtlands Lane and Courtlands House SX 98 SE 7/156 GV II 2. Probably C19 though parts may be earlier. Circa 8 ft high crenellated boundary wall.

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

Courtlands is a multi-phased house situated on elevated ground above the Exe estuary. Its origins are an original pre C18 house which was either adapted or rebuilt in the 18th century. The original Georgian house is now only really evident from the arrival at the north side of the house, and is a simple format with a linear plan, very much indicative of the proportions of a more vernacular cross passage house which may have originally been the first building on the site. The Georgian house would have been surrounded on the south and western sides with its original garden layouts. However, only the northern elevation remains prominent and the house has been extended on all other aspects.

The more significant part of the house was added between 1760 and 1816 by the Bearing family and these additions consist of the western pavilion wing and the wing at the far eastern end of the original Georgian house. The later single story elements were added by Lethbridge at the end of the 19th century and included the surviving billiard and drawing rooms, and an elaborate Glasshouse linked to the north-west corner of the pavilion wing. The phasing of the house has been well documented in the statement of significance, and in addition to the historic fabric of the house itself, the significance of the landscape setting, gardens and planting have also been comprehensively discussed in terms of the setting of Courtlands. The parkland estate is considered to contribute highly to the significance of the heritage asset. The country house was conceived, designed and developed within a landscape setting befitting the wealth and status of previous owners. There are landscape features that were clearly fashionable at the times and much of the exotic planting, a novelty and sign of wealth during the nineteenth century survives. It is conceded that the setting of the house contributes highly to its significance.

Unfortunately, both the house and gardens have suffered over the last hundred years or so. The house itself requires some significant repairs to the building fabric and the gardens have become neglected with original planting schemes and landscape forms either missing or in a poor state of repair. There is therefore an opportunity for a considerable degree of reinstatement and enhancement of both the house and gardens. I am satisfied that the statement of significance has suitably addressed those aspects that are significant to the heritage assets. However it is noted that the author could not gain entry inside the building at the time when the document was researched and produced. Therefore, the assessment of the house has only been made with reference to known existing floor plan layouts and photographs.

The principle of the works and development.

The principle of the proposed works are considered generally acceptable as the application includes proposals for repairs to the building, the removal of incongruous additions and the repair and reinstatement of the surrounding landscape. Internally, there have been several alterations in the past, principally to the eastern end of the house with the subdivision of the wing into individual apartments. The principal rooms in the pavilion West Wing remain quite and are principal aspects of the building's significance. With the proposed conservation gain, which would need to be controlled through conditions or a legal agreement, I have no overriding concerns over the use of Courtlands as a restaurant and hotel. However, the material alterations to the building need to be carefully assessed, and the impact upon the significance of the heritage assets suitably measured and justified.

Proposed development within the grounds.

The planning application, in addition to the works and extensions to the main house includes additional proposals within the curtilage of Courtlands with various degrees of potential impact. Taking these in order from the entrance to the estate the first proposal would be the creation of a car park with the provision of 40 spaces. This would be to the right-hand side of the drive immediately passed North Lodge when entering the estate. This area is presently a mix of informal grassed areas with some specimen trees and a newly planted hedge along the western boundary. The area is generally level and has a close visual relationship with the entrance drive. However, due to the design of the approach to the main house, there is no visual relationship between this particular part of the site and the main house. The site plan shows a rather formal arrangement of spaces, albeit it is conceded that the arrangement of any car park needs adequate circulation in and around the allocated spaces. However, parking areas in this context can be achieved in a more informal manner with permeable surfaces and low planting to help screen what could be a large area of parked cars. The boundary between the drive and the parking area could include new planting to provide hedge screening and parking could be arranged a little bit less formal.

It is noted that two trees are to be felled in association with this part of the development, and I would advocate that these are replaced to maintain the dappled light effect of this area. While there is no visual relationship between this part of the site and the main house there will still be considerable visual impact when entering

the estate drive. I would advocate further details are submitted or conditioned with regards to the landscaping so that it is clear that the impact has been suitably mitigated.

On the same side of the estate drive there is proposed a new bin-store and recycling compound. Again, there is no or little visual relationship between the proposed site for this and the main house. However, it is situated right by the access drive and would be a prominent building when travelling southwards along the drive to the house or walking from the proposed new car park. In architectural terms this has been conceived as a simple utilitarian building, clad in timber, which if left unfinished and treated will 'silver' to a more natural appearance. I cannot seem to locate any justification for exactly why this footprint has been selected for the service building, and I wonder whether there is any merit in pushing this back towards the western boundary so that it does not interfere with the more open nature of the drive approach to the house? It could still be easily accessed by refuse vehicles but could be located and screened in a way that helps limit its impact. I would be happy to discuss this with the agent and look at any potential problems with moving this building.

To the north side of the site is an access track running from the western side of the house down to towards the estuary. This is known as the Ladies Walk and forms part of the circuit around the periphery of the Courtlands Estate. There is a mix of deciduous and imported tree specimens, and this forms a robust boundary along the northern side of the site. The application proposes four separate timber buildings in the lower section of the wooded area. These would be quite close to the recently constructed cycle path running along the edge of the estuary, and two of the staff accommodation buildings would be partially visible through the trees. I am aware that's in planning terms these buildings for need to be suitably justified. However, in conservation terms I do not consider there to be a substantial impact upon the setting of Courtlands, although there would be a degree of impact during the winter months. If the number of buildings could be reduced, potentially with the removal of the social building, the impact would be further reduced.

The staff accommodation has been conceived again on a more utilitarian basis; the form detailing and construction is relatively low key, and in this respect I think this is probably the best format. The social building appears to be against the open land to the south and west of Courtlands and would probably be the most prominent building from within the site. I would therefore advocate that some thought is given to removing the structure and possibly providing some of the facilities that this would offer for staff within the other two or three buildings further towards the estuary.

In addition to the proposed reinstatement of the historic landscape which I will comment upon a little later, the planning application includes the reinstatement of the tennis courts immediately to the south of the main house. It would appear that this area of flat land historically accommodated some form of tennis courts, and therefore on a reinstatement basis I would raise no objections. This would be subject to full details of any boundary fencing which could be augmented with suitable planting, and without any obtrusive floodlighting for evening use.

Reinstatement and improvements to setting of the heritage assets.

The statement of significance highlights the landscape setting of Courtlands to be of equal significance as the house itself. I would not necessarily agree with the level of significance of the setting, but would certainly agree that the formal gardens on the southern side of the house and the wider parkland setting contribute highly to the significance of the overall heritage asset. As part of the application and general conservation gain some aspects of the gardens and parkland would be repaired and reinstated. However, this should be based on historical evidence and clear landscape traditions of the 18th and 19th centuries. The landscape, as with the house is the result of a multi-phased development and the statement of significance highlights the landscape traditions that contributed to what is seen today, albeit some aspects have been neglected and lost over the last hundred years or so. With this in mind I would suggest that the landscape proposals are developed further based upon the evidence that we have, and also clear historical precedents for formal garden planting and parkland landscapes.

Immediately opposite the 19th century entrance porch on the north side of the house is a separate addition to the statutory list including a set of stone steps with stone urns and swans. The proposals include a new water feature between the entrance porch and this heritage asset. I cannot seem to find any rationale or cogent argument for this and don't really consider that it is needed. It would detract from the entrance area to the house, blocking the progression of space from the entrance hall to the top of the steps. I would advocate that it is omitted from the proposals.

To the west of the pavilion wing is proposed a re-paved terrace close to the footprint of the former glasshouse. Although this patio exists at present, it is clearly a later addition of no historic merit. It would probably be more historically and aesthetically correct to re-orientate this terrace within the footprint of the former glasshouse.

With regard to the more formal gardens immediately to the south elevation, I would wish to see some further details to how these would be reinstated. While the southern facade of the existing house and proposed extension is by no means symmetrical, the garden form should at least be informed by what may have been originally conceived. I would advocate some form of justification and further details relating to the garden restoration. With regard to the wider parkland a nature trail is proposed along the southern boundary forming a full circuit around the edge of the estate which is considered appropriate. It would appear from historic maps and photographic evidence contained with the statement of significance that there was originally more tree planting to the south of the house forming more of a deer park-like setting. There may be some merit in reinstating some informal tree groups in these areas. I am aware from pre-application discussions that there may be a future proposal to use the southern slopes of the sites to establish a small vineyard. It would be beneficial to consider at this stage how this would fit in with the overall landscape works. If this is no longer an aspiration then the parkland needs to be restored to a degree that reinstates its heritage significance. I would therefore advocate that the details of landscaping works are either negotiated prior to any approval being granted or suitably conditioned with some form of agreement that these works are carried out within a set timeframe in conjunction with the repairs and works to the main house.

Repairs and conservation gain for Courtlands House.

A condition survey has been carried out on the house and comprehensively outlines several maintenance issues that require attention. While some of the recommended works amount to general repairs there are some more significant elements that form part of the schedule of works to be considered as part of the listed building consent application. These works would be expected to be completed as part of any building programme and prior to the proposed use of the building. These would include the following:

- o The reconstruction of the glazed dome over the principal stairwell. This is a significant feature which has suffered from water ingress with the timber now rotten.
- o There are areas of flat roof replaced historic with felt that require replacement due to signs of water ingress. Again, a change of material (preferably back to lead) would need to be included.
- o There are areas of blown and cracked render on many elevations of the house (this is estimated to be approx 70% of the elevations). The surveyor recommends further investigations to take place to assess the extent of the failure. The composition of the existing render would need to be confirmed so that the correct materials and specification is used for any areas of re-rendering. Areas of work would need to be highlighted on elevations and lime render specifications could be conditioned.
- o Many of the rainwater goods have been replaced in recent decades with unsympathetic PVCu profiles. These would be reinstated in cast iron. Full details of replacements should be conditioned.
- o Works to roofs appear to amount to more minor repairs with a modest number of replacement slates and lead flashings. Where the verandah roof on the south elevation may need replacing in zinc this should be included on the proposed elevations.

In addition to the removal of the metal fire escape on the west elevation the conservation gain of the proposed repairs and restoration will be considered against the proposed alterations that may compromise or harm the significance of the heritage asset.

Proposed external alterations.

The principal works affecting the character and appearance of the listed building involve extending the house on two aspects, a two storey extended wing to the east and a single storey kitchen extension to the side of the main entrance to the house. The justification for the accommodation addition is one of viability although there is little background to how the design has been informed. As Courtlands is a house that has expanded and changed over the last 250 years this evolved design is part of its significance and since it has a rather rambling character I would concede that it could accommodate a further building phase without causing substantial harm to its significance.

With regard to the design approach the previous building phases have used the architectural fashions of their time. Although the Regency embellishments have been eroded the architectural character of each phase is distinct, although there are common elements such as rendered walls and sash windows. With this in mind the

pastiche approach of the extended east wing may not be considered entirely appropriate, and rather a more contemporary and honest approach may be more befitting. There is also no visual break between the existing wing and its extension which would not allow the new addition to read separately from the late C18 wing. A flush continuation of the south facade also creates a larger building mass at the eastern end of the house which would compete more with the west wing at the other end. This is not necessarily harmful as there is no reason why the east wing needs to be subordinate to the western pavilion. However, I would advocate that a design clearly of its time would provide the opportunity to create more of a visual break from the C18 fabric.

The south elevation of the east wing together with the proposed extension would alter the proportions of openings as a result of the removal of sash windows and inserting French doors. This changes the architectural proportions of this elevation and effectively removes the hierarchy between the ground and first floors where this presently exists. The full-height first floor openings appear 'top-heavy' within the elevation and on balance I am unconvinced that this is successful. Furthermore these proposals would involve the removal of the original ground and first floor windows some of which contain historic/original glass. I understand why these alterations are proposed but I suspect there is a solution that would retain at least some of the historic fabric here. If there some form of break in the building line between the original and extension the first floor balcony could run the length of the new-build section leaving the existing first floor windows in rooms 17 and 18. If this were achievable I would concede to the loss of the two ground floor windows as their retention would cause access problems into bedrooms 2 and 3.

It is proposed that rooms 1-6 would have individual gardens formed by 1.2m high timber fences. There is no real historic precedent for this form of segregation although I would concede to some form of defensible space. It would appear that the function of these boundaries is more of a spatial one rather than providing privacy. In order to reduce the suburban context of this boundary treatment I would advocate more in the way of planting as this would appear 'softer' and would relate more directly to the formal gardens immediately to the south. Full-height privacy screened close to the facade of the building should be avoided as these would break up the elevation in an unsatisfactory manner.

On the north side of the house I propose a kitchen extension immediately to the left of the main entrance. This will be highly visible and prominent, and therefore its impact needs to be justified and limited if deemed harmful. It would be attached to the principal elevation of the original Georgian house and would necessitate the removal of all but one window openings to form two ground floor openings into the extension and four first floor door openings onto the balcony. As this is the only external elevation left from the original house the removal of six of these windows is considered unacceptable. Looking at the proposed use of the extension I wonder whether these uses could be accommodated within the coach house where the plant room is presently proposed? This building falls within the red line on the application although I am aware these stores may be leased to the neighbouring properties. It would, however, be very beneficial if these stores could be utilised and the proposed extension omitted. If the extension is conceded I would certainly resist the roof as terraces so that the windows can be retained on this part of the house.

Internal alterations.

The internal alterations are mostly limited to the original Georgian house and the east wing. Although the justification for each alteration is not particularly well documented or detailed I understand from pre-application discussions with the agent and applicant that these are informed by the requirements for the kitchen facilities and the size of the existing ground bedrooms in the east wing. More specifically I would offer the following comments:

- o I would concede to the removal of the ground floor corridor in the east wing so that the bedroom suite can be enlarged with bathrooms backing onto the kitchen. This does involve the loss of fabric, but as long as the doors are retained for re-use (possibly for the w.c door in each room).
- o A new opening is proposed between the private dining room and dining room 1. The existing door into the private dining room would be blocked. The new opening has not been justified and would appear incongruous to the side of the fireplace. I would advocate that this opening is omitted.
- o An original window from the former rear elevation of the Georgian house is proposed to be removed and replaced with a door. Again, the survival of this window tells of the phasing of the building and its importance to its significance. I would therefore advocate its retention and its existing access used.
- o Similarly in the proposed pastry bakery the existing door is proposed to be blocked and the existing window removed to form a new access. There does not appear to be any reason for this, and therefore I would advocate no material alterations here.

Summary.

The proposals have evolved and been discussed over the last few months. The principle of some significant changes to the listed building and its setting is accepted subject to an appropriate degree of conservation gain. There is clearly scope for further enhancement of the building's setting in terms of landscape restoration and any new additions to the house need some further thought with regard to their justification and design approach. The prominence and visual impact of ancillary buildings in the grounds need some more thought so that the harm to setting of the listed building is limited as much as possible, or in some cases omitted completely.

**PROVISIONAL RECOMMENDATION - PROPOSAL
ACCEPTABLE in principle subject to further discussions and amendments**

Environment Agency

21/01/15 - 14/2946/MFUL - Courtlands House Courtlands Lane Exmouth EX8 3NZ

Thank you for consulting us on the above proposal.

Please refer to our flood risk standing advice for the appropriate comment for this application.

Natural England

13/02/15 - Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (AS AMENDED)
WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

European wildlife sites

The application site is in close proximity to three European Wildlife Sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their ecological interest. European wildlife sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Exe Estuary SPA and Ramsar Site and the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and the East Devon Heaths Special Protection Area (SPA). The sites are also notified at the national level as Sites of Special Scientific Interest (SSSIs).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

¹ Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process.

Objection - Insufficient information

The consultation documents provided by your authority do not include any information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered, i.e. your authority has not recorded your assessment and conclusions with regard to the various steps within a Habitats Regulations Assessment.

It is Natural England's advice that, as the proposal is not necessary for European site management; your authority should determine whether the proposal is likely to have a significant effect on any European site. If your authority is not able to rule out the likelihood of significant effects, there are uncertainties, or information to clarify areas of concern cannot be easily requested by your authority to form part of the formal proposal, you should undertake an Appropriate Assessment, in accordance with

Regulation 61 of the Habitats Regulations, including consultation with Natural England.

On the basis of the information provided, Natural England is able to advise the following to assist you with your Habitats Regulations Assessment. Decisions at each step in the Habitats Regulations Assessment process should be recorded and justified:

Exe Estuary SPA and Ramsar Site
East Devon Pebblebed Heaths SAC and East Devon Heaths SPA

Natural England advises that the likelihood of significant effects on these sites cannot be ruled out at this stage.

The application site is adjacent to the Exe Estuary SPA and Ramsar Site and approximately 2.5km from the East Devon (Pebblebed) Heaths SAC and SPA. This is within the 10km zone in which an increase in accommodation for tourists and hotel staff could reasonably be expected to have recreational impacts on the aforementioned sites in the absence of appropriate mitigation.

The "New East Devon Local Plan 2006-2026 Consultation Draft (Dec 2011) has identified in Draft Strategy 41 (Nature Conservation and Geology) and supporting text 18.45 - 18.50 that residential development in proximity to these European Sites is likely to have a significant effect upon their designated features from increased recreational pressure, urbanisation, etc. in the absence of a adequate mitigation. Although this proposal will not add any new dwellings per se, it will provide additional tourist and staff accommodation. Recreational use of the European sites by these guests and members of staff would cause no less disturbance to wildlife than recreational use by other members of the public. Under the Joint Interim Approach (Exeter City, Teignbridge and East Devon) to secure mitigation for recreational impacts, tourist accommodation was included alongside housing and other types of accommodation. Natural England would expect to see a Habitat Mitigation Contribution for this development in order to avoid a Likely Significant Effect.

We are pleased to see the inclusion of a nature reserve and circular nature trail around the grounds which could encourage hotel residents to stay within the grounds rather than venturing closer to the estuary. However, we also note that there will be a direct link from the grounds to the Exe Estuary Trail. We would encourage the provision of information to staff and guests on the importance of the European Sites, including their vulnerability to disturbance.

In the case of the European sites referred to above, your authority cannot grant permission for this proposal in the absence of a Habitat Regulations Assessment which concludes either i) no likely significant effect due to mitigation included by the applicant or, ii) no adverse effect on integrity following an Appropriate Assessment. Natural England is a statutory consultee at the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Exe Estuary SSSI and East Devon Pebblebed Heaths SSSI

Natural England advises that there will be no additional impacts on the features of interest of these SSSIs resulting from the proposed development beyond those already identified with regard to the European wildlife sites above.

Protected Landscapes

The application site lies approximately 2.5km outside of the East Devon Area of Outstanding Natural Beauty (AONB). Having considered the application, Natural England does not believe that it would impact significantly upon the purposes of designation of the AONB.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply your Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the

appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

EDDC Trees

21/04/2015 – Revised layout

SITE 1

The parking spaces under the crown of T870 will need to be moved as this will increase target value below tree and thus is retention during senescence.

SITE 2

Can the parking spaces around the western staff accommodation blocks be moved to facilitate the retention of T875? There would appear to be space to allocated two space within the next parking area to the north or by locating spaces the south of the staff accommodation block.

SITE 3

There is still no CEZ or tree protection fencing around the main entrance (Trees 864, 865 & TG5)

SITE 4

No comments

Given the number minor amendments proposed any approval would need to be subject to layout. Given that the finalised layout of the site is still not confirmed any approval should be subject to a pre-commencement tree protection condition requiring the final submission of AMS based on finalised drawing and requiring arboricultural site monitoring log on a monthly cycle for the duration of the construction process.

23/02/15 - SITE 1

Parking spaces to the west of existing driveway will require the removal of the near 2 metres diameter Monterey pine. Its removal does provide space for approximately 16 spaces. The tree is a significant historic tree feature, an early planting of this species, possibly dating back to the times of Ownership of William Francis Spicer or Octavius Browne (1850's). A fungal bracket has been identified on the southern side of the tree and it has a thin upper crown; on first consideration these points do not justify the removal of the tree given its significance as an individual specimen. There seem to be space to locate the car parking on the other side of the road, or make use of the staff parking closer to the main building and further down in Site 2. There is no CEZ shown on the east side of the road.

SITE 2

Staff Accommodation Block 2 and the parking associated with Block 1 requires the removal a good quality 90cm diameter native oak (877) and a reasonable quality holm oak (875). The removal of Block 2 from the plans would allow for amendment to parking and allows for retention of Trees 877 and 879. Impact on the surrounding landscape (wider views from estuary & cycle way) and internally from the main building will need to be addressed via succession planting.

SITE 3

There is no CEZ around the main entrance (Trees 864, 865 & TG5)

SITE 4

No comments

English Heritage

10/02/15 - Thank you for your letter of 19 January 2015 notifying us of the applications for planning permission and listed building consent relating to the above site. We do not wish to comment in detail, but offer the following general observations.

English Heritage Advice

Courtlands is a grade II listed country house, originally a farmhouse, which was gentrified during the 18th century to respond to the classical regency style of the time. Set on the banks of the Exe Estuary, its extensive curtilage forms a distinct feature along the bank, helping to retain the rural quality of the area against the urban expansion of Exmouth.

The house and its grounds also forms part of the principle setting of the highly sensitive complex of grade I listed buildings that include La Ronde and Point in View, both part of the top 2.5% of all listed buildings in England. La Ronde is a cottage ornée 16 sided house built for Jane and Mary Parminter, women of wealth during the 18th century. It is set within a grade II registered landscape, which has evidence of the ferme ornée movement and was designed to take advantage of the attractive and expansive views of the estuary, with the house itself built with a high level gantry, decorated with shells. Courtlands forms an important aspect of the setting to La Ronde in particular as the rural foreground to views to and from the estuary. The expansion of Exmouth has eroded the setting of the house to some extent; therefore retaining a sense of the rural context makes an important contribution to the building's significance.

The scheme includes a number of proposed works to the house and surrounding landscape. With the house this includes an intensive reordering of the space, including some significant alteration to the historic floor plan at the east end of the building as well as a number of extensions to the original building, which are likely to have a potential impact on the character of the house. As this is a grade II listed property, we would not wish to comment in detail with regards to these works but would defer to the local authorities conservation officer, who will be best placed to assess the proposed impact and any potential harm it may cause to the significance of this grade II listed building.

English Heritage's interest lies with the potential impact of the proposed works to the setting of A la Ronde. The proposed extensions to the main house and works to the associated outbuildings will largely be screened from a la Ronde, as they are located in the north east corner of the site with intervening urban development that sits along the western boundary of a la Ronde.

The main area, we would wish to offer comment is the proposed ancillary blocks of staff accommodation, communal area and associated car parking located along the northern and western boundary of the site. Due to the contribution the site makes along the bank of the estuary, views into it are sensitive to change that would alter the rural quality of the space particularly in views towards a la Ronde.

We appreciate that the buildings have been designed to have a modest appearance and that the aspects of the development have been set within the historic tree belt; however, we would raise potential concerns regarding the visual impact of the development within views to a la Ronde from across the estuary. Due to the nature of the trees, which are largely deciduous, and the greater intensification of use along the western boundary, from parkland to residential accommodation, as well as a significant amount of car parking and the associated cars, which are a particularly urban feature, there is the potential for the development to be fairly visible addition along the estuary edge. At present the level of potential harm is not clear and we would look for the local planning authority to seek further reassurances that the proposed buildings will not adversely affect views from across the estuary, allowing both Courtlands and the complex at a la Ronde to retain their rural context.

Recommendation

We would urge you to address the above issues, and recommend that the applications should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

Devon County Archaeologist

28/01/15 - Application No. 14/2946/MFUL

Courtlands House Courtlands Lane Exmouth EX8 3NZ - Renovation, restoration and extension of Courtlands House estate from a wedding venue into a 21 bedroom luxury country house hotel and fine dining restaurant. Including refuse and maintenance store, staff accommodation and kitchen facilities, landscaping of private gardens and parkland including a nature trail, tennis court and croquet lawn and access to the Exe Estuary cycle way: Archaeology

My ref: Arch/DM/ED/22816a

I refer to the above application. A assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will not have a significant impact upon any known heritage assets with archaeological interest.

However, the proposed scheme involves development within the vicinity and grounds of Courtlands House, a Grade II listed building. There are associated steps and the roadside wall which are also protected as designated heritage assets in the vicinity of Courtlands House. The garden surrounding the house is recorded in the HER as a landscaped park with its origins in the 18th century. In the consideration of the possible impact of the scheme upon the setting of the designated heritage assets and the historic landscaped park I would advise that the East Devon District Council's Conservation Officer and Landscape Officer were consulted, along with the Devon Gardens Trust with regard to any comments they may have on the proposed development and its impact upon these designated heritage assets and the landscaped parks.

The Historic Environment Team has no further comments to make on this planning application.

County Highway Authority

06/02/15 - Observations:

The County Highway Authority has visited the site which is accessed off of Courtlands Lane, which a narrow road that has 4 inter visibility passing places and is restricted to 30 mph. At the junction from the A376 there have been 6 S light Collisions.

The visibility at the access to the site is 17.5 metres to the north 21 metres to the east this is below Manual Force Street guidance. Courtlands House already has permitted use for weddings and conferences which in the transport impact statement that they expect a total of trips now to be less than what is current. With this information the Highway Authority have no objections to this application.

Recommendation:

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

Officer authorised to
sign on behalf of the County Council 30 January 2015

National Trust

31/03/15 - Appln No: 14/2946/MFUL

Courtlands House, Courtlands Lane, Exmouth

Renovation, restoration and extension of Courtlands House estate from a wedding venue into a 21 bedroom luxury country house hotel and fine dining restaurant.

I write on behalf of the National Trust to comment on the above application.

The Trust has a statutory purpose, as set out in the 1907 National Trust Act, to conserve places of historic interest or natural beauty which it holds for the benefit of the nation. The Trust's interest here relates to its ownership of both 'A la Ronde', a

Grade I listed building and nationally important cultural asset, and 'Lower Halsdon Farm', where the Trust is exploring opportunities to promote public access.

The Trust would like to have been consulted over this application following the recommendation under Paragraph 7.3 of the A la Ronde Setting Study (Jan 2015), which was sent to East Devon District Council following publication. The A la Ronde Setting Study locates the site within Core Setting Area 1 Lower Halsdon Farm and Courtlands. A low resolution copy of the study is included with the email version of this letter.

The National Planning Policy Framework (NPPF; 2012) requires applicants to supply sufficient information to understand the potential impact of a proposal on the significance any heritage assets affected, and any contribution made by their setting (NPPF, para 128).

English Heritage guidance The Setting of Heritage Assets - English Heritage Guidance (2011) recommends undertaking the following stages in any assessment;

'Assessing whether, how and to what degree settings make a contribution to the significance of the heritage asset(s)' (STAGE 2)

'Assessing the effect of the proposed development on the significance of the asset(s)' (STAGE 3).

'Maximising enhancement and minimising harm' (STAGE 4); Consideration should be given to any opportunities to provide enhancement.

The Trust acknowledges that the A la Ronde setting study makes clear that there is no evidence of a significant designed and direct visual link between A la Ronde and Courtlands, but it does also highlight that the neighbouring landscape park clearly plays some role in views to the Exe Estuary and that changes to the parkland or higher-rise development could generate a significant issue (paragraph 6.7.7).

The Trust welcomes the renovation and restoration of Courtlands House but believes that the application should include an assessment of any impact on the setting of A la Ronde from the proposed extensions and changes to the parkland, and identify any opportunities for enhancement, in line with the English Heritage guidance.

I request that East Devon District Council consult the Trust on any further information or assessment that becomes available in relation to the current application and on any future planning applications within the identified core setting of A la Ronde.

Environmental Health

23.04.2015 I have considered this application and would recommend that the following conditions are attached to any permission granted:

Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating

Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Services Engineers Environmental Design Guide. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.

Reason: To protect the amenity of local residents from noise.

The use hereby permitted shall not commence until a detailed proposal for the treatment of cooking odours has been submitted to and approved in writing by the Local Planning Authority. Details shall include any prefilters, grease traps, mesh or fabric filters and/or activated carbon units intended to be installed, and the proposed method of dispersing residual odours, flue specifications and discharge heights. Any flue must terminate at least 1m above the ridge of the building, or the eaves if the building has a flat roof. There shall be no restrictions to the flue at the point of exit. The equipment shall be installed prior to the use commencing, maintained in accordance with the manufacturer's instructions and operated at all times when the kitchen is in use.

Reason: To avoid odours detrimental to the amenities of local residents.

No deliveries shall be accepted or despatched to or from the site except between the hours of 08.00 and 18.00 Monday to Friday, or 08.00 to 13.00hrs on Saturdays, and not at all on Sundays or Bank Holidays.

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

Other Representations

A total of 10 responses were received in respect of the original submissions, 9 raising objections and one making representations. These are summarised below

Objections

- The scale of the proposal is inappropriate
- Detrimental to highway safety
- Loss of residential amenity through noise, and disturbance
- Impact on listed building through inappropriate extensions
- Loss of privacy through overlooking
- Impact of flues and extraction equipment in terms of noise and pollution
- Discrepancies in the documentation and drawings
- Impact on wildlife

Representation

- The scheme appears to be well thought out but will need further professional landscape advice

Four further representations were received following reconsultation on the revised proposals reiterating the above issues and raising concerns about the following issues

- There is still no detail about the plant or extraction equipment and a number of issues relating to this have not been addressed
- Proposed parking in the courtyard to be able to install or maintain plant

- Party wall and construction details
- Alterations to the courtyard gates have been submitted
- Highway and traffic concerns
- Construction process and impact on residents
- Delivery hours and noise

OFFICER REPORT

Relevant Planning History

13/0158/COU	Change of use from 3no. flats, function suite And overnight accommodation to single dwelling	Approved 26.02.2013
10/0336/COU	Change of use to dual use of function use and overnight accommodation for function guests	Approved 27.04.2010
08/2693/COU	Change of use from function room and three flats to 20 bedroom hotel and conference suite	Refused 09.02.2009 Appeal Dismissed 25.09.2009
06/1050/COU	Change of use from function suite to single residence	Approved 21.06.2006
02/P1289	Change of use from residential home to part function suite and 3 flats	Approved 22.10.2002

Site Location and Description

Courtlands House is a large Grade II Listed building set within extensive grounds and located in the open countryside between Exmouth and Lympstone. It is accessed from Courtlands Lane, a single carriageway road that extends to the west to link to the A376 Exeter to Exmouth Road.

The building is located on the higher land to the east of the site, with extensive views and grounds that extend to the west down towards the Exe Estuary. The house has been substantially altered and extended over the years since its Georgian origins, and now comprises an extensive property that has had large two storey extensions added to east and western sides and a single storey to the south, together with the creation of an ornate entrance hallway.

The main building on the ground floor comprises the formal buildings of the original mansion in the south and west section, with service rooms to the north, and the eastern extension providing one of the three apartments. The other two apartments are located within the central and eastern part of the first floor, with a further five bedrooms within the western section of the first floor.

To the north east of the house is a courtyard and a number of outbuildings, some of which remain associated with the house, but others have been converted and are in separate ownership with three independent dwellings being located in this area.

The original estate and buildings were previously held within a single ownership, although since 1989 the estate has been the subject of a number of applications to subdivide and change the use of curtilage outbuildings to form additional residential properties and ancillary uses such that in addition to the three courtyard dwellings it is understood that there are now around 10 other separate residential units in the buildings formerly part of the Courtlands Estate.

Proposed Development

Planning permission is sought for alterations and extensions to the main house to facilitate its conversion into a hotel and fine dining restaurant. In addition to this further works and buildings are proposed to support the use, including the provision of a parking area, bin store and recycling compound, support facilities and staff accommodation within three new buildings.

The proposed use would create a 21 bedroom hotel, with a 64 cover fine dining restaurant arranged over three dining rooms

External alterations to the building include the erection of a single storey extension on the northern side of the building which is proposed to provide additional kitchen accommodation; a two storey extension to the south east of the main building with a balcony to serve the proposed first floor rooms and the replacement of a number of windows to create doors to provide access to the balconies.

Within the grounds of the building it is proposed to form a new car parking area adjacent to the driveway close to the entrance of the site with Courtlands Lane. An external bin store and recycling facilities are also proposed in this area. The existing tennis court is proposed to be refurbished and brought back into use.

Two staff accommodation blocks are proposed within the wooded area to the west of the main house, together with a further block to provide staff support facilities.

In addition to the above a link to the existing cycleway to the west of the site is proposed together with the reinstatement of a tennis court and further landscaping of the site.

ANALYSIS

The main planning considerations relevant to this proposal are:

- The principle and sustainability of the proposal
- The impact on the heritage asset – Courtlands House
- The impact on the heritage asset – landscape setting
- The impact on the character and appearance of the area
- The impact on amenity of the area and nearby residents

- The impact on trees
- The impact on ecology and mitigation measures
- Traffic, parking and access issues

Principle and Sustainability

Courtlands is located within the open countryside albeit adjacent to a number of residential properties, many of which are the result of the conversion and extension of buildings that were formerly associated with the estate. It is outside of the built up area boundary of the nearest village of Lymstone and located between this and the major town of Exmouth. The access to the site falls within the Lymstone Neighbourhood Plan area.

The authorised and current use of the building is as a domestic dwelling, with three letting apartments and as a function venue with an associated 5 letting bedrooms. In planning terms the change of use to a hotel with associated fine dining restaurant is considered to be generally policy compliant. Such a use would preserve the house and grounds within a single historic identity, although any potential intensification in the use of the site requires further consideration. This type of commercial use has been implemented successfully in a number of country houses, particularly by the applicant, and the proposed use would bring about significant investment for the repair and refurbishment of the house and its grounds.

The National Planning Policy Framework provides support for economic growth in rural areas in order to create jobs and prosperity by supporting the sustainable growth and expansion of all types of business and enterprise in rural areas including the support of sustainable rural tourism and leisure developments that benefit businesses in rural areas. The principle of providing additional on-site accommodation is considered to be justified and reasonable provided that the proposed use of building is accepted given the lack of available ancillary accommodation within the main building.

The presumption in favour of sustainable development is at the heart of the NPPF, with the three dimensions of sustainable development being material to the consideration and determination of planning applications to ensure that development proposals fulfil these key principles.

The commitment to securing economic growth to create jobs and prosperity is one of the key principles of the NPPF, with the opportunity to create between 70 and 90 jobs, with up to 20 of these living on site. Clearly there would be significant economic benefits arising from this, and whilst it is appreciated that not all of these will provide local jobs, there will be various opportunities, including apprenticeships and other training opportunities for local people.

In addition to the direct employment opportunities, the proposal would have a wider knock on effect within the local area through suppliers, trades people, and other tourist activity resulting from additional visitors to the area.

This all weighs heavily in favour of the proposal.

The proposed link to the Exe Estuary Trail will facilitate a safe and attractive opportunity for guests to be able to visit nearby attractions, including Lympstone and Exmouth.

Socially it is considered that the proposal will create a high quality built environment that is located relatively close to the edge of the Exmouth which has been identified as one of the Districts regeneration towns. It is relatively close to the main built up area boundary and whilst it is likely that the majority of visitors will access the site by car, there are alternative means of accessing the site other than by private vehicle, with the proposed access to the cycleway that runs to the west of the site providing a further alternative. In addition, the current lawful use of the site as a function facility has the potential to generate traffic and considerable visitor numbers that also weighs in favour of the proposal.

It is further considered that there are substantial environmental benefits to be had from the significant levels of repair and restoration that are being proposed, not just to the main house, but also to the reinstatement and restoration of the associated grounds which are considered to be of great significance, not only to the setting of the building, but also within the wider landscape.

As indicated on the submitted drawings the proposed use would retain the principle rooms essentially in their original form and whilst a number of alterations and extensions are proposed in other areas, which are further explored in this report, in terms of the principle of the use, it is considered that the benefits from the proposal to the future of the heritage asset, job creation and to the tourism of the area from visitors weigh heavily in favour of the proposal and substantially outweigh any concerns regarding the location of the site slightly divorced from the built-up area boundary of Exmouth.

Impact on the Heritage Asset – Courtlands House

This proposal has been the subject of considerable discussion, both before submission and during the course of the application with the proposed scheme having evolved during this process. Since the application was submitted further alterations have been sought, particularly in respect of the parking arrangements, staff accommodation, proposed extensions and the physical works to the northern side of the building. Following this amended plans have been received.

Whilst not all of the amendments suggested by the Conservation Officer have been undertaken, a number of alterations to the originally submitted application are proposed, including the removal of the balcony and retention of the original windows to the first floor northern elevation of the building (the most historic part of the house), removal and relocation of extraction equipment and the removal of the proposed metal louvered doors to the plant room located within the courtyard area.

These alterations are considered to represent a significant improvement to the previously submitted details in this area of the proposal, and whilst the proposed kitchen extension will alter the appearance of this elevation, and would initially be relatively prominent, it is necessary for the proposed conversion to take place. Supporting information has been provided to demonstrate that the kitchen area

cannot be located elsewhere within the existing building and changes in levels, and the presence of existing residential properties would preclude a satisfactory use of the existing outbuildings for kitchen activity of the level proposed.

In an attempt to minimise the visual impact of the proposed kitchen extension levels have been kept to a minimum and a flat roof design approach has been adopted. It is considered that these measures, together with appropriate planting and screening will assist to mitigate this element. The proposed balcony area above the kitchen extension has been removed from the application. The impact or potential impact on the amenities of neighbouring residents, is discussed further later in the report.

The amendments to the parking arrangements at the entrance to the site allow the retention of a significant tree and the less formal layout, incorporating some parking to the eastern side of the driveway. Whilst this would result in a more intensive use of this part of the site than at present it would allow the provision of parking away from the main house and would be relatively discretely located from wider views, being screened from the estuary by existing and proposed additional planting and landscaping. The precise layout of the parking area would need to be conditioned to ensure the protection of the retained trees, although there is considered to be sufficient space within this area to accommodate the proposed levels of parking without causing detriment to the setting of the heritage asset. It is proposed to maintain a vehicular access for dropping off and a disabled parking area adjacent to the main entrance, however the proposed water feature has been removed from this area. The detailed layout of this element and appropriate signage and circulation arrangements will be required, although it is considered that the principle is acceptable.

Further consideration has been given to the extraction and air conditioning systems that are proposed, with the system being redesigned to allow the removal or repositioning of flues and air conditioning condenser units and the enclosure of ventilation ducts. Whilst it is considered that these amendments will improve the visual appearance and result in less physical intervention into the fabric of the building, and are therefore acceptable in principle, further detailed design drawings will be required which can be conditioned in the event of planning permission being granted.

Whilst the principle of an extension to the southern wing of Courtlands is considered to be acceptable, the design has been the subject of considerable debate, with a difference in views between the Council and the applicants' agent in respect of the design and detailing. The proposed extension seeks to provide external access from each of the rooms to either a balcony area (at first floor) or to a patio area to the ground floor. There is no objection to the principle of some alterations and the additional of a lightweight balcony to the extension, however concern has been raised by the Council's Conservation Officer regarding the removal of part of the historic fabric of the building and windows to form access to the balcony and patio where this relates to the existing building. The lack of differentiation between the existing building and the proposed extension remains an area of disagreement.

The principle of delineating outdoor space associated with ground floor rooms on the southern elevation is also accepted, however the means by which this should be

achieved would need to be subject to further discussion, and although the originally suggested timber screens are not considered to be appropriate, any approval should include a condition requiring this element of the proposal to be subject of further discussion.

In assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset, which as the NPPF makes clear derives not only from a heritage asset's physical presence but also from its setting. Whether a proposal causes significant harm is a matter for the decision taker, having regard to the circumstances of the case. In general terms substantial harm is a high test, and whilst the loss of part of the historic fabric is regrettable, it does not necessarily constitute substantial harm.

Special regard has been given to the impact upon the Heritage Asset and the proposal is considered on balance to represent an overall improvement to the building. This position has been confirmed verbally with the Conservation Officer who agrees that the benefits to the listed building outweigh the concerns and as such has verbally advised that he supports the amended proposal subject to a number of conditions.

Impact on the Heritage Asset – Landscape Setting

The formal gardens on the southern side of the house and the wider parkland setting make a significant contribution to the overall quality of the heritage asset. The wall to the northern boundary of the estate fronting onto Courtlands Lane is a Grade II listed structure in its own right as is a set of stone steps with stone urns located opposite the 19C entrance porch on the northern side of the building. This area is not prominent in wider views, but provides an important and attractive feature in approaching the house and the removal of the proposed water feature from this area is considered to maintain the quality of this area, subject to appropriate vehicular circulation arrangements being agreed.

The proposed bin store and recycling centre, being located adjacent to the entrance driveway has the potential to detract from the landscape setting, although there is little visual link between this and the house. Whilst its general location is understood, being as far as practical from Courtlands itself and also the neighbouring properties, the exact position was questioned. However following further explanation with regard to the of the practicalities in terms of vehicle movements, the need to protect the working areas of the compound from public views, together with the specifications in terms of size of structures required for the proposed use it is accepted that subject to appropriate additional landscaping the scale and position of the compound building would be acceptable.

Four staff accommodation blocks were proposed as part of the original application submissions, however following further discussions relating to the need and justification for such extensive accommodation, together with the impact which these would have on trees on the site, one of the proposed accommodation blocks has been removed. Provision is now proposed for up to 20 staff to be accommodated in 16 bedrooms arranged in two units, with the third unit having office accommodation, lockers and a dining area.

The removal of one of the units permits further landscape planting to be undertaken and a reduction in the numbers of parking spaces required, together with the retention of two of the existing trees. The location of the remaining blocks has been sited within the existing vegetation adjacent to the existing access track (known as the Ladies Walk) that extends from the western side of the house down to the estuary and then loops round to the north around the periphery of the grounds.

The operational management block would be more visible as there is less intensive tree cover in this location, however from wider views it will be seen against the backdrop of the rising land and the tree cover by the entrance to the site, and given the relatively simple design of the block being single storey and wooden clad it is not considered that the visual impact would be such as to be unacceptable, particularly with the introduction of further planting which would be required as part of any landscaping scheme.

However the application site lies within the Coastal Protection Area where new development would normally be resisted where it would damage the undeveloped/open status of the area. The blocks will however be partly screened by surrounding vegetation and are therefore acceptable subject to their occupation being restricted to employees of the business, and that should this use cease the buildings be removed.

Limited staff parking is also proposed adjacent to the accommodation blocks. The simple design and relatively discrete siting of these units is considered to be reasonable, such that it is not considered that they would have a significant impact or cause harm to the landscape setting of the estate.

Supporting documentation submitted with the application suggests that significant landscape benefits will be arise as a result of the proposal including substantial planting, the reinstatement of a former tennis court, and the restoration of the gardens and parkland. At this stage no specific landscaping details have been submitted and it is considered that these can be reasonably required by condition as part of any planning approval.

Separate listed building consents, and possibly planning applications may be required for any significant ground works or operations that would affect the setting of the listed building.

Whilst the proposed alterations and works within the grounds will inevitably change the landscape setting of the building, it is considered that it would be possible to achieve this level of development, subject to appropriate conditions, without harm and the potential to significantly improve the setting of the heritage asset.

Impact on the Character and Appearance of the Area

Courtlands House is a prominent building when viewed from the west, both on the Exmouth side and from across the Exe Estuary. It is seen as an attractive building set within extensive landscaped grounds. From these important vistas the most prominent elevation of the building is that of the west, and the western side of the

southern elevation. Whilst some views of the eastern side of the southern elevation (where the extension is proposed) can be afforded, these tend to be subservient to the main westerly aspect.

Consultation responses from English Heritage and the National Trust have been received in respect of the relationship of Courtlands to the wider setting of the Grade I property known as A la Ronde which suggests that an assessment of any potential impact of the proposed development in the context of the more historically significant Grade I buildings should be undertaken. Following this further advice has been sought from the applicants conservation architect who concurs with views expressed by the National Trust that “*there is no evidence of a significant designed and direct visual link between A la Ronde and Courtlands*” and provides reassurances that there is no part of the proposed development which would result in any development which would have a detrimental impact on the setting of A la Ronde. Similarly the potential for concern expressed by English Heritage in terms of any high rise development is not considered to be borne out by that being proposed. It is considered that the proposed restoration and reinstatement of the original landscape setting, together with further managed additional landscaping will ensure that the setting of the building will be enhanced and any potentially harmful wider visual impact fully mitigated.

The concerns relating to the landscape setting of A la Ronde are appreciated however it is considered that given the lack of any direct visual link the proposed alterations and extensions to Courtlands House will not harm the views or setting of the Grade I building.

The proposed buildings and extension are located within the Coastal Preservation Area proposed under Strategy 44 of the emerging New Local Plan and where development is not allowed where it would damage the openness of the area or views from the sea. Whilst the extensions to the house will be visible from the sea/estuary, this is at a considerable distance and they will be viewed against the listed house and cause little harm to the wider setting of the listed building. The accommodation and management blocks are located in positions screened by planting and as such will not cause harm to any open views or open nature of the area.

The impact on amenity of the area and nearby residents

The proposed change of use, including the alterations and extensions to the building has the potential to impact on the amenity of neighbouring residents. Various concerns have been raised in respect of this, particularly in terms of noise and disturbance, loss of privacy and additional traffic being generated. The highway aspects are further discussed below.

The existing use of the site is as four dwellings and a function suite with 5 letting bedrooms. There are no planning restrictions, in terms of numbers of events, guests or hours of operation, and this represents a significant fall-back position. Whilst the level of use at the present time is relatively low key, this may be due to the current management style, or the lack of investment over a number of years. There is the

potential for the intensity of the use of the site to be substantially different, both in terms of volume of vehicles and the level of activity on the site.

It is understood that at times the existing use has caused quite significant disturbance and nuisance for the occupiers of the neighbouring properties, and there is understandable concern that the proposed application could represent a further intensification in the use of the site. Given this it is important to have a n understanding of the nature of the proposed use and the intensity of the operations being proposed. The proposal is seeking to provide a bespoke service whose success is dependent on the quality of the individual experience and it is therefore in the operational and business interests of the applicant to minimise any impact on the amenity of neighbouring residents, due to the fact that this would be likely to also impact on any guests arriving at or staying at the premises.

In terms of noise and disturbance there are a number of potential sources particularly the operation of the kitchens and the activity associated with this. The proposed extension, although closer to the existing properties would be constructed to modern standards relating to noise emissions. There is only one high level window proposed on this elevation although there are some doorway openings which have the potential for disturbance, particularly should these be in constant use. To a certain extent the level of disturbance can be controlled through appropriate management, and it is considered to be reasonable to limit the hours during which deliveries and disposal of waste are undertaken to ensure that disturbance of residents is kept to a minimum. Whilst the concerns of neighbouring residents are appreciated, it is also not in the interests of the applicant to operate a noisy kitchen bearing in mind that there would be guests occupying the rooms above. Following further discussion with the applicant regarding this issue it is understood that all staff have to adhere to the companies Standard Operating Procedures which covers issues such as delivery times and bin removal from the rear of the kitchen. It is considered that in light of this and a suitable condition requiring such details to be agreed prior to the commencement of any hotel or restaurant use this element of the proposal is acceptable.

Residents have expressed concerns regarding the proposed relocation of the plant room to the courtyard from within the existing building and the potential for this to cause significant disturbance. This has been suggested to the applicant who has stated that this has been done for operational reasons (the basement will become a public area with toilets) and would like the current position to be considered. During the course of the application further information has been provided in relation to soundproofing of the doors to the courtyard, and no objections have been raised by environmental health in this regard. As such and whilst the neighbours concerns are appreciated, it is not considered that resistance to this part of the proposal could be reasonably sustained.

The repositioning of the proposed extraction equipment and air conditioning units will also assist in reducing nuisance, as will the acoustic sound insulation of the wooden doors to the courtyard. Overall it is considered that the potential for disturbance and nuisance arising from the mechanical ventilation has been largely removed, although will need to be further controlled through appropriate conditions.

Concern was raised regarding the impact on residential amenity arising from the use of the proposed balconies on the northern elevation, particularly in terms of noise, activity and loss of privacy. The removal of this element of the scheme and the retention of the original window openings as required by the Conservation Officer will effectively eliminate these particular concerns, although again this needs to be conditioned.

The Impact on Trees

The application was accompanied by an arboricultural report and survey which identified the removal of a number of significant trees from the site, most notably a particularly large and historic Monterey Pine in order to accommodate a number of parking spaces. This tree is an important specimen, possibly dating back to around the 1850's, and is a particularly attractive and prominent feature in the approach to Courtlands. Following discussions with the applicant and their agent it has been agreed that this tree will no longer require removal and the proposed parking arranged in a less formal way such that it can be accommodated whilst retaining the pine.

The removal of one of the staff accommodation blocks also ensures the retention of two further trees, a reasonable quality Holm oak and a good quality native oak, and would maintain some of the existing screening.

An amended tree report and tree protection plan have been submitted to reflect these changes. Subject to compliance with the submitted details and appropriate further landscaping there are no objections raised to this aspect of the proposal.

The Impact on Ecology and Mitigation Measures

The application site is in close proximity to three European Wildlife Sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their ecological interest. European wildlife sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Exe Estuary SPA and Ramsar Site and the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and the East Devon Heaths Special Protection Area (SPA). The sites are also notified at the national level as Sites of Special Scientific Interest (SSSIs).

The Exe Estuary and the East Devon Pebblebed Heaths SPAs provide an important recreational resource for the local community, however they are sensitive environments which are important to nature conservation. In partnership with Natural England and the neighbouring authorities of Exeter City Council and Teignbridge District Council, a habitats mitigation strategy has been adopted that allows for developers to deliver appropriate mitigation through the payment of a financial contribution which can be used to provide the required mitigation measures.

In order to satisfy the requirements of Natural England and the Habitats Regulations the application has been submitted with a completed Unilateral Undertaking to ensure that appropriate measures will be undertaken to mitigate the additional demands on the protected landscapes arising from the proposed development.

Subject to the provisions of the legal agreement the proposal is considered to be acceptable such that it will comply with the Regulations.

Traffic, Parking and Highway Issues

Significant concern has been raised regarding the potential increase in traffic movements arising from the proposed use, particularly as Courtlands Lane is a narrow road with limited passing places and has a difficult junction with the A376 (Exmouth Road).

The application was submitted with a Transport Impact Assessment which concludes that the proposed use would generate less vehicle movements than the potential number which could arise from the existing authorised use. In this respect it is important to recognise the potential traffic generation that could arise should the current approvals on the site be fully realised. As stated previously there are no planning restrictions relating to the numbers of functions or guests that could use the existing accommodation. An alternative operator could have a wedding or other function on a daily basis, with the consequent additional activity associated with this.

The validity of the Assessment has been questioned and further clarification was therefore sought from PBA Highway Engineers relating to the assessments and evidence base of the submitted information. This has been provided and clarification given regarding the survey base for the existing levels of use. The survey and analysis work provided in the TIA has been appraised by the Highway Authority and assessed in relation to the potential traffic levels that could be generated from a more intensive use of the existing hotel that would be permitted by the current consent on the site.

The concerns from the residents and Ward Member are fully appreciated and whilst at the present time the use of Courtlands House is relatively limited, this may not be the case in the future and significant additional traffic could use the lane and Courtlands House without any further planning or other consent being required. The applicant has further advised that for a Michelin Star restaurant guests would be arriving at staggered 15 minute intervals to prevent congestion at the entrance or in the kitchen, rather than a significant volume of traffic arriving within very short timescales which would normally be the case with a wedding or similar function.

In considering the previous appeal the Inspector found that insufficient information had been provided to fully assess the highway impact of the proposed hotel use in relation to that existing at the time, however this application has been submitted with a Transport Impact Assessment using recognised and surveyed information. The TIA has addressed the issues raised by the previous Planning Inspector, and has been examined by the Highways Authority who have raised no objections to the proposed level of expected use. On the basis of the submitted information there is no objection raised in respect of highway safety issues.

An indicative parking layout has been submitted with the application which suggests the location and numbers of spaces proposed, however further details of this will be required, together with details of the proposed surfacing to ensure that appropriate

tree protection measures are in place and that the layout can be satisfactorily accommodated without detriment to the existing trees.

It has been suggested that a further access may be proposed through the listed boundary wall onto Courtlands Lane, however this does not form part of the application and is not considered to be acceptable from a conservation perspective, and would have a significant impact on the historic setting of the listed building. Further given that there is no highway objection to the use of the current access there would be no justification for any new access to be created in this location

The application proposes an access for users of the facilities to the cycleway to the west of the grounds, however whilst this would be an attractive offer for users of the hotel or restaurant, there is no wider benefit to the public. No details of this have been provided and planning permission is not specifically required for an access from Courtlands House to the cycleway, although the physical works required to achieve this may require a further consent.

Planning Balance

The determination of these applications are a balancing act between a number of factors including allowing extensions to the building to enable benefits from preserving and enhancing the building elsewhere; allowing some outbuildings whilst gaining restoration of historic and attractive landscaped setting; facilitating a very significant boost to the local and wider economy against any harm that may be caused in terms of highway safety and the amenity of nearby residents.

There are some concerns in respect of the proposed extension to the eastern side of the building from a heritage perspective, however the building is Grade II listed and whilst important as a heritage asset, and set within attractive grounds it has been the subject of many and varied alterations and extensions which have not always been sympathetic or appropriate to the building. On balance, and considering the positive benefits for the building in retaining a single use, restoration of the fabric and the removal of an unsightly external fire escape to one of the principle elevations of the building, together with the opportunity to restore the landscape setting of the heritage asset, the negative issues are considered to be far outweighed by the benefits and the proposed alterations to the building are considered to be acceptable and will not harm the heritage asset or its setting subject to appropriate conditions.

In planning terms the general principle of the proposal is supported given the current and authorised uses, improvement to the heritage asset and its setting, economic benefits from a Michelin Starred restaurant near Exmouth, job creation, and support for local businesses and apprentices. On this basis, and subject to appropriate conditions to ensure that the use does not give rise to unacceptable levels of nuisance and adequately protects the amenity of the occupiers of neighbouring properties, it is considered that the benefits significantly and demonstrably outweigh any harm and the applications are supported.

RECOMMENDATIONS

14/2946/FUL

APPROVE subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development shall take place until a detailed Landscaping reinstatement and management scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences, including any fencing to the proposed tennis court and other boundary treatment. The landscaping scheme shall be carried out in accordance with an agreed programme of works and phasing to be submitted to and agreed in writing by the Local Planning Authority and shall be undertaken in accordance with these details and maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)
4. No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details prior to the occupation of the development.
(Reason - In the interests of preserving and enhancing the character and appearance of the area in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)
5. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning

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

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and D1 (Design and Local Distinctiveness) of the new East Devon Local Plan.)

6. No developments shall take place until the detailed design of the proposed layout and construction and surfacing of the parking and turning areas have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the parking and turning areas have been completed in accordance with the approved plans. Thereafter at all times the parking and turning areas shall be kept free of obstruction and available for use for these purposes by residents and visitors to the building.

(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of visual amenity and to protect the character and appearance and setting of the listed building in accordance with Policies D1 (Design and Local Distinctiveness), TA9 (Parking Provision in New Development), and EN9 (Extension, Alteration or Change of Use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan and D1 (Design and Local Distinctiveness), TC9 (Parking Provision in New Development) and EN9 (Extension, Alteration or Change of Use of Buildings of Special Architectural and Historic Interest) of the new East Devon Local Plan.)

7. Prior to the commencement of any works on site (including demolition and site clearance or tree works), Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS), based on the finalised parking layout for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. Details of this should include the removal of the parking spaces under the crown of T870.

(a) The development shall be carried out in accordance with the approved details.

(b) The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. The development shall be carried out strictly in accordance with the agreed details.

(c) Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

(d) The AMS shall provide for the keeping of an arboricultural site monitoring log on a monthly cycle for the duration of the construction process to record site visits and inspections along with: the reasons for such visits; the findings and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

In any event, the following restrictions shall be strictly observed:

(a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with policies D 1 (Design and Local Distinctiveness), D 4 (Landscape Requirements) and D 5 (Trees on Development Sites) of the East Devon Local Plan.)

8. Full details of the method of construction of hard surfaces in the vicinity of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works on site (including demolition). The method shall adhere to the principles embodied in BS 5837 and A AIS Arboricultural Practice Note 1 (1996) and involvement of an arboricultural consultant and engineer is recommended. The development shall be carried out strictly in accordance with the agreed details.

(Reason - To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with policies D 1 (Design and Local Distinctiveness), D 4 (Landscape Requirements) and D 5 (Trees on Development Sites) of the East Devon Local Plan and D 1 (Design and Local Distinctiveness) and D 2 (Landscape Requirements) of the new East Devon Local Plan.)

9. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such

vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) Details of the amount and location of construction worker parking.

(k) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

(Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan and TC7 (Adequacy of Road Network and Site Access) of the new East Devon Local Plan.)

10. Prior to the commencement of development a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable. The lighting installed shall be in accordance with the agreed details
(Reason - For the avoidance of light pollution in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan and EN14 (Control of Pollution) of the new East Devon Local Plan.)

11. Prior to the first use of the development hereby permitted details of the proposed link to the Exe Estuary cycle paths shall be submitted to and approved in writing by the local planning authority. The works permitted shall be undertaken in accordance with the scheme prior to the occupation of the development and shall be maintained in perpetuity thereafter.
(Reason – in the interests of sustainable development and to provide an alternative means of access to the site in accordance with Policies TA1 (Accessibility of New Development) and TA4 (Footpaths, Bridleways and Cycleways) of the East Devon Local Plan and TC2 (Accessibility of New Development) and TC4 (Footpaths, Bridleways and Cycleways) of the new East Devon Local Plan.)

12. The use hereby permitted shall not be brought into operation until an Operational Method statement has been submitted to and approved in writing

by the Local planning authority. The scheme shall address the following issues

- Management of the area adjacent to the kitchen extension.
- Loading and unloading of vehicles
- Delivery times
- Working hours
- Extraction equipment

(Reason - To protect the guests of the hotel and neighbouring residents from excessive noise and disturbance in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan and D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the new East Devon Local Plan.

13. There shall be no storage of waste or recycling bins or storage at any time outside of the kitchen extension hereby approved and no development shall take place until details of arrangements for the storage and removal of refuse from the kitchens have been submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be made available before the operational use of the building commences and retained thereafter.

(Reason - In the interests of the residential and visual amenity of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and D1 (Design and Local Distinctiveness) of the new East Devon Local Plan.)

14. The use hereby permitted shall not commence until a detailed proposal for the treatment of cooking odours has been submitted to and approved in writing by the Local Planning Authority. Details shall include any prefilters, grease traps, mesh or fabric filters and/or activated carbon units intended to be installed, and the proposed method of dispersing residual odours, flue specifications and discharge heights. Any flue must terminate at least 1m above the ridge of the building, or the eaves if the building has a flat roof. There shall be no restrictions to the flue at the point of exit. The equipment shall be installed prior to the use commencing, maintained in accordance with the manufacturer's instructions and operated at all times when the kitchen is in use.

(Reason: To avoid odours detrimental to the amenities of local residents in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan and D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the new East Devon Local Plan.)

15. Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 35, as defined in BS8233:1999 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Services Engineers Environmental Design Guide

1999. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.
(Reason: To protect the amenity of local residents from low frequency noise in accordance with Policies D 1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan and D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the new East Devon Local Plan.)
16. Notwithstanding the submitted details and prior to the occupation of the development hereby approved details of the means of enclosure to the external patio areas to the front of rooms 1-6 shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.
(Reason - To retain the open character of the landscaped frontage of the listed building in accordance with Policies D 1 (Design and Local Distinctiveness), D 4 (Landscape Requirements) and EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan and D 1 (Design and Local Distinctiveness), D 2 (Landscape Requirements) and EN9 (Extension, Alteration or Change of Use of Buildings of Special Architectural and Historic Interest) of the new East Devon Local Plan.)
17. Notwithstanding the submitted details, the proposed means of acoustic enclosure and sound attenuation measures to be employed in the replacement of the existing doors to the courtyard shall be submitted to and agreed in writing prior to the installation or operation of any equipment within the buildings, and shall be installed in accordance with such details.
(Reason - To protect adjoining occupiers from excessive noise in accordance with Policies D 1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan.)
18. The dining areas shall be limited to those rooms identified on drawing no. 178-P(-)001Rev A dated 7 April 2015 and received on 7 April 2015, with the number of covers not exceeding 60.
(Reason – in the interests of amenity and to ensure that adequate facilities are available for the traffic attracted to the site in accordance with Policies D1 (Design and Local Distinctiveness) and TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan, and Policies D1 (Design and Local Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the new East Devon Local Plan.)
19. The proposed staff accommodation hereby permitted shall be restricted to a maximum of 20 people and shall only be used and occupied in conjunction with and by employees of the business and shall not be used as separate residential accommodation, or as additional guest accommodation.
(Reason – the accommodation is only justified by the needs of the business and shall remain available for these purposes in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan and D 1 (Design and Local Distinctiveness) and D 2 (Landscape Requirements) of the new East Devon Local Plan.)

20. Should the accommodation units cease to be required for staff accommodation the buildings hereby permitted shall be removed and the site restored to its former condition.
(Reason – the accommodation is justified only by the operational need and located in a sensitive area where new residential accommodation will not be permitted and in accordance with Policies S5 (Countryside Protection) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan, and Strategy 7 (Development in the Countryside) and Policy D1 (Design and Local Distinctiveness) of the New East Devon Local Plan.)
21. Notwithstanding the submitted details, the roof area of the kitchen extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.
(Reason - To protect the privacy of adjoining occupiers and in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and D1 (Design and Local Distinctiveness) of the new East Devon Local Plan.)
22. No amplified or other music shall be played in the premises or externally in such a way that it is audible beyond the boundary of the premises.
(Reason: To protect the amenity of local residents from noise in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan and D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the new East Devon Local Plan.)

Plans relating to this application:

178-P(-)013 REV A	Proposed Combined Plans	13.04.15
178-P(-)006 REV	Proposed Elevation	07.04.15
178-P(-)001 REV A	Proposed Floor Plans	07.04.15
178-P(-)002 REV A	Proposed Floor Plans	07.04.15
178-P(-)003 REV A	Proposed roof plans	07.04.15
178-P(-)004 REV A 1	Proposed Elevation	07.04.15
178-P(-)005 REV A 2	Proposed Elevation	07.04.15
178-P(-)010 REV A	Proposed Site Plan	13.04.15

178-P(-)103 REV A 3 OF 4	Proposed Site Plan	13.04.15
178-P(-)104 REV A 4 OF 4	Proposed Site Plan	13.04.15
178-P(-)012 REV A	Proposed Combined Plans	13.04.15
178-P(-)011 REV A	Other Plans	13.04.15
178-P(-)000 REV A	Proposed Floor Plans	13.04.15
178(-)102 REV A 2 OF 4	Proposed Site Plan	13.04.15
178-P(-)0101 REV A 1 OF 4	Proposed Site Plan	13.04.15
04339 TCP 13.04.15 PG 1 OF 4	Landscaping	14.04.15
04339 TCP 13.04.15 PG 2 OF 4	Landscaping	14.04.15
04339 TCP 13.04.15 PG 3 OF 4	Landscaping	14.04.15
04339 TCP 13.04.15 PG 4 OF 4	Landscaping	14.04.15
178-L(-)010 REV A	Existing Site Plan	23.04.15

14/2947/LBC

APPROVE subject to the following conditions

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted. (Reason - To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)

2. Details and schedule of works to the glazed lantern over the main staircase including cross sections of replacement joinery, glazing and method of fixing, and flashings and finishes shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. The works shall be carried out in accordance with the approved details. (Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)
3. All rendering to the existing building shall be carried out using a lime based mix, the specification of which shall be approved in writing by the Local Planning Authority. The finish shall match original work, and a small trial area shall be prepared in a non-prominent location for inspection and approval by the Local Planning Authority prior to commencement of the rendering works. Full details of the render finishes to the approved extensions including specifications and finishes which shall be approved in writing by the Local Planning Authority, and a small trial area shall be prepared in a non - prominent location for inspection and approval by the Local Planning Authority prior to commencement of the rendering works (Reason - To safeguard the architectural and historic character of the building in accordance with EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)
4. New lime based renders shall be finished with limewash or a suitable microporous paint, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to painting. (Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)
5. There shall be no bell end render stops or metal beading to the proposed rendered areas. (Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)
6. Details of replacement and new rainwater goods including profiles, materials and finishes shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the works to replace the existing rainwater goods. The works shall be carried out in accordance with the approved details. (Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)
7. Details of repairs to existing verandah including any replacement fabric including profiles, materials and finishes shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the works to

repair the verandah. The works shall be carried out in accordance with the approved details. (Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)

8. Details of making good to historic fabric after the removal of the fire escape on the south elevation including joinery details to include elevations and cross sections at 1:2 or 1:5 scale shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the works to remove the fire escape and fire door. The works shall be carried out in accordance with the approved details. (Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)
9. The works of repair and replacements subject to conditions 2 to 9 inclusive shall be carried out and completed in accordance with the approved details prior to the opening of the hotel. (Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)
10. Windows and doors permitted shall be recessed in the wall to match the existing windows. (Reason - To safeguard the architectural and historic character of the building in accordance with Policy CO7 (Historic Settlements and Buildings) of the Devon Structure Plan and Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)
11. All new windows shall be timber only and shall match the existing joinery profiles including sections, mouldings and profiles. Sections through casements, frames and glazing bars at 1:2/1:5 scale shall be submitted and approved in writing by the Local Planning Authority prior to commencement of works, and details of finishes (including colour) shall be submitted to and agreed in writing with the Local Planning Authority. The works as agreed shall be implemented in full. New doors and windows shall not include trickle vents unless otherwise agreed in writing by the Local Planning Authority (Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)
12. Notwithstanding the details shown on plan no.s 178-P-)002 Rev A and 178-P-)004 Rev A details of external works to the areas outside bedrooms 1 -6 including any means of enclosure and landscaping shall be submitted to and agreed in writing with the Local Planning Authority. The works as agreed shall be implemented in full. (Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 (Extension,

Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)

13. Details and schedule of materials and finishes to approved kitchen extension including wall cladding, roof materials, fascias and balcony shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the works. The works shall be carried out in accordance with the approved details. (Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)
14. Details and schedule of all external flues, vents and air conditioning vents including positions, designs, materials and finishes shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. The works shall be carried out in accordance with the approved details. (Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)
15. Where existing panel doors are to be removed, they shall be carefully removed, stored under cover and re-used within new internal openings to an agreed specification unless otherwise agreed in writing by the Local Planning Authority. (Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)
16. Where the existing sash window into the proposed wine dispensing is to be removed, it shall be carefully removed, stored under cover and re-used within the existing door opening into the same room unless otherwise agreed in writing by the Local Planning Authority. (Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)
17. Details of works to gates and replacement doors to coach house including elevations, cross sections, materials and finishes shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. The works shall be carried out in accordance with the approved details. (Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)
18. The rooflights indicated on the approved plans shall be of a conservation design flush with the roof, the model specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. (Reason - To safeguard the architectural and

historic character of the building in accordance with Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)

19. Details of the balcony to the existing and extended north wing including cross sections, materials and finishes shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. The works shall be carried out in accordance with the approved details. (Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)

Plans relating to this application:

178-(-)101 R EV A 1 OF 4	Proposed Site Plan	13.04.15
178-(-)102 R EV A 2 OF 4	Proposed Site Plan	13.04.15
178-(-)103 R EV A 3 OF 4	Proposed Site Plan	13.04.15
178-(-)104 R EV A 4 OF 4	Proposed Site Plan	13.04.15
178-(-)000 R EV A	Proposed Floor Plans	13.04.15
178-(-)003 R EV A	Proposed roof plans	13.04.15
178-(-)011 R EV A	Other Plans	13.04.15
178-P(-)012 REV A	Other Plans	13.04.15
178-L(-)010 R EV A	Existing Site Plan	23.04.15
178-P(-)010 REV A	Proposed Site Plan	13.04.15
178-P(-)001 REV A	Proposed Floor Plans	13.04.15
178-P(-)002 REV A	Proposed Floor Plans	13.04.15

178-P(-)013 REV A	Other Plans	13.04.15
178-P(-)006	Proposed Elevation	13.04.15
178-P(-)004 REV A	Proposed Elevation	13.04.15
178-P(-)005 REV A	Proposed Elevation	13.04.15

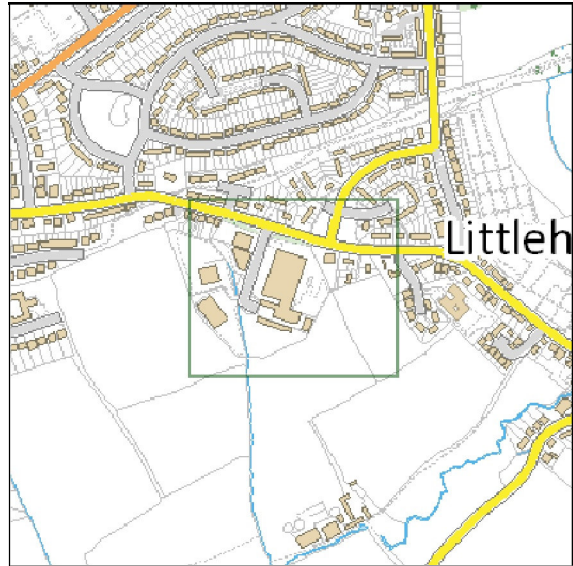
Ward Exmouth Littleham

Reference 13/1230/MFUL

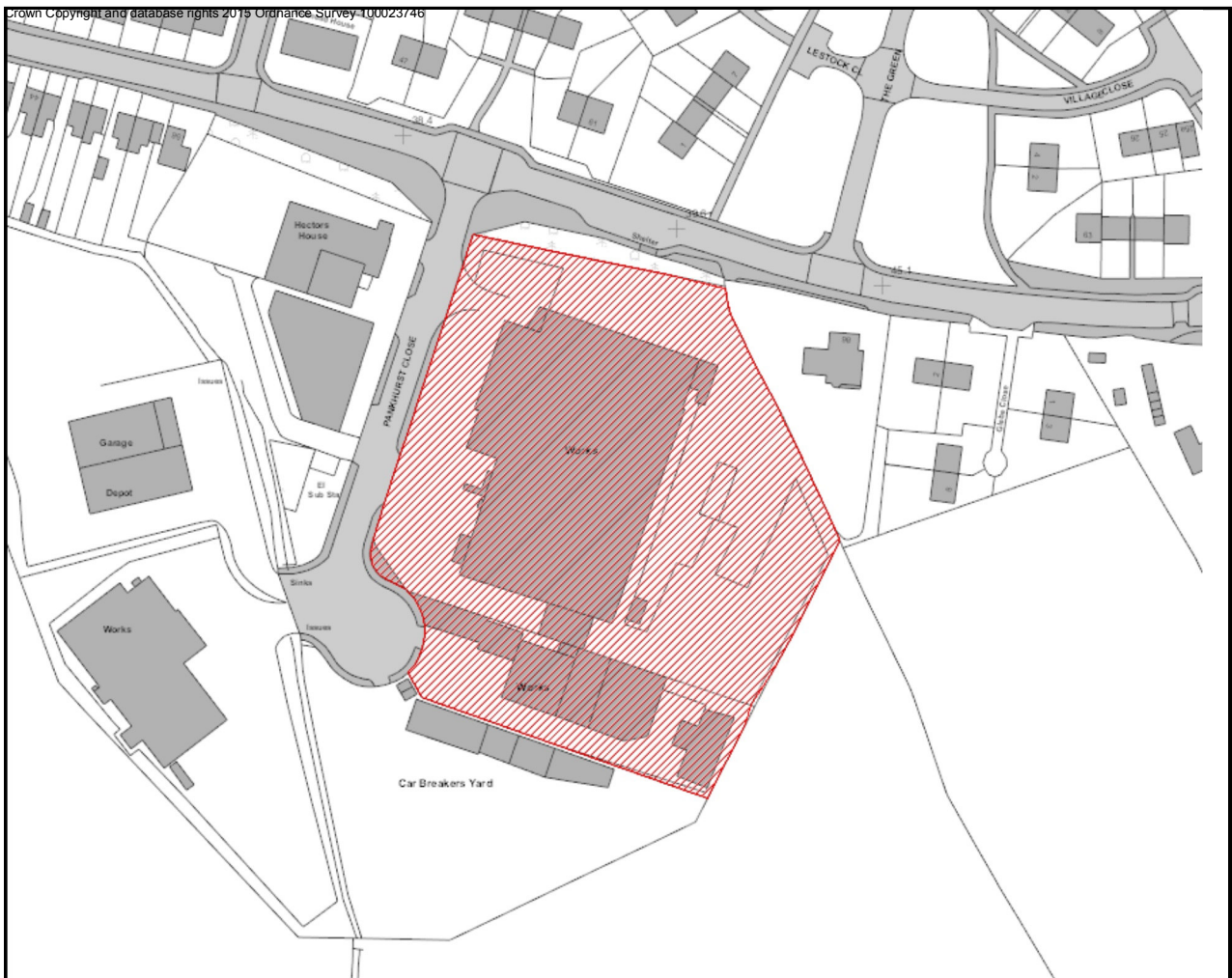
Applicant Pankhurst Fish Ltd

Location Pankhurst Close Trading Estate
Pankhurst Close Exmouth

Proposal Redevelopment to provide 50no residential units (including 20 affordable units)



RECOMMENDATION: Approval with conditions



		Committee Date: 16th June 2015
Exmouth Littleham (EXMOUTH)	13/1230/MFUL	Target Date: 04.09.2013
Applicant:	Pankhurst Fish Ltd	
Location:	Pankhurst Close Trading Estate Pankhurst Close	
Proposal:	Redevelopment to provide 50no residential units (including 13 affordable units)	

RECOMMENDATION: Approval with conditions

UPDATE REPORT

This application was originally approved by the Development Management Committee on the 11th December 2013 subject to a legal agreement to secure a number of obligations including the provision of 40% affordable housing on the site.

The application is back before Committee to seek agreement to the provision of a lower percentage of affordable housing. As such, with the exception of references to Affordable Housing percentages, the remainder of the original report (attached for reference) still applies with the assessment of the application and recommended conditions unchanged.

Since the resolution to grant planning permission in December 2013, the Section 106 Agreement has not been completed due to the applicant advising that the proposal was unviable with affordable housing. This was assessed by the District Valuer who advised that the proposal was viable with the provision of some affordable housing.

However, following the appeal decision at Pinn Court Farm where the Secretary of State concluded that Policy H4 of the adopted Local Plan was out of date, and that Strategy 34 of the emerging New Local Plan carries a considerable degree of weight, the application has been revisited.

Whereas Policy H4 of the adopted Local Plan sought the provision of 40% affordable housing, Strategy 34 of the New Local Plan seeks the provision of 25% affordable housing in Exmouth.

On the basis that Strategy 34 of the emerging new Local Plan carries more weight than Policy H4 of the adopted Local Plan, it is considered that the policy compliant affordable housing contribution for the application at this moment of time is 25%.

This has been explained to the applicant who has agreed to provide the 25% affordable housing, plus the other contributions.

This application is therefore back before Committee to seek a change to the original resolution to agree the provision of 25% (rather than 40%) affordable housing. It is recommended that this is accepted and that any permission be subject to the other obligations and conditions detailed in the original report attached.

		Committee Date: 10th December 2013
Exmouth Littleham (EXMOUTH)	13/1230/MFUL	Target Date: 04.09.2013
Applicant:	Pankhurst Fish Ltd	
Location:	Pankhurst Close Trading Estate Pankhurst Close	
Proposal:	Redevelopment to provide 50no residential units (including 20 affordable units)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

Pankhurst Close Trading Estate is located on the edge of Exmouth and the application site is currently occupied by a vacant industrial building in poor condition. The remainder of the trading estate is fully occupied by a number of diverse employment businesses including a scrap yard, timber company, scaffolding business and car repair companies. The site is in close proximity to residential properties to the north and east off Littleham Road lying within the settlement boundary for Exmouth and designated as a safeguarded employment site under policy E3 of the adopted Local Plan.

The applicant seeks the demolition of the existing building and construction of 50 dwellings.

The application has been accompanied by a Viability Appraisal and the District Valuer has advised that they do not believe that the conversion of the building or redevelopment of the site for employment purposes is viable. In addition, they have confirmed that they do not believe that an alternative mixed-use development comprising 40 dwellings and 8 B1/B8 starter units would be viable. Therefore, despite the site being designated for employment use in the adopted and draft New Local Plan, it is considered that it would be difficult to resist a residential development, particularly given the current lack of a 5-year housing land supply and the NPPF advising against the long term protection of allocated employment sites where there is no reasonable prospect of the site being used for those purposes (paragraph 22).

The application proposes 40% affordable housing and it is considered that the proposed layout and means of access are acceptable. Issues regarding the possible noise impact upon the proposed dwellings from the surrounding businesses have been addressed through a revised layout and provision of a noise barrier to the southern site boundary.

Other matters regarding financial contributions, flood risk and ecology have been addressed as part of the application and do not give rise to any concerns.

CONSULTATIONS

Local Consultations

Exmouth Littleham - Cllr M Williamson

I am able to support this application which has more merit than the earlier scheme. I am pleased to see that 20 affordable units will be provided which will make welcome inroads into an acute housing problem in Exmouth. Given that Pankhurst Industrial Estate provides employment opportunities this is a significant step towards mixed use with minimal use of private vehicles to travel to and from work.

In the event that this application comes to Committee I reserve my position until I am in full possession of all the relevant facts and arguments both for and against.

Parish/Town Council

No Objection subject to Environmental Health recommendations being taken into consideration. No Objection to amended plans.

Technical Consultations

DCC Strategic Planning Children's Services

Further to your recent correspondence regarding the above planning application I write to inform you that a contribution towards education infrastructure via a Section 106 agreement is sought.

A development of 50 family dwellings could be expected to generate 12.5 primary pupils and 7.5 secondary pupils. Our Primary contribution request is £142,018.75 and the Secondary education contribution is £136,807.50 (based on the current DfE extension rate for Devon). These contributions will be used to provide education facilities for those living in the development. School Place Planning in Exmouth is a priority for Devon County Council and this funding will be used in helping to provide additional pupil places as part of this programme.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

Should you require any further information regarding either of the above please do not hesitate to contact me.

*These contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

Environmental Health

Initial comments:

The original proposal has been altered and the commercial element has been removed. There is however a scrap yard adjacent which has the potential to cause considerable noise disturbance to new residents. I cannot comment in full until I have seen a noise report detailing how noise from the scrapyards is intended to be mitigated. In my experience elsewhere this is very difficult to achieve but I will consider any information and proposals submitted by the applicant. I recommend that the application cannot be determined until this has been addressed because the layout of the development and number of units proposed may be affected.

Updated comments 11th October 2013

I have now seen the noise report prepared by Atkins and dated July 2013. The report concludes that there is significant potential for noise from commercial businesses to impact on the new residents, particularly the scrapyards. The writer recommends only a 1.8m acoustic fence between residences and the scrapyards which is only 9m away, and we regard this as the bare minimum of protection. These houses are so close it is inevitable that they will be affected by activities in the scrapyards, and I daresay these are the affordable ones. Fortunately the scrapyards only operate during normal working hours and this will affect the degree of mitigation required. A more sensible site design would see residences located side on to the scrapyards (therefore facing west) with no habitable rooms on the south elevations of the houses nearest that use. Plots 48,49 and 50 are most affected by this. The writer refers to the Environmental Permit for the scrapyards but misrepresents its usefulness - scrapyards are inherently noisy and therefore the permit is unlikely to be breached by even quite loud noises. We do not favour residential/B2 mixed uses because there will inevitably be impacts on residential amenity which cannot be controlled because the noise and smells are not themselves unreasonable - and certainly there are no live complaints about this area at the moment because there are no residential premises in such close proximity. It would be unreasonable to expect commercial premises to bear the cost of changing their practices if noise, odour and other nuisance was caused to new residents. Our view is that this mix constitutes bad development and is contrary to policy EN15. However if approval is likely we would wish to discuss with the applicant a more effective barrier between housing and the scrapyards - certainly in excess of 1.8m, and to recommend that the layout of the properties in this part of the site is changed as suggested above. In the absence of these amendments we would recommend refusal of this application.

Updated comments 25th October 2013

I have considered the amended plans which have taken into account concerns we still had regarding the orientation of some plots. There will inevitably be some general daytime noise in this area which is to be expected where housing is built adjacent to B2 uses, however the amendments made, together with the acoustic fence on the southern boundary, have addressed some of the excessive noise issues and moreover it is unlikely that unreasonable noise will occur during the evening or at night. My recommendation is that a condition be applied requiring that

the proposed noise control measures are implemented in full prior to first occupation of the houses. I also recommend a condition relating to the control of construction site noise and pollution:

- a. There shall be no burning of any kind on site during construction, demolition or site preparation works.
- b. No construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, and not at all on Sundays or Public Holidays.
- c. Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance .
- d. No high frequency audible reversing alarms shall be permitted to be used on any vehicle working on the site.

Reason: To protect the amenity of local residents from smoke, noise and dust.

County Highway Authority

Observations:

The content of this application has been the subject of discussions with the highway authority prior to its submission and the scoping of the attached Transport Statement has also been agreed with the applicant's consultants.

The principle of residential development on the majority of the site is acceptable from a transportation perspective as the trip generation potential of the proposed development is less than the existing authorised B2 uses.

The planning submission contains adequate vehicle movement plans which successfully shows access is achievable for a large refuse vehicle or emergency vehicle (fire appliance) and also for a domestic estate car.

The trip generation from the proposed development has been calculated using the TRICS database which is the nationally recognised tool for forecasting trip generation scenarios and the total travel impact of the proposed development is less than 40 traffic movements in total in either peak period. The potential total travel impact of the existing consented use is in the region of 60 traffic movements in total in either peak period. Therefore it can be argued that the proposed development will have less of an impact on the surrounding highway network than the potential of existing use.

The proposed development plans are lacking in some details of visibility at the site access junction with Pankhurst Close and also at the internal road junctions, whilst I am sure that suitable visibility splays can be achieved at the Pankhurst Close within the limits of the existing highway, the application should show these elements.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY,

MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION:-

Natural England

Thank you for your consultation on the above dated 05 June 2013 which was received by Natural England on the same date.

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

Conservation of Habitats and Species Regulations 2010 : Impact on European Sites
Based on the information provided, we can confirm that the application site lies less than 2km from the Exe Estuary Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). It is also within 2.5km of the East Devon Pebbled Heaths SSSI, SAC and East Devon Heaths SPA.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site. In this case the proposal is not directly connected with, or necessary to, the management of a European site.

Without adequate mitigation it is Natural England's advice that the cumulative impact of this development, along with the proposed levels of residential development in proximity to these European sites, as proposed in EDDC, ECC and TDC local plans, is likely, in combination, to result in a significant effect upon those sites caused by increased disturbance from recreational activities. [See. Liley, D., Cruickshanks, K., Waldon, J. & Fearnley, H. (2011) Exe Estuary Disturbance Study and Liley, D. & Underhill-Day, J (2012), Habitats Regulations Assessment of the East Devon Local Plan Submission for Examination. Footprint Ecology.]

Natural England's view is that the proposal, as submitted, is likely to have a significant effect on the interest features for which the Exe Estuary and East Devon Heaths SPAs have been classified, in combination with other residential development around these sites. Under Regulation 61 of the Conservation Regulations 2010, Natural England advises that your Authority undertakes an

Appropriate Assessment to assess the implications of this proposal on the sites' conservation objectives.¹ However, the significant effects could be mitigated if the following mitigation is implemented by the applicant and secured by legal agreement prior to granting of planning permission:

1. Suitable Accessible Natural Greenspace (SANGS) / Public Open Space needs to be secured and protected and managed in perpetuity through a legally binding agreement to deliver long term informal public recreation and benefits for wildlife.

2. Payment of a Habitat Mitigation Contribution in line with the Joint Interim Approach adopted by your council, TDC and ECC to avoid 'in combination' disturbance impacts upon the Exe Estuary SPA and Dawlish Warren SAC resulting from new housing in the 3 districts. The SANGS principle is 8ha per 1000 additional residents. However there is currently no detail in this application showing how this would be delivered. In the absence of any clarity regarding the location, quality or delivery of any SANGS area, mitigation should be met by a Habitat Mitigation Contribution of approximately £350 per dwelling.

3. The mitigation measures must be delivered in a timely manner to avoid impacts occurring. Payment of the Habitat Mitigation Contribution should be made on commencement of the development.

We would advise that the applicant works with the developer of the adjacent Plumb Park proposal (Your ref: 13/0297/MOUT) to deliver appropriate SANGS / Public Open Space, linking in with that scheme to maximise local benefits.

Protected species

From the information available to us, Natural England:

- Considers that there are suitable features on, or in the vicinity of the application site for bats to use as roosts

- Advises that the application involves a medium or high risk building (redundant buildings) as defined in our standing advice, with features which might increase the likelihood of bats being present

We advise that further survey work is required to assess the impact on bats, through disturbance to individuals, or from damage or destruction of a roost, in accordance with Bat Surveys - good practice guidelines. Further information should be requested from the applicant before determination of the application.

The ecology report also recommends that a survey for slow worms should be undertaken as there is a likelihood that slow worms may be present on site. There is no evidence that this survey has been undertaken. We would remind your Authority that all relevant survey information should be available to you prior to the determination of a planning application, to ensure decisions are made which do not adversely affect protected species.

Natural England's standing advice found here provides guidance on how protected species should be dealt with in the planning system. Specific advice on bats is provided here: Standing Advice Species Sheet: Bats and specific advice on reptiles

1 This reply comprises our statutory consultation response under provisions of Article 20 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, Regulation 61 (3) of the Conservation of Habitats and Species Regulations 2010 (The Conservation Regulations) and Section 28(1) of the Wildlife and Countryside Act 1981 (as amended).

Designated Landscapes

The proposed development is less than 300m from the East Devon Area of Outstanding Natural Beauty (AONB).

Natural England has assessed this application and is unable to advise on the potential significance of impacts on East Devon AONB due to the lack of an LVIA being provided with this application. We therefore advise you to seek the advice of the AONB team. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able advise on whether the development accords with the aims and policies set out in the AONB management plan.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice² on BAP and protected species and their consideration in the planning system.

Contaminated Land Officer

I have considered the comments and the contaminated land report submitted. Any approval will still need standard condition CT3 although the existence of the report is sufficient to partially meet the requirements of sub-section 1.

Paul Taylor Police Crime Prevention Officer

I write with reference to the above planning application. Thank you for the opportunity to make these comments which are based on crime and anti social behaviour issues only.

Design and Access Statement

It is encouraging to see Secured by Design mentioned within the Design and Access Statement.

Secured by Design (SBD) is a police initiative owned by the Association of Chief Police Officers (ACPO), to encourage the building industry to adopt crime prevention measures in the design of developments. It aims to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment.

Prior to commencement of the development, details regarding how the principles and practices of the Secured by Design scheme are to be incorporated within the development should be submitted. This will ensure that due consideration has been given to creating a safe and sustainable community.

Observations and Recommendations

Parking is generally well overlooked. However, spaces allocated to plots 42, 44, 45 and 46 are not so well overlooked due to their location to the rear of dwellings of 40 and 41. Planting here will need to be kept at a low level to avoid the creation of hiding places where vehicle may become more vulnerable. Hit and miss or trellis topped fencing to plots 40 and 41 will also increase surveillance opportunities. There should be no access into Pankhurst Close from this area of the development and the cul de sac should remain closed to pedestrians and vehicles to enhance security.

There should be clear definition between public and private space with low level boundaries to the front elevations. Rear and accessible side boundaries should be a minimum of 1.8m. All access to the rear gardens is shown as gated which meets with Secured by Design requirements.

Housing Strategy Officer Paul Lowe

We welcome this opportunity to provide much needed affordable housing in Exmouth.

We expect that a minimum of 40% (20 homes) of the proposed development be affordable. All affordable homes should be tenure blind, constructed to current Homes and Communities Agency Design and Quality Standards and to at least Code Level 3 for Sustainable Homes. The affordable homes will be available in perpetuity, and grouped in small clusters throughout the proposed development.

In accordance with East Devon, Exeter, and Torbay Housing Market Assessment 2007 (updated Sept 2011) we expect to see a tenure mix of 70 / 30% in favour of rented accommodation, the remaining as shared ownership or a similar affordable housing product as defined in the National Planning Policy Framework. All affordable housing should be transferred to and managed by a Preferred Registered Provider.

We also expect that a nomination agreement be in place with preference being given to those in housing need in Exmouth. All nominations for the affordable housing should be made via the Common Housing Registers.

Consideration should be given to providing a number of affordable homes for the elderly / disable.

We have not been contacted by the Applicant regarding the affordable housing in this latest application. We would prefer a lower number of three bedroom properties and more two bedroom houses. We also note that there appears to be a size discrepancy in the Design and Access Statement when considering the two bed property, (5.2 states 76m², compared to 5.8.1 70m²). Furthermore we understand that comments made in the Heads of Terms do not reflect the current position with regard to the named Registered Provider.

Other Representations

At the time of writing the report 5 letters of objection have been received. The reasons for objection can be summarised as follows:

- Increased traffic on an already very busy road leading to the holiday park;
- Littleham Road is too narrow to cater for more housing;
- Noise impact;
- Site should remain in industrial use;
- Impact upon the amenity of surrounding residents;
- Site is at risk of flooding;
- The sewerage system in the area cannot cope at present;
- No capacity at the local school, or health facilities;
- No need for more housing.

POLICIES

Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)
D1 (Design and Local Distinctiveness)
EN6 (Wildlife Habitats and Features)
EN15 (Control of Pollution)
H1 (Residential Land Provision)
H4 (Affordable Housing)
E1 (Provision of Employment Land)
E3 (Safeguarding Employment Land and Premises)
TA1 (Accessibility of New Development)
TA3 (Transport Assessments /Travel Plans)
TA7 (Adequacy of Road Network and Site Access)
TA9 (Parking Provision in New Development)

Draft New East Devon Local Plan Policies

Strategy 6 – Development within Built-Up Area Boundaries
Strategy 34 – District Wide Affordable Housing Provision Targets
D1 – Design and Local Distinctiveness
EN5 – Wildlife Habitats and Features
EN14 – Control of Pollution
H2 – Range and Mix of New Housing Development
E1 – Provision of Employment Land
E3 – Safeguarding Employment Land and Premises
TC2 – Accessibility of New Development
TC7 – Adequacy of Road Network and Site Access

TC9 – Parking Provision in New Development

Government Advice;
NPPF (National Planning Policy Framework 2012)

ANALYSIS

Site Location and Description

The application site is located on the eastern side of Exmouth at the edge of the build-up boundary.

The site forms part of a wider industrial estate that is accessed off Littleham Road that runs along the northern boundary of the site where there are a number of mature trees and a bus stop.

The site is on the eastern side of Pankhurst Close that is a cul-de-sac with a number of commercial uses to the south and west of the site including a scrap yard, car repair businesses, timber yard and other commercial units. Beyond the site to the east is a single dwelling and fields in agricultural use.

The site slopes down from Littleham Way and is typically commercial in nature of a poor appearance with minimal landscaping. Pankhurst Close is heavily parked including the turning head at the bottom of the road.

The application site is occupied by a single large old employment unit in a very poor state of repair, overgrown and enclosed by heras fencing.

Relevant Planning History

An application submitted in 2012 was withdrawn (12/2071/MFUL) prior to determination at Development Management Committee on the 5th February 2013 where it was recommended for refusal on 8 grounds. That application was for 'Redevelopment to form 40 residential units (including 10 affordable units) and 8 commercial units.'

Proposed Development

The application proposes the demolition of the existing building and construction of 50 dwellings (42 houses and 8 flats).

The 50 dwellings comprise 30 two and three bed open market housing and 20 affordable properties (12 two/three bed houses and 8 one-bed flats).

The dwellings are proposed to be accessed off Pankhurst Close via a single access serving 3 cul-de-sacs. The dwellings are all two-storey in height of a traditional design with tiled roofs and brick and render elevations. The houses all benefit from 2 parking spaces (generally one space and one garage) with the flats benefiting from a single parking space each.

Considerations and Assessment

It is considered that the main issues in the determination of the application relate to:

- The principle of the proposed development
- Provision of affordable housing
- Site Layout and design
- Impact from noise
- Impact upon ecology
- Highway safety and access
- Impact upon contamination
- Impact on trees
- Impact on residential amenity
- Impact upon flood risk.

THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

The application site forms part of the wider industrial estate that is designated under Policy E3 of the adopted Local Plan as a safeguarded employment site within the built-up area boundary of Exmouth. Although carrying limited weight, the allocation of the site for employment use is proposed to be continued through to the New Local Plan reflecting the continued need for employment land to serve the new housing development coming forward throughout the District.

Policy E3 states that permission will not be granted for the loss of employment buildings or land where it would harm business and employment opportunities. Policy E3 does allow exceptions where the employment use is harming the quality of the locality or where options for retention of the site or premises in employment use have been explored, there is a clear surplus of employment land in the locality, and options for retaining the site for employment uses have been fully explored without success.

The National Planning Policy Framework advocates the building of a strong competitive economy but specifically advises against the long term protection of allocated employment sites where there is no reasonable prospect of the site being used for those purposes (paragraph 22).

The application is supported by a Viability Appraisal and details of marketing from March 2010 that has resulted in a limited number of enquiries that have not led to a sale. The interest that was expressed did not proceed due to the high Rateable Value and due to those interested finding preferable alternative sites.

To test this, an independent appraisal of the marketing and viability of the site was commissioned. The appraisal has concluded the following:

- In respect of the marketing exercise, the report confirms that the building has been vacant since September 2008 and remained vacant since with marketing commencing in March 2010. The marketing included publication and distribution of particulars, advertising online and the erection of signage

on site. The site is still advertised at the date of the report with the Rateable Value having been reduced. It is considered therefore that the marketing of the premises has been adequately carried out.

- Having carried out a comprehensive review of the market for B1, B2 and B8 employment land in Exmouth and preparing a detailed viability assessment, it is considered that the re-use of the existing buildings or re-development of employment land on the Pankhurst site at this time would not be financially viable.
- Given the substantial amount of employment land currently available at Liverton Business Park phase 2, it is considered that there is currently sufficient supply to meet market demand in the short to medium term.
- It is recommended that if the site is to be redeveloped consideration is given to an alternative use, such as residential.

Following receipt of this feedback, the independent assessor was asked to appraise whether a mixed use development of 40 dwellings (40% affordable) and 8 B1/B8 starter units would be viable. The following comments were given in response:

- From the information provided and from that in our previous report, the outcome of our appraisal is that a mixed use development would generate a deficit in the region of £200,000, and therefore the proposal scheme is not financially viable.

It may be possible to provide a viable mixed use development with a much reduced amount of affordable housing provision and much reduced education and open space contributions, but given the current lack of 5-year housing land supply and need for affordable housing, it is considered that this would be very difficult to justify.

On the basis that the site is not economically viable for employment use or mixed-use development with the necessary contributions, it is not considered that it would be reasonable to insist on further marketing as it is unlikely that the site will attract an employment use. On this basis, and in line with the NPPF, the redevelopment of the site for residential use providing 40% affordable housing is considered acceptable.

PROVISION OF AFFORDABLE HOUSING

Policy H4 of the adopted Local Plan seeks a minimum affordable housing provision on this site of 40%. In addition, current policy is to seek a tenure mix of 70 / 30% in favour of rented accommodation (the remaining as shared ownership).

The application proposes 40% affordable housing with a 70 / 30 tenure split in accordance with current policy and is therefore considered to be acceptable in this regard.

SITE LAYOUT AND DESIGN

The proposed site layout shows a main access off Pankhurst Close leading to 3 shared surface cul-de-sacs. The development would turn its back on Littleham Road in order to provide a layout that retains the mature trees to the Littleham Road frontage. Amended plans have been received amending the dwellings at the site entrance off Pankhurst Close to provide dwellings that frame the entrance to the development.

The dwellings further down Pankhurst Close turn their back on the road but this is considered acceptable in this instance given the industrial nature of the uses on Pankhurst Close and the raised levels making it almost impossible for dwellings to be directly accessed off Pankhurst Close.

Within the site, the development follows the site boundaries with the main road down the centre of the site. Whilst the layout is not ideal with a number of dwellings facing parking courts or the rear gardens/boundaries of properties, the layout does provide dwellings at the end of the main vistas in the development, proposes dwellings facing the main road through the site and ensures that where dwellings face parking areas or rear gardens, brick walls rather than fences are proposed. The layout does therefore provide for a good level of surveillance of public spaces.

Natural England have suggested that the application be assessed in terms of its visual impact from the nearby East Devon AONB (located approximately 300m from the site), but given the poor appearance of the site currently and the proposed development being viewed against the backdrop of Exmouth, it is not considered that an Landscape Visual Impact Assessment (LVIA) is necessary to assess this or that any detrimental visual impact would occur. In fact, it is considered that the proposal would improve the visual appearance of the site from the AONB.

The design of the dwellings is considered to be acceptable bearing in mind the context of the site adjoining an industrial estate, the retained trees screening to Littleham Road and the lack of strong character or design features to the area that are worthy of following. As stated above, the design of units 3, 4 and 42 at the site entrance have been amended to provide a more interesting entrance to the development.

In order to protect the visual amenity of the area, it is recommended that plots 3-7 and 41-48 have permitted development rights removed for dormer windows. It is also recommended that plots 8-14 have their rights to extend into the roof removed to protect the amenity of the adjoining property.

Given the above, and following the receipt of amended plans, the proposed layout and design of dwellings is considered to be acceptable.

IMPACT FROM NOISE

The application has been supported by a noise report given the location of the site adjoining a number of business units including a scrap yard to the south. From site visits it is clear that the businesses on the industrial estate generate a significant

level of noise from their operations. In particular, the scrap yard and timber sawing company produce significant noise levels that would be audible on the application site during the day.

Environmental Health have considered the application and have discussed the proposal with the applicant that has resulted in an amended noise report and layout ensuring that the proposed dwellings on the southern boundary have side elevations facing the scrap yard. In addition Environmental Health has requested acoustic fencing to the southern site boundary in addition to new tree planting.

In addition, the noise report details the provision of acoustic glazing and attenuated highflow ventilation to the dwellings facing the industrial estate.

Subject to these measures, and given that the scrap yard is set below the level of the site, Environmental Health raise no objection to the application. Prospective purchasers of the properties would obviously need to be aware that they are buying a property next to employment units.

IMPACT UPON ECOLOGY

The application is supported by a Phase 1 Habitat Survey that concludes that the site is low-grade in terms of its current biodiversity attributes.

The Habitat Survey recommends additional survey work to ascertain whether there are any slow worms within the grassland at the top of the site. The need for this survey work has been picked up by Natural England in their consultation reply and they recommend that survey work for the presence of slow worms and bats be carried out prior to determination.

An addendum to the Phase 1 Habitat Survey has been submitted detailing further survey work for reptiles concluding that no further evidence of slow worms was found. The addendum confirms the previous survey work carried out to establish any use of the site by bats and concludes that no further survey work is required. Given the very poor and open nature of the building, it is not considered that any further survey for bats is required.

Appropriate Impact Assessment

As part of the Natural England response to the application they have suggested that the Council should carry out an Appropriate Assessment if it is considered that the proposal could have a significant impact upon nature conservation and the Exe Estuary and its designations in particular.

The proposal relates to a major development located within proximity of the Exe Estuary Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Wetland of International Importance under the RAMSAR Convention (Ramsar Site).

Because of the SPA and Ramsar designations the Conservation of Habitats and Species Regulations 2010 must be applied in the determination of this application. Regulation 61 requires East Devon District Council, as the competent authority, to

undertake an appropriate Impact Assessment (AIA) of the implications of this proposal on the site's conservation objectives before granting permission for a proposal which is likely to have a significant effect upon a European site.

East Devon District Council has therefore assessed the impact from the development upon the Exe Estuary and concludes the following:

Given the location of the site some distance from the Exe Estuary; given the applicants willingness to provide a financial contribution of £350 per dwelling towards mitigation and improvement of the Exe Estuary, the impact from the development upon the Exe Estuary is considered to be acceptable.

In respect of the potential impact from the development upon the East Devon Pebblebed Heaths SPA and Special Area of Conservation (SAC), this further appropriate assessment has been undertaken with consideration having been given to the cumulative effect of the proposed development with other residential and tourist accommodation developments within 10km of the pebblebed heaths.

In this regard, it is highlighted that part of the development will provide affordable housing to meet local needs thereby minimising the extent of increased recreational pressure on the heaths. Furthermore, under the Exe Estuary interim approach the developer would already be paying a financial contribution towards a suitable alternative green space (SANGS).

It is also worth noting the location of the proposed development on the edge of Exmouth would be in relatively close proximity of a number of public rights of way that in themselves help to provide an alternative resource for dog walkers etc.

Clearly it is difficult to quantify the impact of this development and others on the pebblebed heaths given that the same level of data as with the Exe Estuary is not yet available to the Council and there is no adopted joint approach towards implementation of any mitigation. Overall it is considered that the additional impact of this development does not require any additional mitigation, particularly given the overall balance of material issues in this case where it is considered that the benefits of the proposed development in terms of the provision of housing, including affordable housing would outweigh the lack of mitigation for the limited impact on the pebblebed heaths even when considered cumulatively with other developments in the locality.

HIGHWAY SAFETY AND ACCESS

Devon Highways have stated that the content of this application has been the subject of discussions with the highway authority prior to its submission and the scoping of the Transport Statement has also been agreed. In addition, they state that the principle of residential development on the majority of the site is acceptable from a transportation perspective as the trip generation potential of the proposed development is less than the existing authorised B2 uses.

The planning submission contains a suitable vehicle movement plan which shows access is achievable for a large refuge vehicle or emergency vehicle (fire appliance) and also for a domestic estate car.

The trip generation from the proposed development has been calculated using the TRICS database and the total travel impact of the proposed development is less than 40 traffic movements in total in either peak period. The potential total travel impact of the existing consented use is in the region of 60 traffic movements in total in either peak period. Therefore County Highways have concluded that it can be argued that the proposed development will have less of an impact on the surrounding highway network than the potential existing use.

Therefore, despite concerns from some local residents regarding the impact from additional traffic on the local highway network, Devon Highways have raised no objection to the principle of the development or its impact upon capacity of the local highway network or proposed car parking provision within the development.

The proposed development was originally lacking in some details of visibility at the site access junction with Pankhurst Close and also at the internal road junctions, but this has been resolved through the submission of amended plans.

The means of access to the site off Pankhurst Close is considered acceptable with each of the dwellings served off a suitable internal access road with an average of 2 parking spaces per dwelling.

IMPACT FROM CONTAMINATION

The application is supported by a Contamination Investigation and Environmental Assessment Report that has been accepted by Environmental Health subject to imposition of a condition to ensure on-going compliance.

IMPACT UPON TREES

There are a number of mature trees to the site frontage with Littleham Road. These trees are proposed to be retained and protected during construction.

There are 4 small trees within the site itself that would be felled as part of the development but these trees have minimal visual amenity benefit and their loss is considered to be acceptable subject to replacement tree planting within the development that is mainly proposed to the southern site boundary and a few places within the development.

There is also a band of trees running along the western boundary that are proposed to be removed as part of the development but again these have limited visual and amenity value and their loss can be compensated by new tree planting within the site.

IMPACT UPON RESIDENTIAL AMENITY

The main dwellings that would be impacted by the proposed development would be those on the opposite side of Littleham Road and the residential property to the eastern site boundary (86 Littleham Road).

With regard to the properties on the opposite side of Littleham Road, these are located approximately 34m from the site boundary and with the existing trees to the site frontage with Littleham Road retained; the impact upon existing residents from the new dwellings will be minimal.

The main property affected by the proposals would be number 86 Littleham Road to the north-east of the site. Number 86 is a large detached building in a large plot.

The application proposes development of residential properties running down the majority of the boundary with number 86 at distances between 2m and 8m. It should be noted however that the site is set at a lower level than number 86 such that first floor windows from the proposed development will generally be at boundary fence height.

These relationships have been carefully considered and supported by cross-sections and levels details that satisfactorily demonstrate that whilst buildings are located close to the site boundary with number 86 Littleham Road, the levels and windows positions are such that there will be no detrimental levels of overlooking, overshadowing or oppressive impact upon. In addition, number 86 does not directly face the site and is located approximately 12m from its boundary.

Given these distances and levels involved, it is not considered that the proposal would have a detrimental impact upon the amenity of surrounding residents.

IMPACT UPON FLOOD RISK

The application is supported by a Flood Risk Assessment confirming that water currently runs off the hard-surfaced site into the existing underground drainage system.

The application proposes to provide attenuation of the surface water run-off to existing rates, or better, and the necessary underground storage capacity has been calculated.

In addition, the application documents confirm that discussions have taken place with South West Water who raise no objection to the proposal in terms of the capacity of the foul and surface water sewers to serve the development.

OTHER MATTERS

The application necessitates a financial contribution towards open space as well as a contribution towards Education. County Education has advised that the contribution would be £142,018.75 for Primary schools and £136,807.50 for Secondary Education due to the shortage of school places in Exmouth.

These contributions, along with the Exe Estuary mitigation contribution and affordable housing can be secured through a Section 106 Agreement.

RECOMMENDATION

APPROVE subject to the following conditions set out below and the applicant entering into a S.106 Agreement to secure the affordable housing in perpetuity, payment of the Exe Estuary Mitigation contribution and payment of the Education and Open Space Contribution:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The existing redundant access points to the site shall be stopped up and their associated footway crossings reinstated before the development hereby permitted is first brought into use.
(Reason - In the interests of highway safety in accordance with the requirements of Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)
4. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings, retaining walls, boundary walls and fencing, roads and parking spaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D 1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
5. 1. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

2. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

3. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the requirements of Policy EN16 (Contaminated Land) of the East Devon Local Plan.)

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no fences, gates or walls other than those hereby approved shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

(Reason - To retain the open character of the landscaped frontage and in the interests of the visual amenity of the development in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)

7. The landscaping scheme on drawing numbers 6388-103 Rev C and detailed within the Soft Landscape Proposals hereby approved, shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be

replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)

8. No dwellings shall be occupied until all the roads, footpaths, visibility splays, garages or hardstandings, parking areas for motor vehicles and all other services have been completed to a stage agreed with the Local Planning Authority in writing.
(Reason - To ensure that a adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)
9. The development hereby approved shall be carried out strictly in accordance with the Tree Protection and Landscaping Measures contained within the Arboricultural Survey dated 15th March 2013.

In any event, the following restrictions shall be strictly observed:

- (a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
- (b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.
- (c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan.)

10. Prior to the first occupation of the dwellings hereby approved acoustic glazing and positive attenuated highflow ventilation shall have been fitted to all windows of the proposed dwellings fronting the Littleham Industrial Estate. In addition, prior to first occupation of the dwelling hereby approved, a 1.8m high close boarded acoustic fence shall have been erected on the northern, western and southern boundaries in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter, the acoustic glazing, attenuated highflow ventilation and the acoustic fencing shall be carried out in accordance with the approved details and retained thereafter.

(Reason: In the interests of the amenity of residents in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed in the side elevations of plots 26, 27 and 48 as showing on drawing number 6388-103 Rev C hereby approved.
(Reason - To protect the amenity of adjoining occupiers of the dwelling in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and Core Principle of the NPPF.)
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed to plots numbers 3-7.
(Reason - In the interests of the visual amenity of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed to plots numbers 8-14
(Reason - In order to protect the privacy of the occupiers of 86 Littleham Road in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
14. During construction, demolition and site preparation works:
 - a. There shall be no burning of any kind on site:
 - b. No construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, and not at all on Sundays or Public Holidays.
 - c. Dust suppression measures shall be employed as required in order to prevent off-site dust nuisance.
 - d. No high frequency audible reversing alarms shall be permitted to be used on any vehicle working on the site.Reason: To protect the amenity of local residents from smoke, noise and dust in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 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.

Approved Plans

	Design and Access Statement	23.05.13
SOFT LANDSCAPE PROPOSALS	Landscaping	23.05.13
ECOLOGICAL APPRAISAL	Additional Information	23.05.13
15/03/2013	Arboriculturist Report	23.05.13
CONTAMINATION INVESTIGATION	Additional Information	23.05.13
TRANSPORT STATEMENT	Additional Information	23.05.13
50400882_ATR_100 REV A	Other Plans	23.05.13
50400882_LS_100 REV A	Sections	23.05.13
6388-100	Survey Drawing	23.05.13
6388-109	Proposed Combined Plans	23.05.13
6388-115	Proposed Combined Plans	23.05.13
6388-116 REV A	Proposed Combined Plans	23.05.13
6388-117 REV A	Proposed Combined Plans	23.05.13
6388-137	Proposed Elevation	23.05.13
6388-120	Proposed Combined Plans	23.05.13

6388-121	Proposed Combined Plans	23.05.13
6388-122 REV B	Proposed Combined Plans	23.05.13
6388-123 REV B	Proposed Combined Plans	23.05.13
6388-124 REV A	Proposed Combined Plans	23.05.13
6388-125 REV A	Proposed Combined Plans	23.05.13
6388-126 REV A	Proposed Combined Plans	23.05.13
6388-140	Proposed Combined Plans	23.05.13
6388-141	Proposed Combined Plans	23.05.13
6388-142	Proposed Combined Plans	23.05.13
6388-138 REV A	Proposed Elevation	23.05.13
WINDOW DETAILS 6388-130	Other Plans	23.05.13
WINDOW DETAILS 6388-131	Other Plans	23.05.13
ROOF DETAILS 6388-132	Other Plans	23.05.13
FENCE DETAILS 6388-133	Other Plans	23.05.13

WALL DETAILS 6388-134	Other Plans	23.05.13
PORCH ROOF DETAILS 6388- 135	Other Plans	23.05.13
00882/PHL/001 REV A	Additional Information	14.08.13
6388-101 REV C	Proposed Site Plan	29.10.13
6388-102 REV E	Proposed Site Plan	29.10.13
6388-103 REV C	Landscaping	29.10.13
6388-104 REV D	Other Plans	29.10.13
6388-105 REV C	Other Plans	29.10.13
6388-143 REV B	Proposed Elevation	29.10.13
NEW NOISE ASSESSMENT	General Correspondence	19.08.13
6388-107 REV C	Sections	24.09.13
6388-108 REV B	Sections	24.09.13
6388-106 REV A	Proposed Elevation	24.09.13
6388-110 REV A	Proposed Combined Plans	24.09.13
6388-111 REV A	Proposed Floor Plans	24.09.13
6388-112 REV A	Proposed roof plans	24.09.13
6388-113 REV A	Proposed Elevation	24.09.13
6388-114 REV B	Proposed Elevation	24.09.13
6388-118 REV A	Proposed Combined Plans	24.09.13
6388-119 REV A	Proposed Combined	24.09.13

Plans

6388-127 REV A	Proposed Combined Plans	24.09.13
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6388-139 REV A	Proposed Combined Plans	24.09.13
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List of Background Papers

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

		Committee Date: 16 June 2015
Exmouth Littleham (EXMOUTH)	15/0872/FUL	Target Date: 11.06.2015
Applicant:	Open Door Exmouth	
Location:	Land Adjacent Clayton House Salterton Road	
Proposal:	Construction of timber workshop for community use	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Committee as the land is owned by East Devon District Council.

Planning permission is sought for the erection of a community shed on a piece of open grassed land to the north east of Clayton House, and between two blocks of flats in Liverton Close in Exmouth. The application has been submitted as the existing venue used by 'Men's Shed' which is within Clayton House is providing too limited in size and an alternative location is required.

The application proposes a purpose-built single storey wooden shed measuring 16.8m by 6m and would provide the accommodation required to enable the existing club to continue.

Community uses such as this are supported in urban areas under Policy C2 of the Local Plan such to an acceptable visual appearance, is well related to existing built form, benefits from adequate access and parking and does not have a detrimental impact upon the amenity of neighbouring residents.

The building has the appearance of a large shed but is well located such that it will not have a detrimental visual impact and is well related to existing buildings. The area benefits from adequate parking with the facility proposed to benefit the local community. Subject to conditions controlling the use, hours of operation and the proposal being carried out in accordance with the submitted Environmental Report, the proposal will not harm the amenity of neighbouring residents.

The proposal will provide a valuable community facility and given this and the proposal complying with Policy C2 of the Local Plan the application is supported.

CONSULTATIONS

Local Consultations

Parish/Town Council

Meeting 05.05.15

No Objection

Further comments 22.05.15

No Objection to amended plans

Exmouth Littleham - Cllr M Williamson

16.04.15:

I confirm my support of this application. I do not consider that the change of location raises any new material planning issues.

In the event that this application comes to Committee I reserve my position until I am in full, possession of all the relevant facts and arguments for and against.

Further comments 13.05.15:

I strongly support this application which will enable a valued community initiative known as 'The Men's Shed' to function more effectively without the limitations of shared use.

It makes productive use of land not needed for any other purpose and is adjacent to a community hall and can be seen as an annexe to the existing building. Its footprint is modest and I cannot see any detriment to the amenity of neighbouring residents.

An appropriate condition would ensure that it does not have an adverse environmental impact.

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments both for and against.

Technical Consultations

Environmental Health

26.05.2015 - I have considered this application and I am satisfied with the measures planned for noise and dust control throughout the building should be sufficient not to cause nuisance to any residential properties within the vicinity, therefore I do not envisage any external noise or dust pollution and do not have any objections to this application.

South West Water

I refer to the above application where an amended location plan has been submitted and would advise that our previous comments remain valid in terms of the public water mains running through the site a matter we will address directly with the applicant.

Proposal: Construction of timber workshop for community use

Location: Land Adjacent Clayton House Salterton Road Exmouth

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

Please find enclosed a plan showing the approximate location of a public water main in the vicinity. Please note that no development will be permitted within 3 metres of the water main, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the water main will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 2020.

South West Water will only allow foul drainage to be connected to the public foul or combined sewer. Permission will not be granted for the surface water from this site to return to the public combined or foul sewerage network. We will request that investigations are carried out to remove the surface water using a Sustainable Urban Drainage System, such as a soakaway. If this is not a viable solution to remove the surface water, please contact the Developer Services Planning Team for further information.

From 1st October 2011 ownership of private sewers transferred to South West Water under the Private Sewer Transfer Regulations.

County Highway Authority

Does not wish to comment

Other Representations

At the time of writing the report no other representations have been received.

PLANNING HISTORY

There is no relevant planning history

POLICIES

New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)

EN15 (Environmental Impacts, Nuisance and Detriment to Health)

RC5 (Community Buildings)

Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

EN15 (Control of Pollution)

C2 (Local Community Facilities)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The application site comprises an area of open level land to the north east of Clayton House and between two blocks of flats in Liverton Close within the built up area of Exmouth. It is a relatively level site that is enclosed by a low hedge with footpaths to the south, beyond which are a small block of 4 flats fronting onto the site.

Proposed Development

Planning permission is sought for the erection of a single storey wooden building measuring 16.8m by 6m with an overall height of 3.6m. It would be used by Men's Shed Exmouth which is a community based organisation run by volunteers providing support and training for other local men. The project currently runs from within Clayton House but the facility has grown and can no longer be accommodated within Clayton House.

A variety of projects have been undertaken in the past as part of the project, including building go-karts for the Littleham Fun Day, small garden makeovers and building raised beds and other similar projects.

The proposed shed would be constructed of wood and be well insulated to allow it to be used throughout the year, with one end housing an enclosed area that would be acoustically insulated to minimise any disruption or loss of amenity to nearby residents by the use of machinery and hand tools.

Disabled access is proposed via a ramp on the western side of the building, but no bathroom or kitchen facilities are proposed, with these services being provided within the existing community building (Clayton House)

ANALYSIS

The main issues to consider are the principle of the use, appearance of the building, means of access and any impact upon nearby residents and amenity.

Principle:

It is understood from the information that has been submitted with the application that Men's Shed was formed by a small group of local men with a vision to meet and help other men in their community. The project currently operates from Clayton House, and benefits from funding from the People's Health Trust to meet the needs of the male community in the Littleham area. The project currently attracts a broad spectrum of men from the young unemployed to the retired who have contributed to a number of community projects which has included the on-site construction of go karts, outside seats, raised beds etc.

It is understood that the project has proven to be very popular, attracting as many as 20 men on any one day. The project clearly plays an important role in the community and in helping men to develop their skills and providing a place for people to socialise. However because of its popularity, Clayton House is no longer a suitable space for Men's Shed as it is a community hall used by other organisations and the project has outgrown this space hence the reason for the application for a timber workshop which would provide Men's Shed with its own bespoke space.

The principle of a new timber workshop for a community use is generally supported by Policy C2 (Local Community Facilities) of the East Devon Local Plan which states that new facilities to serve the local community on sites within Built-up Area Boundaries will be permitted provided they meet the following criteria in full:

- The proposal would be compatible with the character of the site and its surroundings;
- The proposal will be well related to the built form of the settlement and close to existing development.
- The site is accessible by a variety of types of transport, including walking and cycling and the amount of traffic generated by the proposal could be accommodated on the local highway network without harming road safety;
- The proposal would not be detrimental to the amenity of neighbouring residents by reason of undue noise or traffic

Character and Appearance:

The proposed workshop building would be positioned on an area of land to the north east of Clayton House and whilst it would extrude a large footprint (6m x 16.8m), it is considered that it would not result in significant visual harm to the character and appearance of the area. The building would be well related to existing built form and would be read as a subservient annex type building to the community hall. It would be viewed from Salterton Road although views of the building from this public vantage point would be largely obscured by the two storey dwellings to the north. The gable end of the workshop building would be seen from Salterton Road but its overall size and footprint would not be immediately apparent nor detrimental.

The visual impact of the building would be most significant from Livoton Close where there would be more open views from the public realm across the turning

head and an open area of green space and footpaths which lead to the flats in the area. The building's footprint would be more apparent from these viewpoints however it would again be read in the context of the taller surrounding buildings and because of its limited height (3.1 m) and its orientation it would not appear as an overly dominant or intrusive building within the streetscene and would not therefore have a significantly harmful impact on the character and appearance of the surrounding area.

The workshop building would have a utilitarian appearance, albeit one that would be softened significantly through its timber shiplap or tongue and groove construction under a shallow pitched felt roof.

The proposal is considered to be generally compatible with the character of the site and its surroundings and would be well related to the building form of the settlement and therefore complies with criteria 1 and 2 of Policy C2.

Accessibility/ Highway Safety:

The application site is located within the built-up area boundary of Exmouth and in this respect, is considered to be well located and accessible by a variety of types of transport including cycling, walking and public transport. The workshop building would be well related to and easily accessible by the community it serves within the Littleham area.

Owing to its sustainable location and close proximity to the Littleham community whereby it could reasonably be anticipated that people would choose to walk or cycle, it is not considered that the proposed workshop building would give rise to a significant increase in traffic generation and in this respect would not give rise to any highway safety concerns. Whilst the proposal does not include the provision of any off road parking, the turning head at the end of Liverton Close does provide an area for cars to park. The County Highway Authority has raised no objections to the proposal and therefore it is considered to comply with criteria 3 of Policy C2.

Residential Amenity:

The proposed workshop building would have its greatest impact on the occupiers of the flats of no's 15 and 17 Liverton Close to the south of the site and 31 and 33 Liverton Close to the north. No's 15 and 17 are orientated such that they and their front gardens front onto the site. The submitted site plan shows that there would be a distance of 10.6 metres between the side of the building and the front of no's 15 and 17 and this combined with the low profile and limited height of the building would ensure that its physical impact on the occupiers of these properties would not be significantly harmful in terms of being overbearing or over dominant or through loss of light. The building would be viewed from the front of no's 15 and 17 such that the outlook from these properties would change albeit not to an extent that would cause significant harm to sustain an objection.

In terms of the impact of the building on the occupiers of no's 31 and 33, it would be visible from ground and first floor windows on the gable end which appear to be secondary windows. The submitted site plan shows that the building would be

positioned 4.0 metres from the side of these flats such and whilst the outlook from the secondary windows would change, it is not considered that it would result in a significant physical impact on the occupiers of these properties to sustain an objection.

In addition to an assessment of the physical impact of the building, it is also important to consider the impact of the use of the building in terms of the potential for noise and disturbance on the occupiers of the surrounding properties. The building is intended to be used by community members of Men Shed as a workshop and would contain workshop machinery such as saws, lathes and sanders which would generate noise.

The application is accompanied by information regarding the management of the facility and by an Environmental Report.

The application explains that the facility would be open Tuesdays, Wednesdays and Thursdays from 10am to 4pm with 23 people the maximum that could be safely accommodated. It is considered that it would be reasonable to restrict the use to these hours on the basis that these are the hours applied for and in order to protect the amenity of surrounding residents.

The Environmental Report accompanying the application details how the shed will benefit from a dust extraction unit connected to the saws, lathes and sanders to collect any dust. The building is proposed to be well insulated to prevent noise escaping with a separate workshop within the building to help control machine noise. The report confirms that the machines will not be in use continuously.

Environmental Health have assessed the application and confirmed that subject to the details within the Environmental Report, they believe that the measures are sufficient to ensure that the noise and dust will not cause a problem for nearby residents.

Subject therefore to conditions to ensure that the proposal is carried out in accordance with the proposed hours of use, is carried out in accordance with the Environmental Report and is only used as a workshop for community use, it is considered that the proposal is acceptable and will satisfy criteria 4 to Policy C2.

RECOMMENDATION

APPROVE subject to the following conditions:

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

3. The use shall not take place other than between the hours of 10:00 to 16:00 Tuesday, Wednesday and Thursday and not at all on Mondays, Fridays, Saturdays, Sundays or Bank Holidays.
(Reason - To protect adjoining occupiers from excessive noise in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the emerging New Local Plan.)

4. The premises shall be used solely as a community workshop in full accordance with the application details hereby approved and for no other purpose including any other purpose in Class B2 of the Schedule to the Town and Country Planning Use Classes Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
(Reason - To protect adjoining occupiers from noise and disturbance in accordance with the requirements of Policy EN15 (Control of Pollution) of the East Devon Local Plan and Policy EN14 (Control of Pollution) of the emerging New Local Plan.)

5. The use and building hereby approved shall be carried out in full accordance with the Shed Features and Environmental Report submitted with the application and hereby approved unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To protect adjoining occupiers from excessive noise and dust in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the emerging New Local Plan.)

(Reason - For the avoidance of doubt.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

REVISED	Location Plan	06.05.15
MS3	Proposed Elevation	10.04.15
MS2	Proposed Floor Plans	10.04.15
MS4	Proposed Elevation	15.04.15

MS5	Other Plans	15.04.15
SHED FEATURES	General Correspondence	10.04.15
ENVIRONMENTAL REPORT	General Correspondence	10.04.15
PERFORMANCE PLASTERBOARDS	Specifications/technical data	10.04.15
KNAUF INSULATION	Specifications/technical data	10.04.15
SCHEPPACH DUST EXTRACTOR	Specifications/technical data	10.04.15

List of Background Papers

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

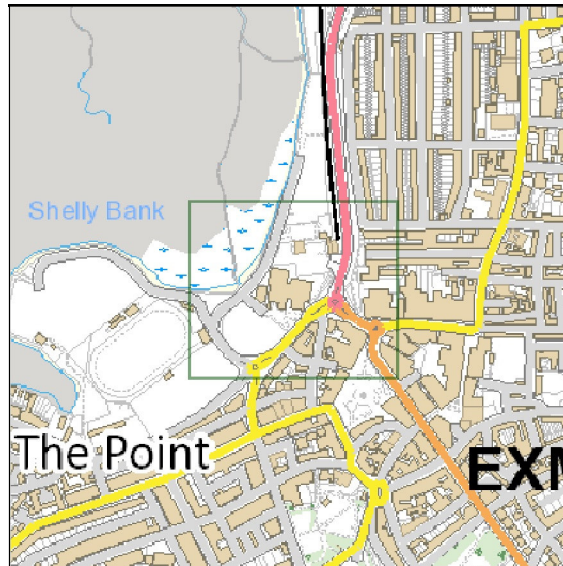
Ward Exmouth Town

Reference 14/2239/FUL

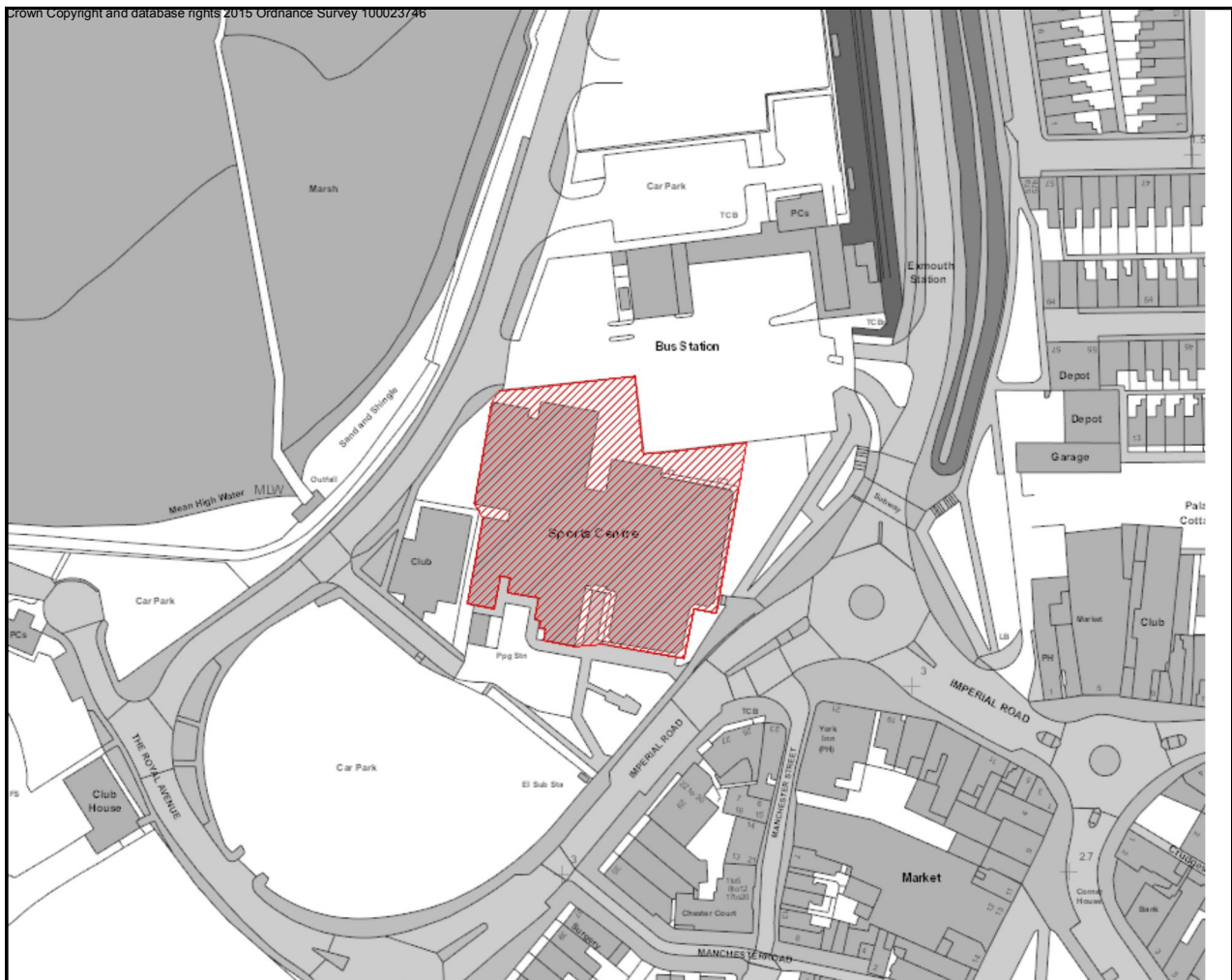
Applicant Mr Peter Gilpin

Location Exmouth Leisure Centre Royal Avenue Exmouth EX8 1EN

Proposal Renovation of existing Leisure Centre with installation of 8 new windows, 4 new sets of louvres for ventilation plus the installation of external condensers and an AHU with screening



RECOMMENDATION: Approval - NON MATERIAL AMENDMENT



		Committee Date: 16 June 2015
Exmouth Town (EXMOUTH)	14/2239/FUL	
Applicant:	Mr Peter Gilpin	
Location:	Exmouth Leisure Centre Royal Avenue	
Proposal:	Renovation of existing Leisure Centre with installation of 8 new windows, 4 new sets of louvres for ventilation plus the installation of external condensers and an AHU with screening Minor amendment seeking raising of height of windows by 280mm and use of PVC rather than timber	

RECOMMENDATION: APPROVE MINOR AMENDMENT

EXECUTIVE SUMMARY

This application is before Committee as the applicant is Leisure East Devon.

Application number 14/2239/FUL was before Committee in December and sought consent for external alterations as part of the refurbishment and renovation of the Exmouth Leisure Centre. The most significant alterations related to the installation of a number of windows on the north, north east and west elevations.

In assessing the application, the main issues were considered to be the impact of the development on the appearance of the building and the character and appearance of the area. In this respect it was considered that whilst the windows would alter the appearance of the building, they would provide interest to otherwise blank elevations, and would allow views of the estuary to be enjoyed from within the building. There are no residents or other parties that were considered to be adversely affected by the proposal.

The applicants now seek a minor amendment to the previous planning permission to raise the height of the windows by around 280mm and also to use PVC rather than timber. The increased height of the windows is considered to be acceptable and will not harm the visual amenity of the building or the area. The building is not listed or in a Conservation Area and the change of window materials is also considered to be acceptable given the design of the leisure centre and its context.

OFFICER REPORT

Relevant Planning History

The Leisure Centre has been the subject of many planning applications over the years. The most relevant application to this Non-material Amendment is 14/2239/FUL. This application was approved at the Development Management Committee on the 18 December 2014 and comprised:

“Renovation of existing Leisure Centre with installation of 8 new windows, 4 new sets of louvres for ventilation plus the installation of external condensers and an AHU with screening.”

Site Location and Description

Exmouth Leisure Centre occupies a position between the town centre and The Royal Avenue adjacent to the estuary to the west, and with the train and bus station to the north. To the east across an existing roundabout is the main shopping and commercial centre of the town; whilst to the south is a large surface level car park.

The complex comprises a number of conjoined buildings that have been converted and extended over the years to arrive at the current layout and form.

Proposed Development

The proposal seeks a minor amendment to allow use of PVC windows in place of timber and to raise the height of the windows by 280mm.

ANALYSIS

The main issues to be considered are the impact of the proposed development on the appearance of the building and on the character and appearance of the area.

The change to the windows is required due to a mezzanine deck being raised internally to accommodate larger steel sections.

It is not considered that the change to the windows would be considerably different to the approved scheme and are minor in nature. The increased height of windows will not harm the appearance of the building or the wider area and will not have a detrimental impact upon privacy.

The change of materials would also not harm the appearance of the building or the surrounding area.

Whilst the proposed windows will provide natural light to the rooms which they serve during daylight hours, they will also inevitably also increase the levels of artificial light spill externally during darkness hours. In this instance the land to the east, beyond the edge of the leisure centre is already well light due to the roundabout and road, and the adjacent town centre. To the north and west the level of activity and lighting is less, although the site is adjacent to The Royal Avenue, a road serving the rear

entrance of the bus station, and leading to a public car park. This road has existing street lighting and the additional light overspill arising from the slightly increased window sizes is unlikely to create any significant further light pollution or nuisance to the users of the area.

CONCLUSION

The proposed minor amendment is considered to be acceptable.

Plan numbers (08)0001, 08(002) 08(003) are superseded
New plan numbers: 20 (001), 20(101) and 21 (001) are approved

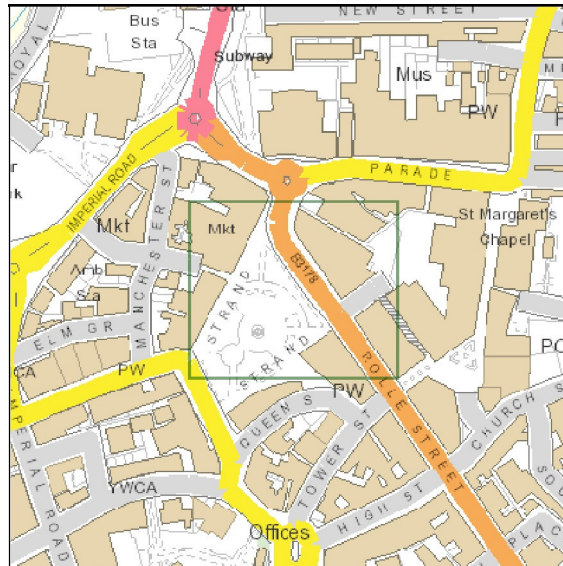
Ward Exmouth Town

Reference 15/0983/CM

Applicant Head Of Highways, Capital & Waste, Devon County Council

Location Strand Gardens The Strand Exmouth

Proposal The provision of a double sided shelter to be used on the carriageway side as a bus shelter and The Strand Gardens side as a special event shelter for public performances and other events at Rolle Street, Exmouth



RECOMMENDATION: DCC Application - Objection raised



		Committee Date: 16 June 2015
Exmouth Town (EXMOUTH)	15/0983/CM	Target Date: 22.06.2015
Applicant:	Head Of Highways, Capital & Waste, Devon County Council	
Location:	Strand Gardens The Strand	
Proposal:	The provision of a double sided shelter to be used on the carriageway side as a bus shelter and The Strand Gardens side as a special event shelter for public performances and other events at Rolle Street, Exmouth	

RECOMMENDATION: DCC application - Objection raised

EXECUTIVE SUMMARY

This application is before Committee as the proposal is on land owned by East Devon District Council.

The application is for a double-sided bus shelter and covered performance space on the north-eastern side of The Strand, directly fronting Rolle Street. The proposal is a County Matter application which will be determined by Devon County Council but have consulted East Devon District Council for their comments on the application.

The proposals are for a 6 metre wide and 5 metre tall canopy with curved black metal framed glass roof and a central glass divider separating the waiting bus passengers from the performance space. The area covered by this open-sided shelter will be 6 metres deep and 12 metres long.

It is considered that the shelter/ canopy is out of keeping with the regeneration works that have taken place in The Strand and that a structure of a more inspiring design, possibly reflective of the coastal location of Exmouth should be sought. The proposed canopy is a simplistic metal frame painted in black with glass panels installed in between at a considerable scale. This contrasts against the sleek lines of the paving and street furniture in The Strand in recent years and does not reinforce the key characteristics and special qualities of the area. This is especially pertinent due to the keystone position of the site and the sheer scale and prominence of the design being considered. It would also be harmful to the character of the Conservation Area which must be given special consideration.

CONSULTATIONS

Technical Consultations

County Highway Authority

Observations:

The proposed development does not have any impact on the highway of construction traffic or significant increase in traffic movements on the county highway network. There the CHA does not wish to make any further comment.

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

Other Representations

No third party comments have been received at the time of writing this report but it is for Devon County Council to carry out formal consultation on the application with the public and Exmouth Town Council.

POLICIES

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

EN10 (Preservation and Enhancement of Conservation Areas)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

EN11 (Preservation and Enhancement of Conservation Areas)

SPG17 (Exmouth Masterplan)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Site Location and Description

The application site is a public pavement area on the north eastern edge of The Strand facing Rolle Street. The pavement has been recently refurbished as part of the regeneration of the centre of Exmouth.

The site is within the Conservation Area and there are half a dozen or so listed buildings around the outside of the square, including the War Memorial in the centre

of the public open space. Rolle Street is widened into parking laybys at the point of the application site to allow the standing of a number of public bus services.

The site is at the heart of the town centre and the location could be described as the very centre of town. A previous scheme for shelters and a café has been approved at the site, but the County Council is now pursuing different plans.

Site History

The most relevant site history is application 11/ 2712/FUL that was approved in February 2012 granting the 'Construction of multi-purpose pavilion building including performance space, bus shelter and ancillary storage (resubmission of application 11/0180/FUL)'. This consent was not implemented but granted a contemporary landmark building.

Proposals

The applicant is the County Council who are determining the application and consulting EDDC as a statutory consultee.

The proposal is for a 6 metre wide canopy with a curved black-painted metal framed roof ranging from 2.5 metres high at its lowest to 5 metres at its tallest. The canopy structure will be 12 metres long positioned running parallel to Rolle Street with a glass roof, central vertical glass separating panel and bench seating along its entire length closest to the road. The result will be a shelter split in two, with the bench seating facing the incoming buses and facing the opposite direction towards the War Memorial, a covered performance area on a resin-bound surface.

Analysis

The proposal will provide an enhanced bus traveller seating and waiting area facing Rolle Street along with a covered performance space to the rear facing The Strand. Both of these elements will be beneficial for public users of The Strand and will enhance social sustainability, which weighs in favour of the proposals.

However, the design of the proposal is very simplistic and lacks architectural ambition with a metal frame that is very utilitarian. The result is a plain, largely transparent structure that does little if anything to conserve or enhance the Conservation Area to which special consideration must be given.

The significance of The Strand is its character and history as a wide public open space that presents the frontage of the buildings set around it and acts as an appropriate setting for the Grade II Listed War Memorial in the centre. The space is also a thoroughfare and congregation point that acts as the focal point of the town centre. Any intervention in this critical open space must be of the highest design standards and must respond well to its context.

The shelter as proposed is not to the highest design standards and is considered to respond poorly to other buildings and structures around The Strand and in this local part of the Conservation Area. This out of keeping design is emphasized by its

sheer height which peaks at 5 metres. Whilst there are other bus shelters and telephone boxes opposite on Rolle Street, these are in a far more discreet position in the street and only extend to 2 to 3 metres in height at a much shorter length. The structure proposed would stand out as unique in this location and out of context.

Development Plan policies in the adopted and emerging East Devon Local Plan ensure that development is of a high quality and is locally distinctive. This is set out in Policy D1 and this proposal is not considered to be either high quality or locally distinctive. For this reason the proposals are at odds with the East Devon Local Plan and are not supported.

Although the proposed shelter and performance space will provide amenity for bus passengers and a valuable public performance space, this social sustainability benefit will be heavily outweighed by the poor quality of the design proposed that is not locally distinctive and does not enhance or conserve the character of the Conservation Area nor the setting of Locally Listed Buildings such as the Grade II War Memorial. For these reasons the proposals are contrary to the policies of the Development Plan and the National Planning Policy Framework.

RECOMMENDATION

Objection raised

Plans relating to this application:

C08020/41C	Location Plan	24.04.15
C08020/43C	Proposed Combined Plans	24.04.15

List of Background Papers

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

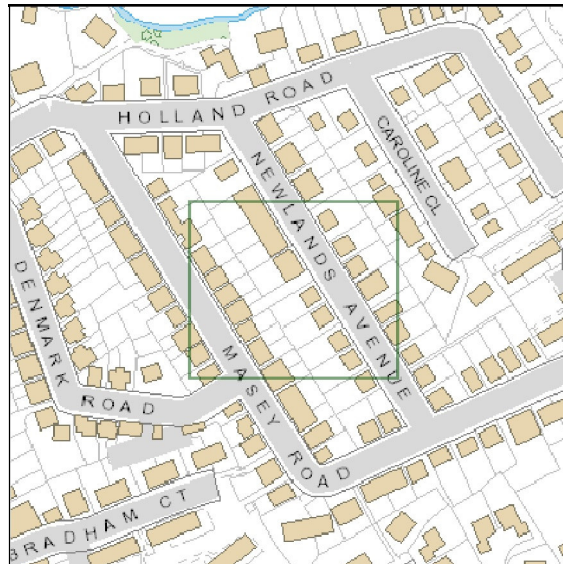
Ward Exmouth Withycombe Raleigh

Reference 15/0670/FUL

Applicant Mr Graham Bunyard

Location Land Adjacent 12 Newlands Avenue Exmouth

Proposal Construction of detached dwelling



RECOMMENDATION: Refusal



		Committee Date: 16 June 2015
Exmouth Withycombe Raleigh (EXMOUTH)	15/0670/FUL	Target Date: 13.05.2015
Applicant:	Mr Graham Bunyard	
Location:	Land Adjacent 12 Newlands Avenue Exmouth	
Proposal:	Construction of detached dwelling	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

The application is before Committee as it has the support of the Ward Member.

Planning permission is sought for the erection of a detached dwelling between 12 and 14 Newlands Avenue. The application is a resubmission of a previously withdrawn proposal in an attempt to overcome concerns relating to the impact of a new dwelling on the character and appearance of the area and on residential amenity.

Whilst the proposed dwelling is more modest than that previously submitted, it is not considered that the previous concerns have been addressed and that the scale, form and position of the proposed dwelling will still appear as a cramped and inappropriate form of development to the detriment of the character and appearance of the area.

CONSULTATIONS

Local Consultations

Parish/Town Council

Objection on the grounds of out of keeping with the streetscene particularly as almost 40% of the frontage is glass.

Exmouth Withycombe Raleigh - Cllr B Taylor

I have looked at the plans for land adjoining 12 Newlands Avenue, my only concern is access to build, however I have no objection if this can be overcome .

Technical Consultations

County Highway Authority
Highways Standing Advice

Contaminated Land Officer

I do not anticipate any contaminated land concerns on this site. Should the developer encounter made ground or contaminants of any description he should contact the Contaminated Land Officer within Environmental Health for advice and guidance.

Other Representations

Three representations have been received raising the following objections

- Proposal will exacerbate existing parking problems
- Overdevelopment of site
- Loss of light
- Noise and disturbance
- Construction difficulties
- No external access to rear of property
- Design out of character with area
- Damage to trees and wildlife
- Increased risk of flooding
- Problems with future maintenance due to proximity to boundary
- Bike shed will be intrusive and inappropriate

PLANNING HISTORY

Reference	Description	Decision	Date
14/1128/FUL	Construction of detached dwelling	Withdrawn	23.06.2014

POLICIES

New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

H2 (Residential Land Allocation)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Adopted East Devon Local Plan Policies
S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

EN6 (Wildlife Habitats and Features)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

Government Planning Documents
NPPF (National Planning Policy Framework 2012)

Site Location and Description

The site is a narrow plot of land between numbers 12 & 14 Newlands Avenue which it is understood was formally the extended rear garden to the property to the west - 21 Masey Road. The avenue is characterised by a mixture of styles of bungalows with two storey dwellings to the north where Newlands Avenue meets Holland Road. The area slopes steeply uphill from north west to south east. The actual site falls from east to west to the rear of 21 Masey Road and is an area of rough grass and buddleia bushes.

The site is within the built-up area boundary of the town; there are no particular designations covering the area.

Proposed Development

The application seeks full planning permission for the construction of a contemporary styled single storey dwelling with accommodation comprising an open plan living/dining/kitchen area, together with a bedroom and bathroom. The dwelling is proposed in white coloured render with artificial slate roof, windows in aluminium, and doors in timber. It is proposed to add timber fencing plus hedging to the boundaries.

The building is proposed to be of a maximum height of 4.8m above the ground floor to Newlands Avenue with the floor level set around 300mm below road level. The length of the dwelling is proposed to be 11.4m. Given the drop in land from east to west development would include an element of levelling to provide horizontal floors to the accommodation, effectively raising the levels up at the rear of the proposed building.

ANALYSIS

The matters to consider are the principle and policy context for the type of development in this location; the design, materials and format proposed; a consideration of neighbouring amenity; highways and parking; the wider character of the area and street; construction implications and habitats mitigation.

Policy context and principle

The site is in the built-up area boundary of the town and given the existing road network, access to bus routes and services and facilities available it is considered the site is a sustainable location for a new dwelling. Therefore the suitability of the proposal falls to matters of detail.

Design, materials and format

The dwelling is proposed in a contemporary format with a ground floor providing an open living, kitchen, dining space, bedroom and bathroom and access to patio and garden to the rear. Development is proposed across the width of the site, the wall to the south immediately abutting the outside of No 12. A small sliver of space, around 300mm would be left on the north side for external access although this would not be large enough to provide daily use. The use of render walling, a man made tile, and aluminium windows and timber doors is considered acceptable in themselves although the contemporary design is at odds with the character of the street.

Whilst the design is not considered unattractive in itself the narrow width of the site has driven the upright emphasis to the design to ensure there is sufficient space within the dwelling to provide adequate accommodation. It is considered that the need to resort to this format of development illustrates the difficulties of developing this site. In addition the proposal to develop across the entire width except for the small gap to the north also gives an indication of cramped development. On this particular point the comments of both immediate neighbours and the Town Council are agreed with.

Construction

The Town Council and neighbours have expressed concerns over the difficulties of developing the site given how close the external walls of the proposal would be to the two neighbouring properties, and also that the proposal requires excavation and levelling to provide sufficient horizontal space. The Environmental Health Officer during the previous application alluded to the technical difficulties of development and suggested a precautionary condition. Whilst a basement element of the proposal has been removed compared to the previously withdrawn proposal, the position of the building is such that these details will still be required to be secured through condition and agreed with the neighbouring residents. However, the means of construction and any possible difficulties are for any builder to lawfully and practically resolve and are not matters on which a refusal of planning permission could be justified.

Neighbouring Amenity

It is not considered that overlooking would be an issue given that there are no windows proposed to either side except rooflights which are above head height. It would be possible to prevent the insertion of windows to either side by condition. It is agreed that both neighbours would be affected to some extent given how close the buildings but not to an extent that could justify refusal of planning permission with any noise impact reduced by insulation.

The level of the rear terraces has been reduced from that previously proposed although would still be above the levels of the neighbouring property. No.12, albeit looking down the plots own garden.

In terms of the neighbouring dwelling to the south whilst this is sited off its own existing boundary the proposal would still be constructed up to and against the existing boundary wall. There would be some effect to a window of this property on the northern side but this appears to be serving a bathroom, and the circumstances of the rear projection overlapping with the conservatory with No 14 are less than ideal given the differences in height. However, whilst this harm reflects concerns raised regarding the cramped nature of the proposal, the harm to neighbouring amenity is not considered to be so detrimental to warrant refusal of permission on its own.

Highways and parking

No parking space is proposed within the site. There is existing on street parking available within Newlands Avenue and nearby. In this location it is considered the lack of off-street parking, whilst not ideal, would not be sufficient grounds to refuse the application. However it is suggested this is a further indication of the lack of space for a dwelling.

Wider Character of the Area

Both the design and the format of developing across the width of the site area are considered to be at odds with the character of the existing avenue. With the exception of numbers 6, 8 & 10, dwellings within the avenue conserve space to either side so there are gaps between bungalows, providing a sense of space and break between built the development.

The proposal in building on to the southern boundary, and almost up to the boundary on the north side would not reinforce the existing street pattern, and would appear cramped on this uncharacteristically small plot. The upright emphasis to the design would also be at odds with the existing style of bungalows; whilst it is not unattractive it is considered this would be out of place in this location and therefore contrary to Policies S4 and D1 of the Adopted Local Plan and Policy D1 and Strategy 6 of the emerging New Local Plan.

Habitats Mitigation

The proposal generates a requirement for the payment of a habitats mitigation contribution as the site lies within the 10km radius of the Exe Estuary and Pebblebed Heaths S PA. The application has therefore been submitted with a completed Unilateral Undertaking in order that an appropriate contribution is made.

RECOMMENDATION

REFUSE for the following reason:

The proposal by virtue of the inadequate size of the plot, the site coverage of the dwelling and its design would result in a cramped and restricted form of development which would be out of keeping with and detrimental to the character and appearance of the area. The proposal is therefore considered to be contrary to the provisions of Policies S 4 (Development within Built-up Area Boundaries) and D 1 (Design and Local Distinctiveness) of the East Devon Local Plan and Strategy 6 (Development within Built-Up Area Boundaries) and Policy D 1 (Design and Local Distinctiveness) of the New East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

T1	Location Plan	17.03.15
S1	Survey Drawing	17.03.15
A1	Proposed Site Plan	17.03.15
A2	Proposed Floor Plans	17.03.15
A3	Proposed Elevation	17.03.15
A4	Proposed Elevation	17.03.15
A5	Sections	17.03.15
A7	Perspective Drawing	17.03.15
A8	Proposed Elevation	17.03.15

List of Background Papers

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

Ward Woodbury And Lymstone

Reference 15/0239/FUL

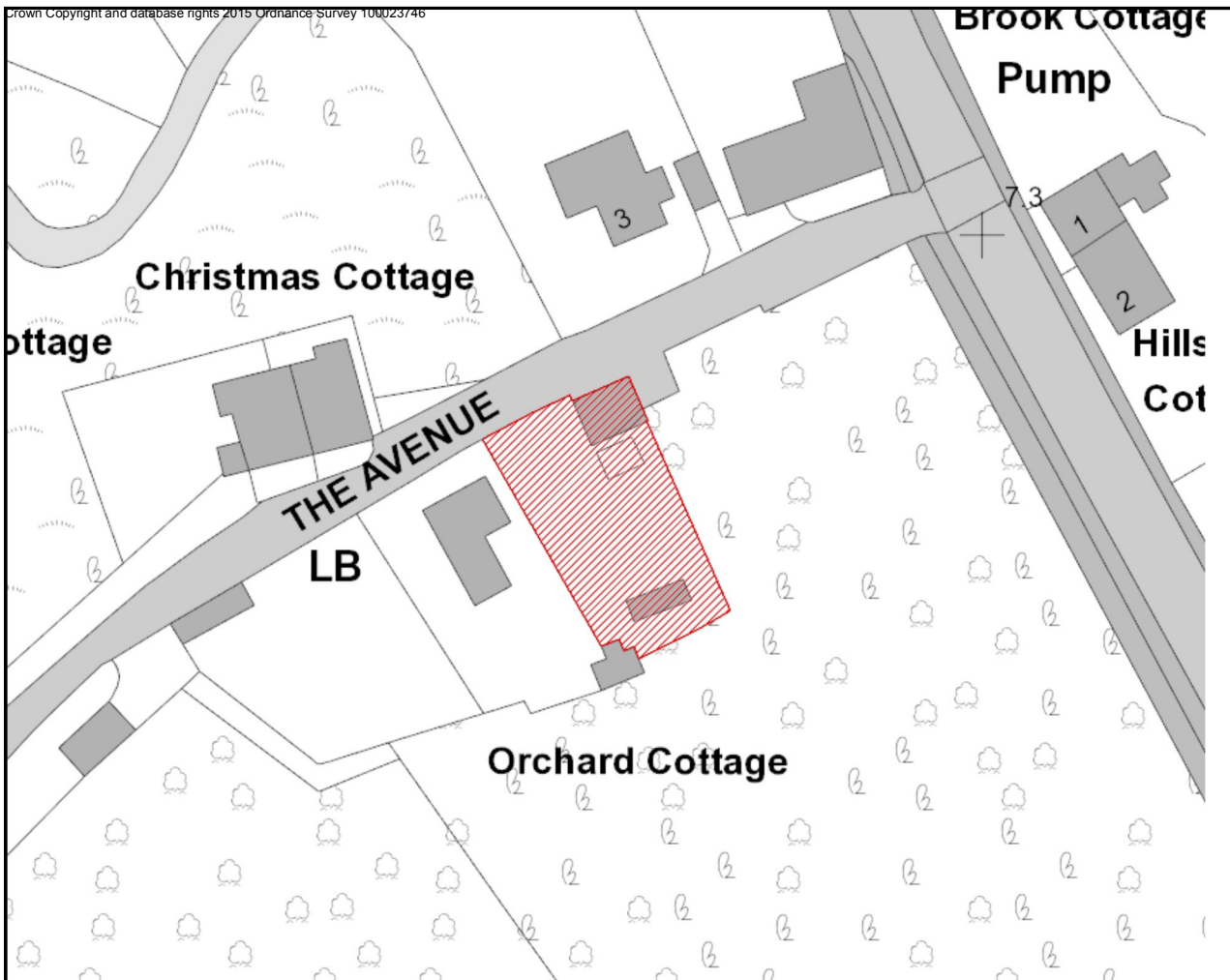
Applicant Mr & Mrs T Payne

Location Land East Of Orchard Cottage The Avenue Exton EX3 0PX

Proposal Demolition of existing garage and proposed new dwelling and vehicular access



RECOMMENDATION: Refusal



		Committee Date:	16 June 2015
Woodbury And Lympstone (WOODBURY)	15/0239/FUL	Target Date:	26.03.2015
Applicant:	Mr & Mrs T Payne		
Location:	Land East Of Orchard Cottage The Avenue		
Proposal:	Demolition of existing garage and proposed new dwelling and vehicular access		

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Committee as it is supported by the Ward Member.

This full application proposes the erection of a single dwelling within The Avenue, an unadopted lane situated outside the built up area of the village and within a Green Wedge. The site has been subject to two previous refusals of permission at the Development Management Committee for residential development.

The lane serves as an access to five existing dwellings, four of them listed buildings, as well as providing a regular route for a tanker to access an MOD septic tank. The dwelling is proposed in two storey format utilising render, elements of timber boarding and a zinc roof. The parking and a turning area including a cesspool and soakaway are proposed within the area to the front of the dwelling. An existing garage of no particular merit would be removed.

The proposal moves the proposed dwelling a further 1m from Ordhard Cottage but this change does not overcome concerns about the loss of amenity to the occupants of Orchard Cottage given the side gable of the proposal would be around 4.5m of the neighbouring property.

The area around The Avenue, whilst not designated for its landscape quality is included in the Green Wedge and has a subtle quality of spaciousness and natural character. It is considered that whilst there is some merit in removing the garage, the dwelling would add to the existing sporadic development in the locality and in terms of its scale and height would detract from the rural character of the Avenues contrary to the objectives of the Green Wedge. This, along with the location of the site in the countryside weighs against the proposal from an environmental dimension with the impact upon the neighbour

undermining the social dimension. This harm is not outweighed by the small economic and social benefits from an additional dwelling.

As such, the proposal is considered to be unacceptable and has not overcome the reasons for refusal on the previous application.

CONSULTATIONS

Local Consultations

Woodbury & Lympstone - Cllr B Ingham

In light of the history of this application, I request it is sent to DMC for a decision.

Parish

Recommend refusal on the grounds of access, water run-off, proximity to a listed building and it is in the green wedge (P/S: Pattison/Reg Brown vote: 7 in favour/2 abstentions)

Technical Consultations

County Highway Authority
Highways Standing Advice

Environment Agency

Please refer to our flood risk standing advice for the appropriate comment for this application.

Environmental Health

Your attention is drawn to the Council's adopted Code of Practice for the Control of Construction Site Nuisance which is available on the EDDC website. The Code of Practice details the measures that the Council expects all works on construction sites to comply with to avoid excessive nuisance to residents. You should therefore ensure that all contractors on site are provided with a copy of this document and told to comply with it. Failure to comply with the code may lead to action under the Environmental Protection Act 1990 or the Control of Pollution Act 1974.

Devon County Archaeologist

I refer to the above application. The proposed development site occupies an area shown in the mid-19th century Tithe Map and on the late 19th and early 20th century OS maps as containing buildings that may be associated with the 17th century Orchard Cottage to the west. The structures within the application area appear to have been demolished sometime in the early 20th century and may be of some antiquity and contemporary with Orchard Cottage. Groundworks for the construction of the new dwellings have the potential to expose and destroy archaeological deposits associated with these earlier settlement here.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise 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 applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The developments shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

To ensure that an appropriate record is made of archaeological evidence that may be affected by the development and in accordance with Policy EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological and Historic Interest) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012).

I would envisage a suitable programme of work as taking the form of the archaeological monitoring and recording of all groundworks associated with the construction of the new dwellings to allow for the identification, investigation and recording of any exposed archaeological deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in a n appropriately detailed and illustrated report.

Other Representations

3 letters of objection received stating:

- There continues to be a lack of acceptance of unsuitability for The Avenue to have more traffic on it.
- The Avenue is a very narrow single road with no passing places.
- In addition it is a private road and provides valuable and necessary access to the MoD site.
- Large traffic needing site access continues to move up and down the road at all hours day and night.
- The bin situation remains unchanged so regular periods of poor visibility and access onto the A376 continue
- It is positioned very close to Orchard Cottage
- Soak aways next to the flood plain are difficult

POLICIES

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

S6 (Development in Green Wedges)

Strategy 8 (Development in Green Wedges)

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset or Loss of a Building or Structure that makes a Positive Contribution to a Conservation Area)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)

S6 (Development in Green Wedges)

S7 (Infrastructure Related to New Development)

D1 (Design and Local Distinctiveness)

EN6 (Wildlife Habitats and Features)

EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest)

TA1 (Accessibility of New Development)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

Site Location and Description

ANALYSIS

Relevant Planning History:

Application number 13/1749/FUL for the construction of 2 flats and a single dwelling were refused planning permission by the Development Management Committee for 7 reasons on the 16th December 2013. The reasons for refusal related to the location of the site within the Green Wedge; design being out of character; drainage; inadequate access width and turning within the site; and unacceptable levels of overlooking.

As subsequent application 14/1504/FUL for 'Demolition of existing garage and proposed new dwelling and vehicular access' was refused by the Development Management Committee on the 23 October 2014 for the following reasons:

1. The proposal would constitute an unacceptable addition to, and consolidation of the existing loose knit sporadic development in the vicinity of the site that is located within the countryside designated as a Green Wedge beyond the built-up limit of Exton. The site is both physically and visually separate and therefore poorly related, and would detract from the existing rural vernacular character of the Avenue. As a consequence, the proposed development would be contrary to the provisions of Policies S5 (Countryside Protection), S6 (Development in Green Wedges) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 1995-2011 and Strategy 8 (Development in Green Wedges) and Policy D1 (Design and Local Distinctiveness) of the New East Devon Local Plan 2006 to 26 Proposed Submission (Publication) November 2012.

2. The proposal by reason of the proximity and height of the south west gable would result in an overbearing impact and loss of outlook for the neighbouring property to the west, Orchard Cottage, and its private garden area, resulting in a detrimental impact upon and loss of amenity enjoyed by the occupiers of the property. As a consequence, the proposal would be contrary to the provisions of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 1995-2011 and Policy D1 (Design and Local Distinctiveness) of the Draft New East Devon Local Plan.

Site Location and Description:

The site is at present formed by a garage adjacent to the lane and an area of unkempt and overgrown land to the south of the lane known as The Avenue which is located on the south side of the village of Exton between the A376 and the estuary. The site is outside of the built-up area boundary as set by the adopted local plan; in the draft local plan it is intended to remove the built-up area boundary from Exton completely.

Access to the site is from the A376 Clyst St Mary to Exmouth Road into an unsurfaced road serving 4 existing properties, 4 to the north, 1 to the south, as well as access by HGV to the Lympstone MoD's septic tank. The site is adjacent to the east of Orchard Cottage; the land rises from the track in a southerly direction. 4 of these dwellings are Listed Buildings.

The site is within the local green wedge which is intended to remain for the next plan period. The site is within 10km of the Exe Estuary European site.

Proposed Development:

Planning permission is sought for the construction of a detached three bedroom dwelling in two storey format, orientated so the ridge falls in a north easterly / south westerly ridge with its principal elevation facing the lane to the north. It would be positioned behind the front building line of Orchard Cottage to the south west. The application is for full planning permission. The existing garage is proposed to be removed, and a drive and turning area installed to the front of the dwelling as well as a cess pit and soakaway.

The dwelling proposed has a contemporary appearance with the use of cedar boarding over white rendered walls and feature windows at first floor level underneath the eaves. At the rear a two storey nib is proposed to provide space for bathrooms as well as a small paved area and storage for bikes.

The Design and Access statement summarises the changes to the proposed development in an attempt to overcome the previous reasons for refusal. The changes can be described as:

1. A reduction in the width of the dwelling from 11.0 metres to 9.5 metres allowing for a further 1.0 metre separation from Orchard Cottage.
2. A detailed analysis of the impact on Orchard Cottage
3. Introducing a 2.0 metre high trellis boundary with Orchard Cottage
4. Proposing a three bed instead of a four bedroom property.

Issues and Assessment:

Whilst this application is different from the previous application, and each must fall to be considered on its own merit, the concerns raised on the previous refusal should form some basis for consideration of this application, as well as considering any new matters arising. The issues are seen as: Principle and Policy Context; Green Wedge designation; The design, format and materials proposed; Effect to the character of The Avenue; Setting and character of Listed Buildings; Amenity of neighbouring properties; Ecology impacts on site; Ecology impacts off site; Access and Highway matters; Flooding and drainage; Archaeology.

Principle and Policy Context

The site lies outside of the built-up area boundary for Exton and therefore occupies an open countryside location for the purposes of the adopted local plan.

Although the draft local plan has yet to be adopted, Exton is not identified as a sustainable settlement for future growth under emerging Strategy 27 and hence it is intended that it should not keep its boundary.

The future strategy of the Local Plan therefore envisages no new open market development at the village over the forthcoming plan period (unless justified as an 'Exceptions' site or through a Neighbourhood Plan). Whilst it is accepted that the Plan can only at this stage carry limited weight in the balance of consideration of the overall policy context for this scheme (as the wording to the Strategy has changed

and is currently out to consultation), it does nevertheless give a broad indication as to intended future policy and this weights against the proposal.

At the time of the most recent application for the construction of a dwelling it was considered that the Council could not demonstrate a five year supply of housing land and it was concluded that the site was fairly sustainable due to the services and facilities available at Woodbury and Lympstone, and more so in Exmouth and Exeter, and these would be available by the regular bus services along the A376. As such the previous applications were not refused on the basis of the sites inaccessible location.

However, the Council's Housing Monitoring update to 30th September 2014 details the LPA's current five year land supply position. The report shows that the Council can demonstrate 5.45 years of land supply even without taking account of emerging New Local Plan allocations that do not yet have planning permission or a resolution to grant. The 5.45 years of supply includes a 20% buffer for persistent under delivery.

The implications for the 5 year housing supply of land is that policies in the Adopted Local Plan that were previously considered to be out of date due to a lack of 5 year housing land supply now carry more weight when in accordance with the NPPF. At the time of the previous decision, the supply of housing land policies were considered to be out of date but this is no longer the case.

Policy S5 is therefore no longer out of date and considered to be material to the determination of this application. The policy defines land outside of the built up area Boundaries (BUAB's) shown on the Proposals Map as the countryside. The policy states that development within the countryside will only be permitted where other policies in the plan allow and where it would not harm the landscape, amenity and environmental qualities within which it is located.

The appeal site is outside of the BUAB for Exton as defined on the Proposals Map and therefore in the Countryside. There are no other Local Plan policies that would support housing development on the appeal site and the need for housing cannot be argued to outweigh any harm. As such this is considered to add weight to the unacceptability of the proposal within this countryside location.

Whilst the proposal would provide some limited economic and social benefit from the construction of the dwelling, it is considered that the economic and social dimension to sustainable development is partly undermined through the location of the site away from a range of services and facilities. In addition, it is considered that the environmental dimension is harmed by virtue of the location of the site within the countryside and Green Wedge (see below).

Green Wedge

The site is divorced from the current built-up area boundary and within the Local Green Wedge. Whilst there are 5 existing homes within the Avenues it is considered an additional dwelling would change the character of this grouping by infilling of space between the only dwelling to the south of the Avenue and the main road. This would go against the stated policy of Policy S6 (Development in Green Wedges) given that an additional dwelling in this location would add to the existing sporadic and isolated development of the 5 existing homes. Whilst it is not thought the proposal would lead to or encourage settlement coalescence given its location on the south side of the Avenues away from Exton itself, it would change the pattern of development that this policy seeks to protect.

The applicant has advised that they consider the purpose of the Green Wedge to protect the East bank of the Exe Estuary, and is not to protect one dwelling on a previously developed curtilage. This view seems to have been taken from the preamble to policy S6 (Development in Green Wedges) however this preamble only states areas that are considered necessary to protect "land adjoining the Exe Estuary west of the A376 north of Lympstone to the Royal Marines site and north of Exton to Marsh Barton" so it is not clear why the applicant considers it only relates to the East bank of the estuary.

Further, this policy is being carried forward in the New Local Plan and the preamble states, amongst other things, that the reasoning behind the condition is to protect landscape settings.

It is therefore considered that the Green Wedge designation does carry weight.

Whilst the design of the dwelling has been revised, it is not considered that this is sufficient to overcome the concerns regarding the impact of the development in terms of its addition to, and consolidation of the existing loose knit sporadic development in the vicinity of the site that is located within the countryside designated as a Green Wedge beyond the built-up limit of Exton. The site is still viewed as being both physically and visually separate and therefore poorly related, and would detract from the existing rural vernacular character of the Avenue.

Therefore an objection is still retained on the harm to the Green Wedge and this weighs against the proposal in terms of causing harm to the environmental dimension of sustainable development.

Neighbour Impact

With the exception of Orchard Cottage, it is considered that there would be a limited effect on the amenity of neighbouring properties. This is due to the position and distance relative to the existing homes. The proposal would face No 3 and whilst this neighbour has windows at ground and first floor levels on the facing elevation given the distance of greater than 20m, it is considered the proposal would not give rise to unacceptable overlooking. Nor given the distance, is it considered it would be sufficiently overbearing to warrant an objection or lead to a loss of light (as opposed to direct sunlight).

In terms of Orchard Cottage, there would be a first floor blank wall presented to the rear of the cottage, and the projection and rear window in the main part of Orchard cottage (as opposed to within the projection). Whilst the amended plans move the dwelling 1m to the east, it is not considered that concerns about the overbearing nature of the development and loss of outlook at least from the rear ground floor window (acknowledging that the said window may not provide the main light into the room which it serves) have been adequately addressed.

Whilst permitted development rights could be removed for windows in the south west facing gable of the proposal, the amended scheme still positions a gable wall 6.5m high within 1.5m of the boundary with Orchard Cottage. It is therefore considered this would amount to an unacceptable degree of harm to the amenity of the occupiers of the cottage, including the garden area to the rear and an objection is raised on grounds of loss of amenity.

Ecology impacts off site

The Unilateral Undertaking submitted with the application includes a contribution to the Pebblebed Heaths since at the time of submission there was no formal process adopted. However the applicant has latterly advised that they would agree to the joint contribution of £749 for both the Exe Estuary and Pebblebed Heaths.

Access and Highway matters

Whilst objections have been received from the Parish Council and neighbours on the highway aspects of the proposal, County Highways have stated that the application falls under standing advice. However given the history and concerns related to this issue it has been discussed with the highway authority. It is considered that there is sufficient room to access, park and turn a vehicle adequately. If approval were forthcoming, a condition would enable the parking area to be brought forward and made available prior to the first use and to remain for the dwelling.

In terms of the access from the Avenue out on to the A376, County Highways have acknowledged that whilst visibility is affected by overhanging branches, technically the parameters of the splay meet the minimum standards for 'Manual for Streets'. They go on to say that the Avenue itself is restricted in width and with a lack of passing spaces.

In summary, mindful of the previous appeals where there were similar circumstances for an application for one dwelling, they have not raised an objection, given that that proposal, whilst dismissed for other reasons, did not turn on the concerns relating to the access on to the A376. Therefore, County Highways have advised that any approval should be conditional on the provision of splays on to the A376.

Whilst a neighbour has commented on the lack of information for journeys for vehicles emptying the proposed cesspool, unlike the arrangements for the MoD which seem quite frequent, this would be of a domestic scale. No objection has been received from County Highways on the level of traffic attracted to the site and therefore an objection is not raised.

Flooding and drainage

Whilst concerns have been raised by neighbours both on the flooding potential and drainage arrangements for the dwelling, no comments have been received from South West Water on the proposals; the Environment Agency, whilst not objecting, have advised that the developer should contact them for advice on non mains drainage. The applicant proposes foul drainage by means of a cesspool given that the nearest mains is 100m distant.

The previous application was refused, with one of the grounds being that there was inadequate information that the drainage proposals would not affect neighbouring properties; however that scheme was for a package treatment plan. This application proposes a cesspool which is a sealed unit with no soakaway. The foul drainage assessment advises that the proposals meet all elements of the standing advice, and therefore in this case, it is not considered that a specific objection be raised on the drainage arrangements.

Whilst the concerns of neighbours are of course understood in this regard, presumably other dwellings within the Avenue have similar arrangements. The drainage of the site remains essentially a matter for Building Regulations, which have to be met and satisfactory arrangements put in place with the Environment Agency in order that a dwelling may be occupied. (The matter of trips for emptying the cesspool are dealt with under the section covering Highways and Access).

In terms of the flood zone, the site is located in Flood Zone 1 and therefore there is no specific objection in terms of the position of the proposed dwelling. In principle this is considered acceptable and whilst objections have been received there is no technical or sequential reason for the proposal to be resisted, or objection from the Environment Agency.

Archaeology

The County Archaeologist advised that given the potential for uncovering evidence of archaeological remains that a condition should be attached to any approval.

Setting and character of Listed Buildings

It was previously considered with the original submission that the position of the new dwelling would be dominant, given the distance of 2m to Orchard Cottage. However the footprint has now moved further to the east and given this change as well as the amendments to the appearance, the previous concerns have been met. Therefore, it is considered the setting of Orchard Cottage as a Listed Building would not be harmed. There are also concerns relating to the provision a 2m fence between the site and Orchard Cottage, but this could be controlled by means of condition.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposal would constitute an unacceptable addition to, and consolidation of the existing loose knit sporadic development in the vicinity of the site that is located within the countryside designated as a Green Wedge beyond the built-up limit of Exton. The site is both physically and visually separate and therefore poorly related, and would detract from the existing rural vernacular character of the Avenue. As a consequence, the adverse impacts significantly and demonstrably outweigh the benefits and the proposed development would be contrary to the provisions of Policies S5 (Countryside Protection), S6 (Development in Green Wedges) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 1995-2011 and Strategy 8 (Development in Green Wedges) and Policy D1 (Design and Local Distinctiveness) of the New East Devon Local Plan 2006 to 26 Proposed Submission (Publication) November 2012 and the NPPF.

2. The proposal by reason of the proximity and height of the south west gable would result in an overbearing impact and loss of outlook for the neighbouring property to the west, Orchard Cottage, and its private garden area, resulting in a detrimental impact upon and loss of amenity enjoyed by the occupiers of the property. As a consequence, the proposal would be contrary to the provisions of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 1995-2011 and Policy D1 (Design and Local Distinctiveness) of the Draft New East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

ECOLOGICAL IMPACT ASSESSMENT	Protected Species Report	28.01.15
T1	Location Plan	28.01.15
S1	Existing Site Plan	28.01.15
	Flood Risk Assessment	28.01.15
P1	Proposed Site Plan	28.01.15
P2	Proposed Floor Plans	28.01.15

P3	Proposed Elevation	28.01.15
P4	Proposed Elevation	28.01.15
P5	Street Scene	28.01.15
P6	Street Scene	28.01.15
P7	Combined Plans	28.01.15
P7 A	Combined Plans	28.01.15

List of Background Papers

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