

Agenda for Development Management Committee

Tuesday, 8 September 2015; 12pm



[Members of the Committee](#)

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

[View directions](#)

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01395 517542, Issued 27 August 2015

East Devon District Council

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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

(<http://new.eastdevon.gov.uk/council-and-democracy/committees-and-meetings/development-management-committee/agendas>). Applications with registered speakers will be taken first.

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Tuesday 1 September up until 12 noon on Friday 4 September 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 Minutes of the Development Management Committee meeting held on 4 August 2015 (page 4 - 12)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#)
- 5 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.

6 **Application for determination following site visit**

15/0909/OUT (Minor) (page 13 - 22)

Seaton

Land at rear of Chesnuut House, Bunts Lane, Seaton

This application was deferred for a site inspection on 4 August 2015 – the Committee will have carried out a site visit in advance of the meeting.

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

The items below not be considered before 1.30pm

- 7 **Planning appeal statistics** (page 23 - 29)
Development Manager
- 8 **Implications of changes to Government guidance on infrastructure contributions through planning obligations** (page 30 - 33)
Development Manager
- 9 **Local Plan and Five Year Housing Land Supply update** (To follow)
Development Manager
- 10 **Applications for determination - please note that the order in which applications will be taken is subject to change** - see the front of the agenda for when the revised order will be published.

14/2635/FUL (Minor) (page 34 - 44)

Axminster Town

19 St Georges, Chard Street, Axminster EX13 5DL

15/1781/FUL (Minor) (page 45 - 49)

Exmouth Withycombe Raleigh

31 Moorfield Road, Exmouth EX8 3QN

15/0923/OUT (Minor) (page 50 - 63)

Ottery St Mary Rural

West Hayes, West Hill Road, West Hill EX11 1UZ

15/1195/MOUT (Major) (page 64 - 86)

Seaton

Land off Barnards, Hill Lane, Seaton

15/1381/FUL (Minor) (page 87 - 103)

Seaton

Seaton Tramway, Harbour Road, Seaton

15/1393/FUL (Minor) (page 104 - 122)

Seaton

Pendeen, Castle Hill, Seaton EX12 2QP

15/0192/FUL (Minor) (page 123 - 131)

Sidmouth Rural

Stratton Lodge, Sidcliffe, Sidmouth EX10 9QA

15/1560/FUL (Minor) (page 132 - 138)

Sidmouth Town

Connaught Gardens, Peak Hill Road, Sidmouth

15/0643/MFUL (Major) (page 139 - 159)

Whimple

Land off Brickyard Road, Exeter Road, Whimple

Please note:

Planning application details, including plans and representations received, can be viewed in full on the Council's [website](#).

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](#)

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EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 4 August 2015

Attendance list at end of document

The meeting started at 10.30am and ended at 3.53pm (the Committee adjourned for lunch at 12.35 and reconvened at 2pm).

***23 Minutes**

The minutes of the Development Management Committee meeting held on 14 July 2015 were confirmed and signed as a true record.

***24 Declarations of interest**

Cllr David Barratt; 15/1354/CPL, 15/1506/FUL, 15/1420/FUL; Personal interest; Sidmouth Town Councillor.

Cllr Matt Coppel; 15/0642/MRES; Personal interest; Newton Poppleford & Harpford Parish Councillor.

Cllr Peter Burrows; 15/0909/OUT; Personal interest; Seaton Town Councillor.

Cllr Chris Pepper; 15/0049/V106 & 15/1565/V106; Personal interest; Broadclyst Parish Councillor.

Cllr Chris Pepper; 15/0049/V106; Personal interest; Director and Governor of Broadclyst Community Primary School.

Cllr Matt Coppel; 15/0642/MRES; Personal interest; Newton Poppleford & Harpford Parish Councillor.

Cllr Paul Carter; 15/0655/MFUL; Pecuniary interest (left the Chamber during discussion and did not vote); Employed by the Donkey Sanctuary.

Cllr Paul Carter; 15/0049/V106; Personal interest; Applicant had previously served on Ottery St Mary Town Council at the same time as the Councillor.

Cllr Mike Howe; 15/0793/OUT; Personal interest; Bishops Clyst Parish Councillor and applicant was known to the Councillor.

Cllr Matt Coppel declared that he felt he was predetermined in respect of application 15/0642/MRES and would abstain from the vote on the application.

***25 Urgent item - High Court decision on changes to the National Planning Practice Guidance**

With the Chairman's agreement, the Development Manager updated the Committee on a recent High Court decision in relation to changes to the National Planning Practice Guidance (NPPG). In December 2014, the Committee had considered a report on Government's changes to the NPPG which had taken away the right to secure tariff style contributions below set thresholds and replacing on-site affordable housing provision with contributions for developments between 6 and 10 units in designated rural area. In light of the recent high court decision the changes to the NPPG have been quashed with the relevant paragraphs in the NPPG to be removed. Agreement was now sought to revert back to the previous policy position in respect of affordable housing in terms of securing on-site provision. The Committee was advised that further work was required with regard to re-introducing the collection of open space contributions given implications from the Community infrastructure Levy and the pooling of contributions. A report detailing the implications and options to be presented to the next Committee meeting

RESOLVED:

1. that, in light of the recent High Court decision on changes to the National Planning Practice Guidance, the Council revert back to its previous policy position of securing on-site affordable housing on sites between 6-10 units in rural areas, in place of the off-site contributions, and back to the thresholds set out in Policy H4 for Affordable Housing (5 and 10 dwellings depending upon location);
2. that a further report detailing the Council's position on open space contributions, in light of the recent High Court decision on changes to the National Planning Practice Guidance, be presented at the next Committee meeting.

***26 Planning appeal statistics**

The Committee received and noted the Development Manager's report setting out appeals recently lodged and four appeal decisions notified, of which three had been dismissed.

The Development Manager drew Members' attention to the appeal allowed at land south of Ballard Down, Smallridge, Axminster for two dwellings - sustainability reasons for refusal had been overruled. In his decision notice, the Inspector had taken the view that the Council did have a five year housing land supply as this had not been challenged by the appellant. The Committee was advised that this view was not consistent with other recent appeal decisions, which had concluded that full weight could not currently be given to the Council having a five year housing land supply until the Local Plan Inspector is satisfied with the housing figures proposed in the New Local Plan.

***27 Applications for Planning Permission and matters for determination**

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 5 – 2015/2016.

Attendance list

Present:

Committee Members

Councillors:

David Key (Chairman)

Mike Howe (Vice Chairman)

Mike Allen

David Barratt

Susie Bond

Colin Brown

Peter Burrows

Paul Carter

Matt Coppel

Alan Dent

Steve Gazzard

Alison Greenhalgh

Simon Grundy

Ben Ingham

Chris Pepper

Mark Williamson

Officers

Henry Gordon Lennox, Strategic Lead – Legal, Licensing and Democratic Services
Chris Rose, Development Manager
Shirley Shaw, Planning Barrister
Hannah Whitfield, Democratic Services Officer

Also present

Councillors:

Graham Godbeer
Dean Barrow
Val Ranger
Philip Skinner
Phil Twiss

Apologies:

Committee Members

Councillors:

Steve Gazzard
Alison Greenhalgh

Non-Committee Members

Councillor Andrew Moulding

Chairman Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Tuesday 4 August 2015; Schedule number 5 – 2015/2016

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:
<http://eastdevon.gov.uk/media/1230837/040815-combined-dmc-agenda-compressed.pdf>

Newton Poppleford
and Harpford
(NEWTON
POPPLEFORD AND
HARPFORD)

15/0642/MRES

Applicant: Cavanna Homes (Devon) Ltd And Pencleave 2 - Mr Ed Brown

Location: Land South Of King Alfred Way Newton Poppleford

Proposal: Construction of 40 dwellings (including 16 affordable), doctors' surgery and associated works (approval of details reserved by outline planning permission 13/0316/MOUT).

RESOLVED: REFUSED (contrary to officer recommendation) with delegated authority given to the Development Manager to draft reasons for refusal.

The Committee did not feel that the affordable housing provision reflected the needs, as identified in the Housing Needs Survey, of the community. Concern was raised about the layout of the affordable housing provision as it was considered that this should have been dispersed through the development rather than clustered in one area. The Committee did not feel that the landscaping, particularly in relation to the centre of the site and lack of tree planting, adequately softened the visual impact of the development and this would subsequently harm the visual amenity of the area and have a detrimental impact on the AONB.

Coly Valley
(FARWAY)

15/0655/MFUL

Applicant: Mr Steve Walkden

Location: Brookfield Farm Offwell

Proposal: Construction of veterinary hospital and donkey reception unit.

RESOLVED: APPROVED with conditions as per recommendation

Broadclyst
(BROADCLYST) 15/0049/V106

Applicant: A E Stuart & Sons

Location: Old Park Farm One Pinn Hill

Proposal: Variation of the Section 106 agreement accompanying the Old Park Farm planning permission 10/0641/MOUT

RESOLVED: that the Section 106 agreement be accepted as per recommendation subject to the final wording being delegated to the Development Manager in consultation with the Planning Barrister.

Broadclyst
(BROADCLYST) 15/1565/V106

Applicant: Eagle Homes Ltd

Location: Land At Tithebarn Lane

Proposal: Variation to the Section 106 Agreement accompanying the Tithebarn Green planning permission 12/1291/MOUT to modify the affordable housing obligations.

RESOLVED: that the Section 106 agreement be accepted as per recommendation subject to the final wording being delegated to the Development Manager in consultation with the Planning Barrister.

Coly Valley
(COLYTON) 15/1310/FUL

Applicant: Mr James Knight

Location: Land Adjoining Rear Of 53 Govers Meadow

Proposal: Erection of stable and hay store

RESOLVED: APPROVED with conditions as per recommendation

Sidmouth Sidford
(SIDMOUTH)

15/1354/CPL

Applicant: East Devon District Council

Location: 13 Lymebourne Park Sidmouth

Proposal: Certificate of lawfulness for alterations and improvements to existing rear single storey tenement.

RESOLVED: APPROVED as per recommendation

Sidmouth Sidford
(SIDMOUTH)

15/1506/FUL

Applicant: Mrs Ruth Alam

Location: 37 Sampson Close Sidmouth

Proposal: Re-location of existing shed to driveway.

RESOLVED: APPROVED with conditions as per recommendation

Sidmouth Town
(SIDMOUTH)

15/1420/FUL

Applicant: Miss Rebecca Heal

Location: 33 Higher Woolbrook Park Sidmouth

Proposal: Erection of 2 no. wooden gates, brick wall and post & wire fence.

RESOLVED: APPROVED with conditions as per recommendation

Woodbury and
Lympstone
(LYMPSTONE)

15/1366/FUL

Applicant: Mr Jonathan Burns (East Devon District Council)

Location: Churchill Court Lympstone

Proposal: Retention of two bin stores

RESOLVED: APPROVED with conditions as per recommendation

Tale Vale
(BROADHEMBURY)

15/0014/FUL

Applicant: Mr And Miss M Cottrell

Location: James Barn Kerswell

Proposal: Construction of agricultural dwelling and garage.

RESOLVED: REFUSED as per recommendation

Clyst Valley
(CLYST ST MARY)

15/0793/OUT

Applicant: Ms C Fairburn & Mr A Fowler

Location: Land At 1 The Barn Church Lane

Proposal: Outline application (discharging means of access only) for the construction of a new dwelling and associated garage

RESOLVED: APPROVED with conditions as per recommendation

Dunkeswell
(COMBE RALEIGH)

15/0488/FUL

Applicant: Mr & Mrs Lazarus

Location: Combe Hill Combe Raleigh

Proposal: Installation of 40kw ground mounted solar p.v. array and associated infrastructure.

Withdrawn by the applicant prior to the Committee meeting.

Dunkeswell
(DUNKESWELL)

15/0844/FUL

Applicant: Mr Ross Juniper

Location: Unit 10 Flightway, Dunkeswell Business Park, Dunkeswell

Proposal: Conversion of part of existing workshop to living accommodation to form a live/work unit, including insertion of windows and doors in side and rear elevations and construction of a balcony/car port on rear elevation.

RESOLVED: APPROVED (contrary to officer recommendation) with delegated authority given to the Development Manager, in consultation with the Ward Member, to impose appropriate conditions.

The Committee concluded that given that there were already a number of existing live/work units on the estate there would be no harm generated from the proposed unit. The loss of employment space was not felt to be a concern, due to the number of vacant units on the Business Park. Reference was also made to the benefits of the proposal to the applicant's business, such as reduced travel and security.

Honiton St Pauls
(HONITON)

15/1253/FUL & 15/1254/LBC

Applicant: Mr R Harris

Location: The Honiton Dairy 60 High Street

Proposal: Proposed entrance door and internal alterations to first floor access to flat.

RESOLVED: 15/1253/FUL - REFUSED as per recommendation
15/1254/LBC - REFUSED as per recommendation

Seaton
(SEATON) 15/0909/OUT

Applicant: Mrs L M & C L Sweetland & Pinnock

Location: Land At Rear Of Chestnut House Bunts Lane

Proposal: Outline application for proposed dwelling (all matters reserved except for access)

RESOLVED: INSPECT

Reason: To consider the proposed access arrangements. The Committee requested the Devon County Highways be in attendance.

Honiton St Michaels
(HONITON) 15/0786/FUL

Applicant: Mr J Singleton - Wales & West Utilities

Location: Land At Millhead Road Honiton

Proposal: Installation of a gas governor

RESOLVED: REFUSED (contrary to officer recommendation) with delegated authority given to the Development Manager to draft reasons for refusal.

The Committee concluded that the application failed to provide adequate justification for the need to relocate the facility to the site and therefore the harm to the visual appearance of the area and loss of open space was not outweighed by the benefits.

Ward Seaton

Reference 15/0909/OUT

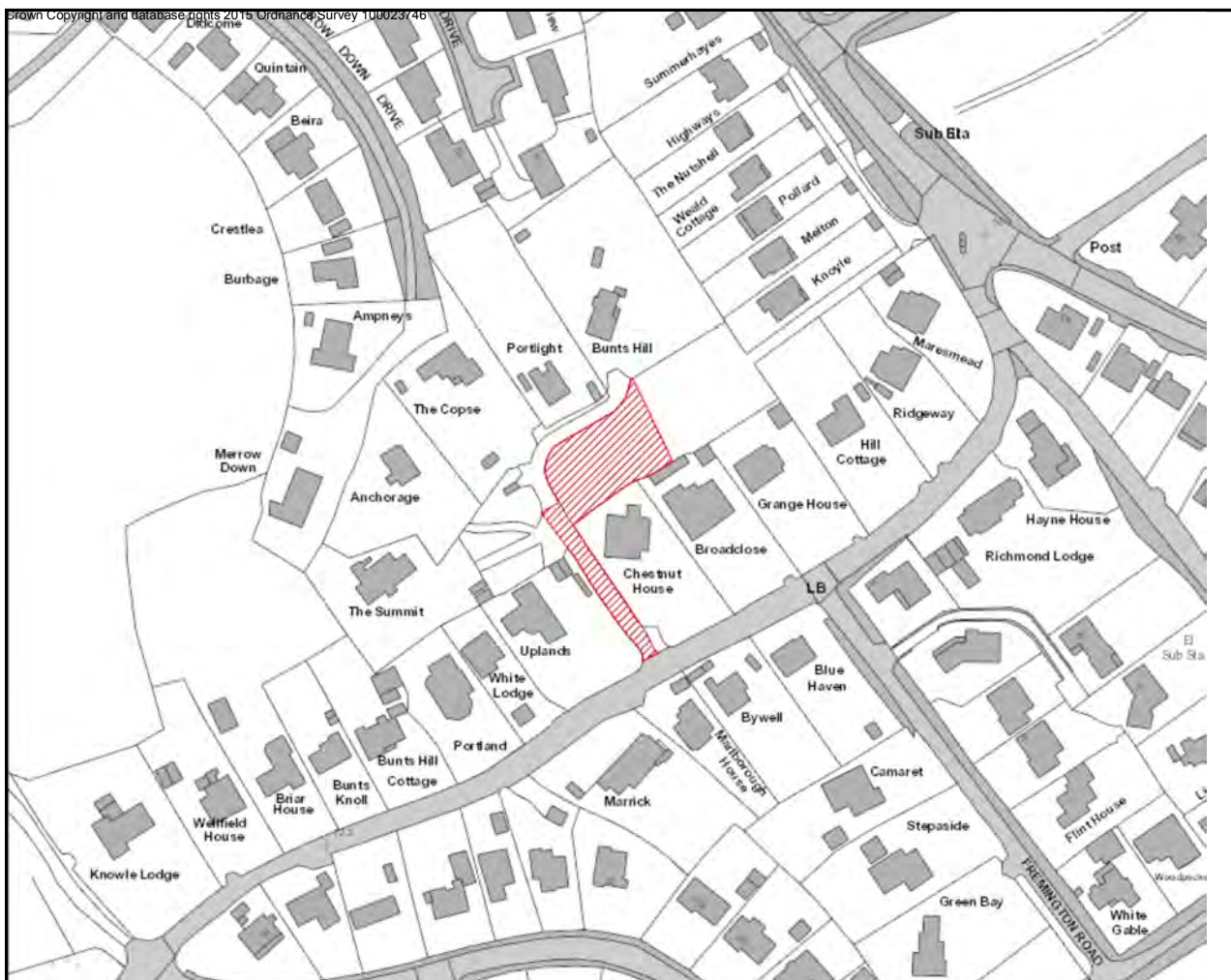
Applicant Mrs L M & C L Sweetland & Pinnock

Location Land At Rear Of Chestnut House
Bunts Lane Seaton

Proposal Outline application for proposed dwelling (all matters reserved except for access)



RECOMMENDATION: Refusal



		Committee Date: 4 August 2015
Seaton (SEATON)	15/0909/OUT	Target Date: 15.06.2015
Applicant:	Mrs L M & C L Sweetland & Pinnock	
Location:	Land At Rear Of Chestnut House Bunts Lane	
Proposal:	Outline application for proposed dwelling (all matters reserved except for access)	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

The proposal seeks outline permission for the development of the site with all matters, save access, reserved. There is an extant permission for a dwelling on the site (12/0966/OUT) but where access remained a reserved matter despite consideration. At the time of the earlier application various access options were put forward and it is understood that the Planning Inspections Committee, which determined the application, indicated, against officer recommendation, a preference for access from Bunts Lane. In the event, however, the decision issued did not prevent access from Bunts Lane, however, neither did it specifically approve access from any of the options. Whilst recognising that the decision issued did not specifically require the submission of any further access details the application was outline with all matters reserved and therefore details of access remained to be considered under a later reserved matters application.

The site area is reduced from that on the previous application, where the land to the northeast and potential access to Seaton Down Hill was included. Although the area indicated for the dwelling is as previously indicated and the site size is considered to be acceptable in relation to the surrounding pattern of development, the exclusion of the land to the northeast and potential access to Seaton Down Hill reduces the access options to Bunts Lane only. The highways authority has considered the application and has, consistent with their response on earlier applications, recommended the refusal of the application on highway safety grounds. In other respects the application is considered to be acceptable and remains as approved under application 12/0966/OUT which remains extant.

Whilst recognising the extant permission that exists for the development of the site, that permission related to a larger site area and included the potential for alternative site access. The current application with the removal of the alternative access options would result in the development having to be served by an access with inadequate visibility and is therefore recommended for refusal on highway safety grounds.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Town Council objects to this application on highways grounds as there is inadequate access, with poor access onto a busy road.

Technical Consultations

Devon County Archaeologist

I refer to the above application. The consent granted for the earlier planning application for the development of this site was conditional upon a programme of archaeological work (condition 2) being undertaken in mitigation for the impact of the development upon site putative site of a Roman fort that occupies this area.

The Historic Environment Team would therefore advise that any consent granted for this new planning application should also be subject to the same worded archaeological condition.

I would envisage a suitable programme of work as taking the form of the archaeological supervision and control of all topsoil stripping and ground reduction to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. I can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

County Highway Authority

The LPA will be aware that the CHA has been consulted on previous applications for this site and also believes that there was an appeal decision concerning access to the site, although this information does not appear to be supplied within this application.

The proposed access via the private drive off Bunts Lane is substandard in visibility at its junction with Bunts Lane, this is despite the existing dwellings that this private lane already serves. The NPPF Paragraph 32 makes it clear that:- '...decisions should take account of whether: ... safe and suitable access to the site can be achieved for all people'. For the CHA to endorse the use of a substandard access, especially in the light of a previous appeal inspector's view preferring an alternative access via Marl pits Lane and Seaton Down Hill, even though this alternative access is not being put forward in this application, would be wrong and inconsistent. Therefore unfortunately, the CHA recommends that this application is refused on highway safety reasons.

Recommendation:

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

1. The proposed development would be likely to result in an access which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 32 of the National Planning Policy Framework.

Other Representations

5 letters of objection have been received, these raise the following concerns:

- Contrary to restrictive covenant/ Access rights exist to the land
- Impact on wildlife
- Below ground services would be affected
- Access concerns relating to use of existing driveway onto Bunts Lane and the status of the existing approval
- Concerns over inaccuracies in the application itself relating to: presence of trees or hedges on the site; wildlife on the site; pedestrian and vehicular access across the plot to adjoining properties; the existing use of the site.

PLANNING HISTORY

Reference	Description	Decision	Date
07/2444/OUT	Proposed new dwelling	Refusal	17.10.2007
11/2625/OUT	Construction of new dwelling (appearance, landscaping and layout reserved)	Refusal	27.02.2012
12/0966/OUT	Construction of dwelling (all matters reserved)	Approval with conditions	10.09.2012

POLICIES

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

Strategy 6 (Development within Built-up Area Boundaries)

TC7 (Adequacy of Road Network and Site Access)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

S4 (Development Within Built-up Area Boundaries)

TA7 (Adequacy of Road Network and Site Access)

SITE LOCATION AND DESCRIPTION

The application site lies to the rear of properties fronting the north side of Bunts Lane and relates to a small paddock sandwiched between Bunts Lane properties and others to the north. The site and the neighbouring properties to the north and west are served by a shared private access drive off Bunts Lane which runs to the southwest side of Chestnut House. The land on the site slopes down from west to east with a slight cross slope from north to south. The paddock does not appear to have been used or cultivated for some time and is largely overgrown with bramble and undergrowth across the site.

The application site relates to the south-western half of the paddock but a finger of land is edged in blue running across the north-eastern half of the paddock and which extends down a narrow grassed track between properties to access a private drive serving properties to the southwest side of Seaton Down Hill.

The surrounding area is residential in character with generally detached properties set in plots of varying size (those to the immediate north and west tending to be larger) and displaying a variety of design and form. The site is located to the northwest of the town centre within the town's built-up area boundary.

PROPOSED DEVELOPMENT

Outline planning permission for a single dwelling is sought with all matters (except access) reserved for later consideration.

BACKGROUND

There have been three previous applications submitted for the construction of a dwelling at this site. An application submitted in 2007 (07/2444/OUT) sought permission for the same development on a slightly larger site but with access/egress proposed entirely from Bunts Lane. The application was submitted in outline form with all matters reserved. At the time the application was the subject of local objection largely related to the principle of the development of the land, impact on residential amenity and the additional traffic associated with access to it.

The application was refused by the Local Planning Authority on the grounds of highway safety relating to the increased use of the private access onto Bunts Lane where there was insufficient visibility and as it was not considered that it had been sufficiently demonstrated that the proposal would not have an amenity impact, through overlooking of surrounding properties.

The application was taken to appeal but the appeal inspector dismissed the appeal only on the highway safety grounds, considering that, "...the proposed development would result in satisfactory living conditions for its occupiers and for adjacent residents in terms of overlooking and privacy"

In 2011 a further application was submitted (11/2625/OUT refers). Again this application sought the construction of a new dwelling. This application was also refused. The application proposed traffic would use Bunts Lane from the private drive and as a result the proposal was considered to result in additional highway danger. The 2011 application 11/2625/OUT proposed a one way system of traffic that would prevent traffic leaving the site via Bunts Lane, however, it was not considered that such a system could be adequately conditioned to ensure its continued maintenance and operation indefinitely or to prevent the creation of alternative accesses onto the private lane and from there onto Bunts Lane.

Most recently in 2012 an application for the development of the site was approved (12/0966/OUT). That application granted outline permission for the construction of one dwelling, with all matters reserved including access (see note below regarding decision notice). At the time of the application and although access was a reserved matter 3 options were put forward by the applicant.

Option 1 - access arrangement as per application 07/2444/OUT (outlined above).

Option 2 - access arrangements as per application 11/2625/OUT (outlined above) for a one way system of access and egress arrangement controlled by a mechanical system via Bunts Lane and Seaton Down Hill, respectively.

Option 3 - The use of an approach from Seaton Down Hill with access and egress indicated by means of a private drive off of Marl pits Lane / Seaton Down Hill. The access would be situated to the south and side of the property known as Knoyle, and to the rear and north of Maresmead, Ridgeway and Hill Cottage.

The application was deferred by Development Management Committee to Planning Inspections Committee who visited the site and debated the proposals and various options.

It is understood that the outcome of the Committee's decision was that they favoured option 1 over the other proposals. Although there is no formal record of this, anecdotal evidence suggests this to be the case. In addition, it was clear that the report to committee recommended a condition be imposed stating:

"The means of vehicular access to and from the site shall be from Marlpit Lane only, there shall be no means of vehicular access to Bunts Lane and the site shall not be occupied until a permanent physical barrier along the north and western boundaries has been constructed. The barrier shall be constructed in accordance with details which shall have be submitted to and approved in writing by the Local Planning Authority and following consultation with the County Highway Authority. The barrier shall be installed and maintained in perpetuity around the entire north and western boundary of the site to prevent unauthorised access to Bunts Lane.

Reason - In the interests of highway safety and in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan. "

In the event the decision notice did not contain this condition which would indicate it was not agreed by committee and would support the view that they favoured option 1. Furthermore, the decision notice issued, as well as not stating the reserved matters to be submitted, did not specifically prevent any of the proposed access options nor did it require access to be taken from any particular point. This strongly indicates an acceptable of the access off Bunts Lane.

However, it is also the case that the application being considered was outline with all matters reserved and therefore approval was not and could not have been specifically approved at that time for access details. This being the case the permission granted would appear not to discount any of the options from future consideration but neither did it specifically approve any option.

ANALYSIS

The application is brought before committee at the Chairman of the committee's request given the history of the site.

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

- Highway Safety

The principle of the proposed development, Impact on the character and appearance of the area and impact on residential amenity were addressed in the determination of the previous application and previous appeal decision and considered to be acceptable.

THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

The site lies within the built-up area boundary of the town and within an established residential area. The site area, whilst slightly smaller than others in the vicinity, is considered to be acceptable and the site lies within easy reach of the town centre and the facilities available therein.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

The layout and external appearance of any dwelling are reserved for future consideration should the current application be approved. The proposal would clearly result in the loss of the open character of the site at present and whilst this may have been enjoyed by neighbours for a number of years it is not designated as public open space nor is it readily visible from or accessible by the general public and as such there is no planning reason to oppose the principle of its development.

HIGHWAY SAFETY

Local residents including those that utilise the proposed drive onto Bunts Lane have raised concerns regarding the use of this proposed access and the visibility from it.

The previous application proposed 3 Options for access, as outlined above. Of the options proposed at the time option 3 was favoured by officers and the highways authority and was the recommendation put forward in the report to committee. The applicant's agent has suggested that during consideration of the application it was actually option 1 which member's decided to support in approving the application. This has been queried by local residents and indeed there is no formal recognition of this decision in terms of a condition on the outline planning permission, it is also not referenced in the official minutes from the meeting.

Nevertheless, the agent has produced a note of the meeting from their own highways consultant who attended the meeting and which suggests members considered option 1 (access/egress via Bunts Lane to be the most appropriate), the committee clerk's own handwritten notes from the time also appears to support this view and it is also the case that the condition in the officer report to committee and designed to prevent access being taken from Bunts Lane was not included in the final decision notice, presumably having been removed at members behest and therefore allowing either of the proposed access options to be brought forward.

At the time of the earlier application the Highways authority made the following comments:

"With respect to the first two options, I am afraid I do not agree that the NPPF changes the situation at all. Paragraph 32 makes it quite clear that:-

'....decisions should take account of whether:safe and suitable access to the site can be achieved for all people'

In light of the previous appeal decision it would be wrong for the highway authority to take a different view to the previous Inspector when considering that appeal as, in effect, that consideration was taken into account at that time."

In relation to the current application the highways authority has effectively reiterated its previous comments.

Whilst recognising the unrecorded views of members on the earlier application appear to indicate acceptance of the access from Bunts Lane, this is not clear in the form decision paper work and is not reflected in the comments from third parties on this application. In addition, matters of access were not determined under the earlier scheme and would remain to be considered under any future reserved matters application. This being the case and given that there have been no material changes in circumstances that might, for example, have improved the visibility afforded at the Bunts Lane access, it is considered that there is no reason to change officer view on the appropriateness of this access to serve an additional dwelling. The application is therefore recommended for refusal on the grounds of highway safety in accordance with the previous appeal decision and County highway Authority comments.

AMENITY

This matter was considered fully at the time of the earlier application and in this respect the issues remain the same in so far as the indicative site plan indicates a dwelling in the same position/orientation as previously. However for completeness the previous considerations are repeated below with additional commentary as necessary.

"The position of the site is such that any dwelling would be located in the space between Portlight to the north and Chestnut House to the south. The sloping nature of the surrounding land meaning that Portlight would be at a slightly higher level and Chestnut House slightly lower. It is these two properties together with Broadclose, to the east of Chestnut House, that have the potential to be most affected. However, if as envisaged by the previous appeal inspector first floor windows were to be restricted to the southwest and northeast elevations any direct overlooking could be prevented. If any dwelling were to be further restricted to 1 1/2 storey form, as shown on the illustrative elevation submitted, this would reduce any overbearing impact by keeping the height of the building down. The respective distances between the side elevations of the proposed dwelling and these neighbours is also considered to be within acceptable parameters for separation distance."

The previous application went on to consider the potential impacts resulting from the access option to Seaton Down Hill, as this does not form part of the current proposals these are not repeated.

OTHER ISSUES

- Contrary to restrictive covenant/ Access rights exist to the land - These are private legal matters unrelated to the consideration of the planning application, as confirmed by the Planning Inspector at the previous appeal.
- Impact on wildlife - No evidence has been brought forward to demonstrate that the site is being used by any particular protected or other species and there are no particular features on the site which would suggest such use. Developers of the site would in any case be bound by the requirements of the Wildlife and Countryside Act in relation to the protection of wildlife.
- Below ground services would be affected - Any below ground services that cross the site and which may require diversion would be dealt with separately by the appropriate utilities companies and/or building regulations.

RECOMMENDATION

REFUSE for the following reason:

1. The proposed development would be likely to result in an access which does not provide adequate visibility from and of emerging vehicles, resulting in additional danger to all users, contrary to advise set out in paragraph 32 of the National Planning Policy Framework and policy TA7 (Adequacy of Road

Network and Site Access) of the East Devon Local Plan and policy TC7 (Adequacy of Road Network and Site Access) 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:

TW15/46/1A	Proposed Plans	Combined	28.04.15
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List of Background Papers

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

East Devon District Council List of Planning Appeals Lodged

Ref: 14/2282/OUT **Date Received** 14.07.2015
Appellant: Mr Andrew Clemens
Appeal Site: Land At Badgers Bend Lower Broad Oak Road West Hill
Ottery St Mary EX11 1UD
Proposal: Construction of two dwellings and formation of new vehicular
accesses (outline application discharging means of access
only and reserving details of layout, scale, appearance and
landscaping)
Planning APP/U1105/W/15/3035940
Inspectorate
Ref:

Ref: 15/0371/MOUT **Date Received** 17.07.2015
Appellant: Waddeton Park Ltd
Appeal Site: Land South Of London Road Rockbeare
Proposal: Outline application (all matters except access reserved) for
demolition of existing agricultural buildings and development
of up to 250 dwellings, a local centre providing commercial
floorspace of up to 600 sqm (use classes A1,A3,A4 & B1),
community building/cafe (use class D1 & A3), public open
space/green infrastructure and associated works.
Planning APP/U1105/W/15/3130281
Inspectorate
Ref:

Ref: 15/0269/OUT **Date Received** 23.07.2015
Appellant: Mrs A Gould
Appeal Site: Land South Of Yaffles Coly Road Colyton
Proposal: Outline application (all matters reserved) for up to 5 no.
dwellings, formation of site access and estate roads, footway
and parking provision
Planning
Inspectorate
Ref:

Ref: 14/2304/V106 **Date Received** 28.07.2015
Appellant: Chesters Commercial (Mr N L Jones)
Appeal Site: Land At Dukes Way Axminster
Proposal: Variation of requirement for affordable housing in Section 106 agreements in pursuant to applications 09/1459/MFUL, 09/2350/MFUL and 11/0143/MFUL
Planning Inspectorate Ref: APP/U1105/S/15/3129438

Ref: 14/1821/MOUT **Date Received** 03.08.2015
Appellant: Greendale Investments Ltd
Appeal Site: Land At Sages Lea Woodbury Salterton
Proposal: Outline application (discharging means of access only) for the construction of up to 60 dwellings and a single retail unit
Planning Inspectorate Ref: APP/U1105/W/15/3131666

Ref: 14/2932/FUL **Date Received** 04.08.2015
Appellant: Mr C Roberts
Appeal Site: Mayfield 3 West Hill Lane Budleigh Salterton EX9 6AA
Proposal: Construction of 1no dwelling
Planning Inspectorate Ref:

Ref: 15/0510/OUT **Date Received** 07.08.2015
Appellant: Mr & Mrs C Bayliss
Appeal Site: Land Adjacent To Mill Down Bishops Court Road Clyst St Mary Exeter EX5 1DG
Proposal: Outline application for 3 dwellings. All matters reserved apart from access
Planning Inspectorate Ref: APP/U1105/W/15/3132112

Ref: 14/2987/FUL **Date Received** 17.08.2015
Appellant: Mr Graham Murphy
Appeal Site: Beechcroft House Toadpit Lane West Hill Ottery St Mary
EX11 1LQ
Proposal: Construction of dwelling
Planning APP/U1105/W/15/3035869
Inspectorate
Ref:

East Devon District Council

List of Planning Appeals Decided

Ref:	14/2336/FUL	Appeal Ref:	15/00006/REF
Appellant:	Mr & Mrs T Dyer		
Appeal Site:	Land To The South Of Ballard Down Smallridge Axminster EX13 7LY		
Proposal:	Creation of 2 no. dwellings		
Decision:	Appeal Allowed (with conditions)	Date:	09.07.2015
Procedure:	Written representations		
Remarks:	Delegated refusal, sustainability reasons overruled (EDLP Policy TA1). The Inspector considered that as the site is within an existing built up area boundary where the Local Plan allows for some new development, the proposal would help to sustain local services within the settlement.		
BVPI 204:	Yes		
Planning Inspectorate Ref:	APP/U1105/W/15/3011479		

Ref:	14/1597/FUL	Appeal Ref:	14/00078/REF
Appellant:	Mr & Mrs David Lench		
Appeal Site:	Land Adjacent Sunnyside Birchill		
Proposal:	Construction of a dwelling		
Decision:	Appeal Dismissed	Date:	13.07.2015
Procedure:	Written representations		
Remarks:	Delegated refusal, sustainability reasons upheld (EDLP Policy TA1).		
BVPI 204:	Yes		
Planning Inspectorate Ref:	APP/U1105/W/14/3000941		

Ref:	13/0820/MFUL	Appeal Ref:	14/00077/REF
Appellant:	Mr Andrew Dyer		
Appeal Site:	Land To The West Of Strawberry Hill Lympstone		
Proposal:	Construction of 15 dwellings (10 affordable, 5 open market) with new access and turning head off Strawberry Hill.		
Decision:	Appeal Dismissed	Date:	22.07.2015
Procedure:	Written representations		
Remarks:	Delegated refusal, amenity reasons upheld (EDLP Policy D1).		
BVPI 204:	Yes		
Planning Inspectorate Ref:	APP/U1105/A/14/2229016		
Ref:	14/1379/MFUL	Appeal Ref:	15/00010/REF
Appellant:	Solstice Renewables Limited		
Appeal Site:	Land Surrounding Walnut Cottages Oil Mill Lane Clyst St Mary		
Proposal:	Installation of ground mounted photovoltaic solar arrays together with power inverter systems; transformer stations; internal access tracks; landscaping; CCTV; security fencing and associated access gate		
Decision:	Appeal Dismissed	Date:	24.07.2015
Procedure:	Informal Hearing		
Remarks:	Delegated refusal, reason relating to loss of best and most versatile agricultural land upheld. (EDLP Policy E5 and Draft Policy EN13).		
BVPI 204:	Yes		
Planning Inspectorate Ref:	APP/U1105/W/15/3007994		
Ref:	14/2791/FUL	Appeal Ref:	15/00022/HH
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.		
Decision:	Appeal Dismissed	Date:	03.08.2015
Procedure:	Written representations		
Remarks:	Delegated refusal, amenity reasons upheld (EDLP Policy D1).		
BVPI 204:	Yes		
Planning Inspectorate Ref:	APP/U1105/D/15/3027964		

Ref: 14/1430/FUL **Appeal Ref:** 15/00015/REF
Appellant: IKNG
Appeal Site: Rosario Ebford Exeter EX3 0QN
Proposal: Construction of 4 detached dwellings
Decision: **Appeal Dismissed** **Date:** 13.08.2015
Procedure: Written representations
Remarks: Delegated refusal, highway safety reasons upheld (EDLP Policies TA1 & TA7 and Draft Policies TC2 & TC7).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/15/3012614

Ref: 14/1436/FUL **Appeal Ref:** 15/00013/REF
Appellant: RBL Homes Ltd
Appeal Site: Higher Branscombe House Ebford Lane Ebford Exeter EX3 0QX
Proposal: Construction of two Dwellings
Decision: **Appeal Dismissed** **Date:** 13.08.2015
Procedure: Written representations
Remarks: Delegated refusal, highway safety reasons upheld (EDLP Policies TA1 & TA7 and Draft Policies TC2 & TC7).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/15/3009702

Ref: 14/2424/OUT **Appeal Ref:** 15/00020/REF
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
Decision: **Appeal Dismissed** **Date:** 13.08.2015
Procedure: Written representations
Remarks: Delegated refusal, landscape amenity reason upheld (EDLP Policy D1).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/15/3027379

Ref: 14/2584/OUT **Appeal Ref:** 15/00014/REF

Appellant: Mr Gail Leeder

Appeal Site: Eden Ebford Lane Ebford Exeter EX3 0QU

Proposal: Outline application for the construction of a detached dwelling seeking approval for access, layout and scale (matters of appearance and landscaping reserved)

Decision: **Appeal Dismissed** **Date:** 13.08.2015

Procedure: Written representations

Remarks: Delegated refusal, sustainability reason upheld (EDLP Policy TA1 and Draft Policy TC2).

BVPI 204: **Yes**

Planning Inspectorate Ref: APP/U1105/W/15/3011298

Report to: Development Management Committee

Date: 8 September 2015

Public Document: Yes

Exemption: None

Review date for release None



Subject: **Implications of Changes to Government Guidance on Infrastructure Contributions Through Planning Obligations**

Purpose of report: This report details the main changes to government guidance as a result of a recent high court decision and the implications of this in terms of decision making on planning applications and infrastructure provision.

Recommendation:

1. **Members note the high court decision and the implications outlined in this report.**
2. **Members agree that for new applications received from the 9th September 2015 planning obligations be sought for Open Space contributions (where necessary to mitigate the impact from the development) from all planning applications seeking the provision of additional dwellings.**
3. **Members agree that for new applications received from the 9th September 2015 planning obligations be sought for Education contributions (where necessary to mitigate the impact from development) from developments of 5 dwellings or more;**
4. **Members agree that for new applications received from the 9th September 2015 on-site provision of affordable housing be secured in accordance with the thresholds in Policy H4 of the adopted Local Plan.**

Reason for recommendation: To ensure that Members understand the implications of the recent high court decision and change to government guidance and to ensure that planning permissions are issued in accordance with the guidance.

Officer: Chris Rose – Development Manager
Ext. 2619 (chris.rose@eastdevon.gov.uk)

Financial implications: The financial implications cannot be quantified but, as stated in the report, S106 planning obligations will be received from developers from 9th September 2015.

Legal implications: As previously stated the National Planning Guidance is a material consideration in the determination of planning applications. While not of the same status as legislation (which must be followed) the Guidance is from Central Government and therefore must be afforded appropriate weight in decision making. In light of this officers consider it necessary to deal with the impact of the Guidance as detailed in the report which would result in the Council taking decisions that are in conformity with its requirements.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: • Amended part of the National Planning Practice Guidance:
<http://planningguidance.planningportal.gov.uk/revisions/23b/030/>

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

Report in full

1. Background

- 1.1 In November last year the government published changes to the National Planning Practice Guidance (NPPG) including the following paragraph:

Are there any circumstances where infrastructure contributions through planning obligations should not be sought from developers?

National planning policy defines specific circumstances where contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development, as set out in the [Written Ministerial Statement on small-scale developers](#).

- *contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm (gross internal area).*
- *in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under [section 157\(1\) of the Housing Act 1985](#), which includes National Parks and Areas of Outstanding Natural Beauty*
- *affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home.*

- 1.2 Although the designated areas referred to above included the majority of East Devon (excluding the wards of Exmouth, Honiton, Seaton and Sidmouth), the result of this change in government guidance was as follows:

1. That we ceased the collection of financial contributions towards open space and education from residential developments of 10 units or less in Exmouth, Honiton, Seaton and Sidmouth, and open space contributions from 5 units or less in the rest of East Devon;
2. That we secured on-site affordable housing from developments of 11 residential units or more with a financial contribution towards off-site affordable housing for development of between 6 and 10 units in the rural areas outside of Exmouth, Honiton, Seaton and Sidmouth.

- 1.3 However, on the 31st July 2015 Justice Holgate in the high court upheld a challenge by West Berkshire District Council and Reading Borough Council to the above policy changes in the NPPG.
- 1.4 The judge came to the conclusion that the effect of the change to the guidance was incompatible with the statutory framework of the Town and Country Planning Act 1990 and was therefore “unlawful”. The judge highlighted that the change to the guidance introduced a blanket threshold for affordable housing that conflicted with adopted local plan policies and the weight to be attached to them and did not therefore promote the legislation within the 1990 Act. He went on to state that the consultation process behind the change in guidance was unfair, failed to take into account material considerations, failed to comply with the Equality Act 2010 and that parliamentary privilege did not prevent him quashing the guidance as the National Planning Policy Framework was not altered by the change.
- 1.5 As a result of this high court decision, the relevant page on the Planning Practice Guidance website states ‘Please note that paragraphs 012-023 of the guidance on planning obligations will be removed following the judgement in R (on the application of West Berkshire District Council and Reading Borough Council) v Secretary of State for Communities and Local Government [2015] EWHC 2222 (Admin).’
- 1.6 The implications for East Devon District Council from the above and the removal of the paragraphs from the NPPG inserted in November 2014 are as follows:
1. That we can again collect financial contributions towards open space from all residential development (i.e. 1 unit and above) across the whole of the district (where justified by a need for the contribution to mitigate a shortfall in provision) as we were doing prior to the change in the guidance;
 2. That we can again collect education contributions from all residential developments of 5 units and above across the whole of the district (where justified by a need for the contribution to mitigate a shortfall in provision) as we were doing prior to the change in the guidance;
 3. That we can again secure on-site provision of affordable housing (rather than financial contributions) for residential development in rural areas of 5 units and above as we were doing prior to the change in the guidance; and
 4. That we revert back to the affordable housing thresholds outlined in Policy H4 of the Adopted Local Plan and secure affordable housing from developments of 15 dwellings or more in the Area and Local Centres or where population levels exceed 3,000 persons. (Note: that the percentage of affordable housing secured will continue to be in accordance with Strategy 34 of the emerging New Local Plan in accordance with the Pinn Court Farm appeal decision.)
- 1.7 Although the Community Infrastructure Levy Regulations prevent the pooling of more than 5 contributions to a single project, officers are satisfied that they have the evidence in place to ensure that any contribution secured through legal agreements can be collected and allocated to specific projects that will prevent the pooling of more than 5 contributions to a single project. This will necessitate each legal agreement identifying the specific project that it will contribute towards should the associated planning application be approved and implemented.
- 1.8 In light of the above, the following is recommended:

1. That from the 9th September 2015 planning obligations be sought for Open Space contributions (where necessary to mitigate the impact from the development) from all planning applications seeking the provision of additional dwellings.
2. That from the 9th September 2015 planning obligations be sought for Education contributions (where necessary to mitigate the impact from development) from developments of 5 dwellings or more;
3. That from the 9th September 2015 on-site provision of affordable housing be secured in accordance with the thresholds in Policy H4 of the adopted Local Plan.

- 1.9 Should Members agree to the change in the thresholds outlined above, it is further recommended that these changes be brought in for new applications received from the 9th September 2015. Whilst the above changes could be sought for all undetermined applications already submitted and being considered, this would cause delays to the issuing of a number of decisions and necessitate a disproportionate amount of work given that the applicant/agent would need to be contacted and provided with either a new or amended legal agreement identifying a specific project that the proposal would contribute towards. Given this additional work (at a time when officers are dealing with a high number of planning applications) and given that applicants will have submitted their applications at a time when there was no need to provide open space or education contributions, it is considered that an implementation date for the change of the 9th September is reasonable.
- 1.10 It should be noted that habitat mitigation contributions to mitigate the impact of development on the Exe Estuary and Pebblebed Heaths remain unaffected by these changes as these are protected under EU legislation.

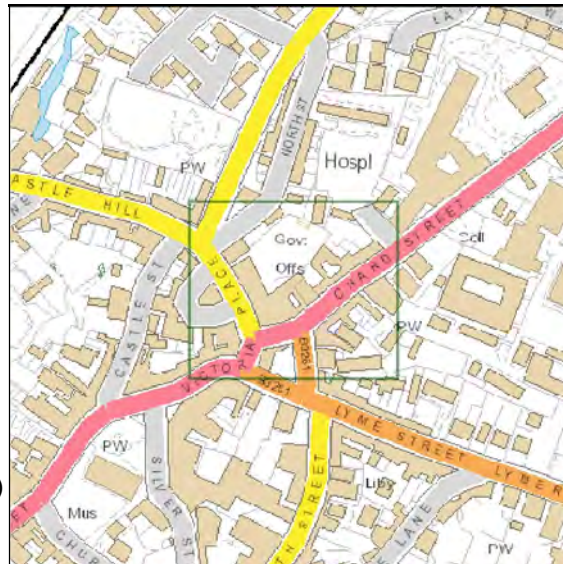
Ward Axminster Town

Reference 14/2635/FUL

Applicant St Georges Properties Axminster Ltd

Location 19 St Georges Chard Street
Axminster EX13 5DL

Proposal Change of use of ground floor
(former dentist) and part 1st floor to
house of multiple occupancy (HMO)



RECOMMENDATION: Approval with conditions



		Committee Date: 08.09.2015
Axminster Town (AXMINSTER)	14/2635/FUL	Target Date: 02.02.2015
Applicant:	St Georges Properties Axminster Ltd	
Location:	19 St Georges Chard Street	
Proposal:	Change of use of ground floor (former dentist) and part 1st floor to house of multiple occupancy (HMO)	

RECOMMENDATION: Approval with conditions

UPDATED OFFICER REPORT AND EXECUTIVE SUMMARY

This planning application was originally considered by the Development Management Committee in March 2015. Although the officer recommendation was one of refusal, Members resolved to defer a decision to seek confirmation of the lawful use of the first floor, seek advice from Building Control and to negotiate with the applicant on the design of the means of escape for bedroom 4.

Amended plans have been sought and submitted which provide screening from neighbouring residents whilst facilitating a means of fire escape through the use of oriel windows that comply with Building Regulations. The lawful use of the first floor was originally ancillary to an office and then changed unlawfully to part of the dentist. Planning permission for a change of use is therefore required. Accordingly, in light of this additional information the proposal is now recommended for approval, subject to conditions. For completeness the original officer report is attached.

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)

SH1 (Town Centre Shopping Areas)

S4 (Development Within Built-up Area Boundaries)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

NPPG (National Planning Practice Guidance 2013)

Amended plans – Consultees Updates

Axminster Town Council – 15.07.2015 - AXMINSTER TOWN COUNCIL OBJECTS TO THIS APPLICATION. THE AMENDED DESIGN FOR THE WINDOWS, WHILE ADDRESSING THE ISSUE OF OVERLOOKING FROM THE STAND POINT OF NEIGHBOURS HAS RESULTED IN A CONSIDERABLE REDUCTION IN NATURAL DAYLIGHT FOR ANY OCCUPANT OF BEDROOM 4 AND MAY HAVE A SIMILAR IMPACT ON NEIGHBOURING PROPERTIES, WHICH IT IS NOTED ARE NOT SHOWN ON THE PLANS PROVIDED.

Five further letters of objection and a petition with five signatories have been received since the March committee;

- Concern regarding fire escape and the fire risk that the proposal would create.
- Work has started with inconvenience during construction phase.
- Loss of natural light.
- The site is unsuitable for a HMO.
- Antisocial behaviour.
- Noise and disturbance.
- Flooding/Sewage blocking problems.
- Effect on surrounding area.
- Overdevelopment.

UPDATE - Planning History of the site

According to the applicant the first floor bedroom (over which the original concern regarding impact on amenity was raised) was historically used as part of a residential dwelling, although officers have not found anything within the planning history to confirm that planning permission was granted for this;

- Planning consent 89/P1065 approved a change of use of the first floor element as a toilet and kitchen ancillary to an office (B1) use.
- Planning consent 94/P2128 – approved a change of use of the office to a one two bedroom apartment – this application did not include any first floor element (and did not show a staircase).
- Planning consent 99/0291 – approved the conversion of the residential property into dental surgery – again no first floor element was permitted.

According to the applicant this bedroom was last used as a dentist operating room. As such any residential use of this room as a bedroom would have ceased, with the residential use changing to a D1 use class (dentist) – therefore whatever rights were previously accrued as residential had been lost with the introduction of a subsequent change of use. Planning permission is therefore required for a change from a D1 use class (Dentist) to residential use and the local planning authority should be assessing the impact from a residential use as part of the current application.

ANALYSIS

REPORT UPDATE: The main issues for consideration, following the March 2015 Development Management Committee and the submission of amended plans, are the impact on amenity from the two bedroom windows and the amended design to provide oriel windows. As all other issues were considered acceptable during the March committee it is not necessary to revisit the other merits of the scheme under this update.

The two proposed oriel windows will protrude approximately 700mm from the side elevation of the building. A 600mm by 1.0 m fully opening (south) side opening window would be used for ventilation and fire escape. The north side windows would be fixed shut and be fitted with opaque glass to prevent overlooking back toward the neighbouring flats. The oriel windows would be clad in painted shiplap.

The oriel windows by reason of their protrusion from the side wall of the building would come closer to the neighbouring flat opposite, the occupants of which have objected to this amendment. However, there would be some space remaining between the gap in-between the buildings which would provide some natural light to this adjacent flat. The proposal would prevent direct views arising from the proposed first floor bedroom to adjacent properties, by reason of the restricted outlook, but to ensure no overlooking the two oriel windows can be conditioned to ensure that the window panes facing north east are obscure glazed and fixed shut. Subject to this condition the proposal would comply with Policy D1 of the adopted and New Local Plan and protect the privacy of nearby residents.

Although the Fire Service has been consulted on the latest amendment there has not been any response to date. Whilst the means of escape is strictly a building regulation issue, it has been confirmed with Building Control that the proposal satisfies their regulations. The amended plans make provision for escape and in planning terms there are no objections raised on this basis.

The proposed windows would be situated within a designated conservation area. In this instance the windows would not be visible from the public realm, but could be seen within the courtyard of the surrounding flats. The window units would be clad in shiplap boarding which would add some interest to the design. On balance, the additions of oriel windows will not harm the conservation area, in accordance with Policy EN11, as they would be well hidden and of an appropriate design.

The proposal is therefore considered to be acceptable and there is unlikely to be another way of facilitating the development in its current form whilst protecting the amenity of adjacent properties.

RECOMMENDATION

APPROVE

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on the 28th November 2014.
(Reason - To comply with Section 63 of the Act.)
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 oriel windows illustrated within the amended plans (plan 1916 R2 and 1916 W/D 1) hereby approved shall be installed within 2 months of the date of this decision notice. The north east side of the two first floor oriel windows serving 'bedroom 4' (as illustrated on plan 1916 W/D 1) hereby approved shall be fitted with obscure glazing and fixed shut. The limitations of this condition shall be retained in perpetuity. (Reason - To maintain the private amenity of the surrounding occupiers, 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 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

1916 R2	Proposed Combined Plans	03.07.15
1916 SK1	Proposed Combined Plans	03.11.14
	Location Plan	03.11.14
	Proposed Block Plan	03.11.14
1916 W/D 1	Window Detail	03.07.15

List of Background Papers

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

ORIGINAL OFFICER REPORT

		Committee Date: 03.03.2015
Axminster Town (AXMINSTER)	14/2635/FUL	Target Date: 02.02.2015
Applicant:	St Georges Properties Axminster Ltd	
Location:	19 St Georges Chard Street	
Proposal:	Change of use of ground floor (former dentist) and part 1st floor to house of multiple occupancy (HMO)	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

The application is before Members as the view of the Ward Member differs from the Officer's recommendation.

The proposal seeks a change of use of a ground floor former dentist to a house of multiple occupancy (HMO), which would include part of the 1st floor. The proposal is considered to take place within a sustainable location close to the services and facilities on offer within Axminster. The proposal is not considered to harm the conservation area and the majority of the development would be the change in use of the building rather than physical alterations. There has been concern raised with regard to the potential for anti social behaviour but this is not considered to weigh against the scheme. The proposal would result in the habitable use of a first floor room which has two existing windows that facing the opposite flat in close proximity. This would result in an unacceptable level of overlooking. Despite officers suggesting a redesign to overcome this issue the applicant considers the relationship to be acceptable.

Therefore a recommendation of refusal is made.

CONSULTATIONS

Local Consultations

Axminster Town - Cllr A Moulding

I recommend that this application is approved

I agree that there may be a degree of overlooking, but probably no different to other properties within the St Georges complex.

Parish/Town Council

Revised comments:

The building footprint outlined in red on the site plan does not appear to correspond to the footprint of the larger scale maps.

The presentation of the plans/elevations is confusion. Town councillors deplore the fact that this is a retrospective application as the work has already stated. Otherwise, they welcome this type of accommodation in Axminster.

Technical Consultations

County Highway Authority

Does not wish to comment

Environmental Health

I have considered this application and do not have any pollution concerns, however I have forwarded the application to private sector housing for comments who license HMO's

Other Representations

5 letters of objection have been received to date. In summary;

- A HMO is not in keeping with the complex and could add a further 10 people.
- Health and safety risk of attracting vermin.
- Bins already at full capacity
- No proper fire escape.
- Potential for anti social behaviour.
- Potential for drainage /sewage problems
- Concern for resulting noise and distance

PLANNING HISTORY

Reference	Description	Decision	Date
99/P0291	Convert residential property into dental surgery	Approved	14.07.1999
94/P0291	Change of use to one two bedroom apartment	Approved	11.04.1994

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)

SH1 (Town Centre Shopping Areas)

S4 (Development Within Built-up Area Boundaries)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

NPPG (National Planning Practice Guidance 2013)

Site Location and Description

The property known as 19 St Georges concerns, for the most part, a ground floor flat. This ground floor flat was previously used as a dentist but is currently in the process of converting to a HMO. The building itself is positioned behind the main road fronting facade and is entered via a pedestrian entrance way which leads to a courtyard. The building in the past has several permission relating to use of an office to dental surgery and the use of the building as private flats. Directly above the ground floor are other flats in different ownerships. The proposal takes place within the Axminster conservation area.

Proposed Development

The proposal seeks planning permission to change the use of a ground floor dentist and part of the first floor of the building to a house of multiple occupation. In terms of external changes this would consist of alteration to some courtyard elevations to fenestration detailing. In total the building would contain 5 bedrooms with a communal living area. The intended occupants according to the planning statement are local youngsters whom find it difficult to leave the prenatal home and set up independent lives. However, there is no mechanism to secure who would actually occupy the proposed HMO and as such the officer view is that this would be left to the open market.

ANALYSIS

The main issues concerning this planning application are:

- the impact on the amenity of the adjacent properties;
- the design of the alterations and impact on the conservation area;
- the impact on the vitality and viability of the town centre location; and
- the potential for anti social behaviour.

Amenity

It was noted that there is a tightly knit arrangement in this locality due to the position of the proposed house of multiple occupancy and surrounding buildings relatively to each other. Such a tight relationship is not uncommon within town centres of market towns. Due weight must be given to the planning history of the site; in 1994 consent was granted for a two bed apartment with the plans indicating that this affecting the ground floor only. In 1999 planning consent was granted for the ground floor again but this time to turn the residential accommodation back into a dentist. Considering this planning history, the already tight knit grain of development and lack of overlooking windows on the ground floor there is no harmful impact on amenity arising from the ground floor of the proposal.

However, bedroom 4 (positioned above bedroom 3) introduces a first floor element of the HMO. It is understood that this room was used as a treatment room as part of the former dentist use and features two windows facing in a westerly direction directly toward the flat (number 18) opposite. It is understood that these two windows of the adjacent flat belong to the kitchen and lounge. The window to window distance is between approximately 2 - 3 metres. Although views are slightly off set this relationship would nevertheless be uncomfortable for either party, as views from the proposal would result in an unacceptable level of overlooking. Again the planning history has to be taken into account. The use of room (bedroom 4) a dentist would have also shared an uncomfortable relationship. However, this would have been only during operating hours, whereas with living accommodation any harm would be constant. The planning consent which granted use of the dentist did not include any details for use of this first floor room (indeed no stairs were shown), so it is by no means clear that this aspect benefited from planning consent in the first instance. Additionally due regard should be had to what use this room could be used for under permitted development rights. As this room was situated a former D1 (Dentist) use it would not have any permitted development rights to change to living accommodation under the General Permitted Development Order 1995 (as amended).

This concern has been raised with the applicant. In such circumstances a condition could ensure that obscure glazing is used and the window fixed shut. However, in this instance these are the only windows serving the room and the potential loss of light and potential fire escape issue means that such a condition could not be complied with under building regs. The applicant considers the window to window relationship to be acceptable and has sought determination on this basis.

The proposal would result in unacceptable levels of overlooking. The neighbouring property has objected to the proposal and their concerns are given significant weight. The proposal would conflict with policy D1 which seeks to ensure that development does not adversely affect the amenity of occupiers of adjoining residential properties and contrary to the core planning principle to secure a good standard of amenity with the National Planning Policy Framework.

Design and impact on conservation area.

The external changes are minor in nature and would be mostly hidden from the street scene. The fenestration changes do not harm the visual appearance of the building overall and are reasonably needed to accommodate this change of use. The proposed development by reason of its sympathetic design and materials is considered to conserve the historic character of the designated conservation area.

Impact on vitality and viability of the town centre

The application takes place within the town centre shopping area as defined by local plan policy. Policy SH1 states that development should avoid uses that would undermine the shopping character and visual amenity, vitality and viability of the town centre. This policy aims to protect uses classes A1 (Retail), A2 (Financial and Professional Services) and A3 (Restaurants and Cafes). However, in this instance the last lawful recognised use of the building was as a dentist falling within the D1 use class. Therefore the alterations from a D1 use class to C4 use class would not harm the viability, as the office and retail use of the building had already been lost.

Potential for anti social behaviour

Concern has been raised by neighbouring properties with regard to antisocial behaviour and security risk resulting from the intended occupiers of the building. There are two main issues to consider in this respect – firstly, whether this perceived harm is a material consideration and secondly, the weight that can be attributed to it.

It is accepted that antisocial behaviour is capable of being a material consideration, since it could affect local residents in the enjoyment of their homes and their use of the pedestrian highway. The close knit nature would mean that any antisocial issues could be keenly felt and it is understandable why adjacent properties would wish for their amenity to be safeguarded. However, there is no evidence submitted to substantiate the claims or evidence why occupiers of an HMO would bring about a rise in antisocial issues, over and above that of any other occupiers (for example use of the building as a single flat). There is a large degree of uncertainty as to who would be the intended occupants given there is no mechanism to secure this. Therefore any concern regarding anti social behaviour could not be founded as this aspect of the development remains uncertain. The lack of evidence to substantiate these antisocial claims diminishes the weight that can be attributed to them.

In their role as consultee on the planning application Environmental Health have not raised any noise issues, pollution or other issues.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development, by reason of changing the use of a room into habitable accommodation in bedroom 4 (as illustrated on Dwg - 1916R1), would result in significant and unacceptable levels of overlooking into the habitable rooms of the flat opposite - number 18 St Georges, to the detriment of the occupiers private amenity. Therefore the proposal conflicts with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and guidance within the National Planning Policy Framework.

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 proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

1916 R1	Proposed Combined Plans	03.11.14
1916 SK1	Proposed Combined Plans	03.11.14
	Location Plan	03.11.14
	Proposed Block Plan	10.02.15

List of Background Papers

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

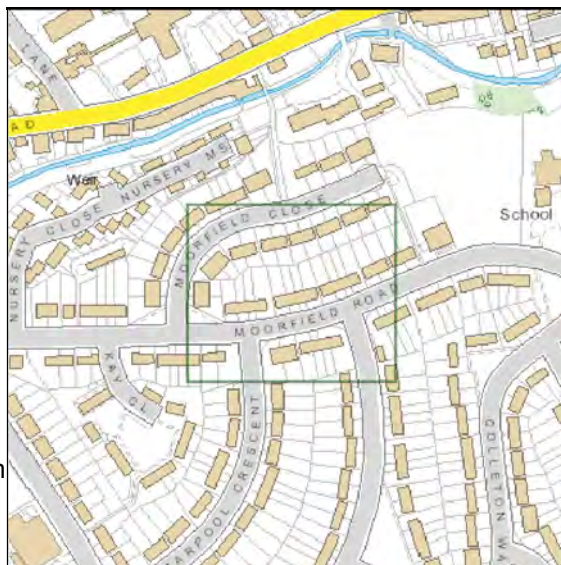
Ward Exmouth Withycombe Raleigh

Reference 15/1781/FUL

Applicant Mr Jonathan Burns (EDDC)

Location 31 Moorfield Road Exmouth EX8 3QN

Proposal Proposed access ramp and platform lift



RECOMMENDATION: Approval with conditions



		Committee Date: 08.09.2015
Exmouth Withycombe Raleigh (EXMOUTH)	15/1781/FUL	Target Date: 23.09.2015
Applicant:	Mr Jonathan Burns (EDDC)	
Location:	31 Moorfield Road Exmouth	
Proposal:	Proposed access ramp and platform lift	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before Members as the property is owned by East Devon District Council.

The site refers to number 31 Moorfield Road a terraced property within a residential area of Exmouth. It is set back from the road which rises in an easterly direction and has a small low hedge to the front.

The proposal is for the construction of a sloped/ramped footpath from the highway and pavement through the front lawn to an external platform lift which would raise a disabled user approximately 1 metre to the existing finished floor level. Alongside the platform would be guarding to prevent any potential fall.

The proposal is considered to be small in scale and would only result in the small loss of part of the hedgerow to the front of the property . It is considered that the proposal would not result in any significant visual harm to the surrounding area or to neighbouring amenity.

CONSULTATIONS

Local Consultations

Parish/Town Council

Meeting 10.08.15

No Objection

Technical Consultations

County Highway Authority

Does not wish to comment

Other Representations

No letters of representation received at time of this report.

POLICIES

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

Strategy 6 (Development within Built-up Area Boundaries)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

S4 (Development Within Built-up Area Boundaries)

D3 (Access for the Disabled)

Site Location and Description

ANALYSIS

The site refers to number 31 Moorfield Road a terraced property within a residential area of Exmouth. It is set back from the road which rises in an easterly direction and has a small low hedge to the front.

The proposal is for the construction of a sloped/ramped footpath from the highway and pavement through the front lawn to an external platform lift which would raise a disabled user approximately 1 metre to the existing finished floor level. Alongside the platform would be guarding to prevent any potential fall.

The main considerations relate to visual appearance and neighbouring amenity.

Visual Appearance

In terms of visual appearance the proposal would make a break through the existing hedgerow and would require some alterations to the levels of the lawn through cutting into the garden. It is considered that this would have some impact in the immediate area. However the loss of the front hedgerow would not require planning permission and it is considered that the impact would be localised with the remainder of the hedge retained.

Other options have been examined including a ramped access only, but creating suitable landings would have meant using the whole of the front garden and it was considered that the presented application would have less of an impact on the surrounding area.

The addition of the lift would appear rather utilitarian, but it would be set down, set back from the road and viewed in association with the wider terrace that will minimise its visual impact.

There is no objection to the proposal in visual terms, particularly given the benefits from the proposal to disabled users.

Impact upon neighbouring amenity

In terms of any impact upon the amenity of neighbours, given the infrequent use of the lift, its location and benefits, it is not considered that any potential noise or disturbance would be sufficient to justify a reason for refusal.

RECOMMENDATION

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.)

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:

LIFTING PLATFORM SPEC	General Correspondence	29.07.15
P064-15-100	Location Plan	29.07.15
P064-15-102	Proposed Combined Plans	29.07.15

List of Background Papers

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

Ward Ottery St Mary Rural

Reference 15/0923/OUT

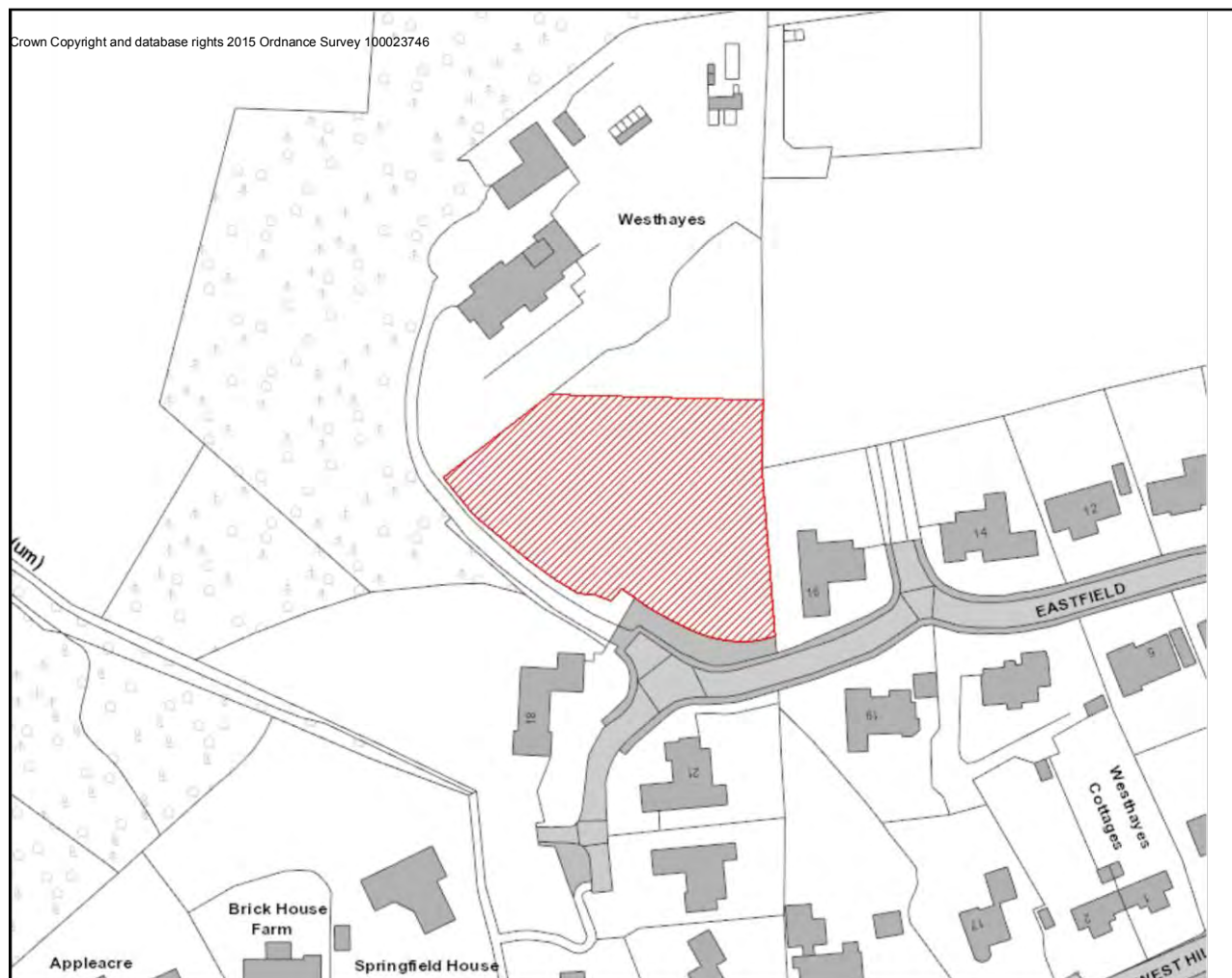
Applicant Paul Hunt Investments Ltd

Location West Hayes West Hill Road West
Hill Ottery St Mary EX11 1UZ

Proposal Construction of 3no detached
dwellings and formation of shared
vehicular access and driveway
(outline application discharging
details of access and layout and
reserving details of scale,
appearance and landscaping)



RECOMMENDATION: To advise the Planning Inspectorate that the application would have been approved with conditions had the applicant not appealed against non-determination.



		Committee Date: 08.09.2015
Ottery St Mary Rural (OTTERY ST MARY)	15/0923/OUT	Target Date: 12.08.2015
Applicant:	Paul Hunt Investments Ltd	
Location:	West Hayes West Hill Road	
Proposal:	Construction of 3no detached dwellings and formation of shared vehicular access and driveway (outline application discharging details of access and layout and reserving details of scale, appearance and landscaping)	

RECOMMENDATION: To advise the Planning Inspectorate that the application would have been approved with conditions had the applicant not appealed against non-determination.

EXECUTIVE SUMMARY

This application seeks outline planning permission for three detached dwellings on the front lawn of West Hayes. The site is located outside but immediately adjoining the built-up area boundary for West Hill and is between sites with planning permission for 10 and 25 dwellings on land to the west and east, respectively.

The application is before Members as it is a departure from the Local Plan and to seek the decision that would have been made on the application had the applicant not recently appealed against non-determination.

Although the site is outside the built-up area, the Council's belief that it has a five year supply of housing land cannot be given full weight at this time. In light of this, the main consideration in this case is whether or not the proposal would constitute sustainable development.

The site is sustainably located reasonably close to the village primary school and shop/post office and there is also has a regular bus service which provides access to Exeter and Honiton. West Hill is characterised by low density housing in wooded surroundings. In that respect this proposal would be entirely compatible with the village. In the absence of environmental harm and with the benefits of providing additional housing and economic activity, the proposal is regarded as sustainable development. For this reason and because the five year supply of housing land cannot be given full weight at this time, the proposal is recommended for approval.

CONSULTATIONS

Local Consultations

Ottery St Mary Rural - Cllr M Coppel

I must decline to comment on this application. The reason being my decision is predetermined due to the close proximity of the proposed site to my brother's house in Eastfield.

Clerk To Ottery St Mary Town Council

The Planning Committee does not support this application:

Outside of the Built Up Area Boundary

Pine trees (16) to be felled with no Arboriculturist report

Contrary to the West Hill Village Design Statement

The application does not comply with the Interim Mixed Affordable and Market Statement which requires 66% affordable dwellings and evidence that there is a local need for affordable housing.

Other Representations

Five letters of objection have been received raising the following concerns:

Site is outside the built-up area

Contrary to the Village Design Statement

Detrimental impact on trees

Highway safety concerns

Loss of privacy for surrounding residents

Technical Consultations

Environment Agency

We have no objection to this application.

Natural England

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 Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

This application is in close proximity to the East Devon Pebblebed Heaths Site of Special Scientific Interest (SSSI). This SSSI forms part of the East Devon Pebblebed

Heaths Special Area of Conservation (SAC) and East Devon Heaths Special Protection area (SPA)

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which East Devon Pebblebed Heaths and East Devon Heaths has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the East Devon Pebblebed Heaths SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

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.

You should apply our 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 is needed (which is the developer's responsibility) or 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.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of

conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Impact Risk Zones for Sites of Special Scientific Interest

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

County Highway Authority Highways Standing Advice

Tree Officer

I visited the site this morning to assess and check measurements on the five primary trees with potential to constrain or impact on the proposed development.

The five trees I assessed were the Cedar and Oak to the NW of Plot 1 and the two Monterey Pine and the Sycamore on the eastern boundaries of plots 2 and 3.

The two pines do not give rise to any concerns.

The Cedar is located outside of the red line some 14 m distance from the proposed garage to Plot 1. The lower branches of the Cedar extend up to the building footprint and minor crown reduction may be necessary to enable construction.

The Oak is growing as part of a group of 5 trees and has a crown with a strong asymmetry and a bias to the SE, the crown spread on this axis of 12.4m overhangs the building footprint by several metres. The crown of the tree will require heavy reduction in order to enable the construction of this building. It is debatable whether the tree would merit further retention following this work. Whilst the effective loss of the tree is regrettable and will have some impact on visual amenity (taking into account the adjacent access to the approved development on the land to the west), this could be mitigated by securing a landscaping scheme to address the planting of trees shrubs on the SW boundary of the site.

The Sycamore growing to the NE of Plot 3 has a crown radius of 12m on the SW axis which brings it within 1m of the footprint of the proposed building. Light crown reduction works to facilitate construction should be anticipated. Further light reduction should be anticipated in the future to prevent direct contact between the tree's canopy and the building. This is not an ideal juxtaposition between the tree and the building. However, the tree is in a deteriorating condition with a low foliar density in the upper canopy, moderate levels of deadwood and extensive patchy necrotic bark on the trunk and main scaffold branches. This is typical of a bacterial infection of the cambium. The condition of the tree does not merit its consideration as a constraint on the proposed development.

I do not consider tree impact to be so significant as to necessitate a request to refuse the application. However if the application is to be approved conditions are required to protect the trees from damage during construction. Suggested conditions are as follows:

Tree Protection Plan and Arboricultural Method Statement

Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority.

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

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.

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.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection 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.

Reason: To ensure the continued well being of retained trees in the interests of the amenity of the locality.

Tree Pruning / Felling Specification/ ground condition amelioration

Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed and timetabled specification for all necessary arboricultural work to retained trees shall be submitted to and approved in writing by the Local Planning Authority. The specification will accord with the principles given in BS 3998:2010. All tree felling and pruning works shall be carried out in full accordance with the approved specification and the principles of British Standard 3998:2010 - Recommendations for Tree Works, and in accordance with the agreed timetable of operations or such other works at such other times as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the area.

Service / Drainage layout

Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed plan showing layout of above and below ground services, foul and surface water drainage and other infrastructure shall be submitted to and approved in writing by the Local Planning Authority (notwithstanding any additional approvals which may be required under any other Legislation). Such layout shall provide for the long term retention of the trees and hedgerows. No development or other operations shall take place except in complete accordance with the approved service / drainage/infrastructure layout.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the area.

Additionally, a landscaping condition will be required to secure appropriate planting of trees shrubs and hedges to include Advanced Nursery Stock (ANS) specimens.

PLANNING HISTORY

West Hayes

Reference	Description	Decision	Date
11/1886/MFUL	Construction of 15 dwellings (including 10 affordable) together with associated access (off Eastfield) and landscaping.	Refusal	08.12.2011
		Appeal Dismissed	28.05.2012
12/2672/MFUL	Construction of 10no dwellings (including 6no affordable) together with associated access and landscaping.	Refusal	28.02.2013
		Appeal Allowed	21.10.2013
14/1127/VAR	Amendment to planning permission 12/2672/MFUL (construction of 10 no. dwellings) to reduce the size of properties on plots 1-4 and reduce the affordable housing provision from 60% to 40%.	Approval with conditions	17.10.2014
14/1518/VAR	Amendment to planning permission 12/2672/MFUL (construction of 10 no. dwellings) to reduce the size of properties on plots 1-6 and maintain affordable provision at 60% (alternative proposal to application 14/1127/VAR)	Withdrawn	17.10.2014
15/1258/MFUL	Construction of 10no. dwellings (including 4no. affordable) together with associated access and landscaping.	Pending Consideration	

Land North of Eastfield

Reference	Description	Decision	Date
10/0761/MOUT	Outline application (seeking determination of means of access only) for the erection of 50 dwellings of which 20 to be age restricted dwellings and 30 to be for general needs housing, together with associated open space and necessary infrastructure, the change of use of part of the site to educational use and provision of a new building for educational purposes	Refusal Appeal Dismissed	08.12.2011 15.11.2011
13/1809/MOUT	Construction of up to 25no dwellings (circa 10 age restricted, 10 affordable and 5 open market), provision of access, open space and associated works (outline application with details of access only)	Approval with conditions	27.06.2014
14/2861/MRES	Reserved matters application for the erection of 25 no. dwellings (seeking approval of appearance, layout, scale and landscaping) pursuant to permission 13/1809/MOUT	Approval with conditions	01.05.2015

POLICIES

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

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

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)

D1 (Design and Local Distinctiveness)

D4 (Landscape Requirements)

D5 (Trees on Development Sites)

TA1 (Accessibility of New Development)

TA7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Site Location and Description

West Hayes is a large detached twentieth century dwelling set in very spacious grounds and surrounded by many mature trees. It is located on the edge of West Hill, outside the built-up area and is accessed from Eastfield. To the west is the former parkland extending from the grounds of West Hayes and to the east is a field and further housing. On both sides of the site planning permission has been granted for housing.

ANALYSIS

This application seeks outline planning permission for three detached dwellings on the front lawn of West Hayes. All matters are reserved except for details of access and layout. Access would be from the private drive leading to West Hayes and within the site the three plots would branch off a central access road.

The applicant has recently appealed against non-determination of the application. As such, this report is seeking a determination from Members on the decision it would have made had the appeal not been submitted. The decision by Members can then inform how the Council responds to the appeal.

The site is located outside but adjoining the built-up area boundary for West Hill and is between sites with planning permission for 10 and 25 dwellings on land to the west and east, respectively.

Circumstances regarding housing land supply have changed since the permissions were granted on the adjacent sites in 2013 and 2014. In March this year a Strategic Housing Market Assessment was published and housing monitoring figures were reviewed. As a result of that work it was concluded that the Council can demonstrate that it has a five year supply of housing land, including a 20 percent buffer. However, full weight cannot be given to that position until the Local Plan Inspector has considered the district-wide housing position in his assessment of the emerging Local Plan. Consequently, full weight cannot be given to the five year supply or the built-up area boundary around the village.

In light of that, the main consideration in this case is whether or not the proposal would constitute sustainable development.

The site is located reasonably close to the village primary school and shop/post office. Although there is not a continuous footway connecting the site to those facilities, this is unlikely to deter occupiers of the dwellings from making the 500-600m journey on foot. The village also has a regular bus service which provides access to Exeter and Honiton. The adjoining developments have been considered to be sustainable located.

West Hill is characterised by low density housing in wooded surroundings. In that respect this proposal would be entirely compatible with the village. Given that sizeable developments have been permitted on both sides of the site, the proposal would not be incompatible with the pattern of development in this particular part of the village. Furthermore, the mature screening provided by the existing trees and hedgerows mean that it would have little visual impact or cause any loss of amenity to the occupiers of surrounding properties.

The site benefits from substantial tree planting and the application is accompanied by an Arboricultural Report and Tree Schedule that covers a wider area than the site and includes the land to the west where a number of trees are to be felled to enable the 10 dwellings at West Hayes to be constructed.

The proposed layout ensures that the existing trees within the site are retained falling within the gardens of the proposed dwellings. Where tree works are necessary, any adverse effect would be mitigated by new planting as part of a landscaping scheme. Furthermore, the protection of the retained trees during construction can be secured through condition. Subject to these conditions the proposal would preserve the character and appearance of the surrounding landscape.

Highways Safety

It is considered that the amount of traffic generated by the development can be safely accommodated within the highway network leading to the site and via the new access that will only require the removal of a small section of hedge.

Amenity

With regard to any impact upon the amenity of surrounding properties, the existing tree coverage and distances to surrounding properties (approximately 27m to number 16 Eastfield and approximately 22m to number 18 the two closest properties) result in acceptable relationships that would not result in an unacceptable loss of amenity to surrounding residents. There would be approximately 35m to West Hayes which itself retains a large garden.

Conclusion

In the absence of environmental harm, and with the benefits of providing additional housing and economic activity, the proposal is regarded as sustainable development.

RECOMMENDATION

That the Planning Inspectorate be advised that the Local Planning Authority would have approved permission subject to the following conditions:

1. Approval of the details of the scale and appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline with one or more matters reserved.)
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
(Reason - In accordance with the requirements of Section 92 of the Town & Country Planning Act 1990.)
3. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
4. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details.

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. 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.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the

inspection 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.

(Reason - To ensure the continued well being of retained trees during and after the construction of the dwellings and in the interests of the amenity of the area. In this regard it is necessary to have an agreed tree protection scheme before the start of development to ensure suitable protection is in place for trees of high amenity value before any vehicles/machinery or materials are taken onto site. This is in accordance with policy D5 (Trees on Development Sites) of the adopted East Devon Local Plan and Policy D3 (Trees and Development Sites) of the emerging New East Devon Local Plan.)

5. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed and timetabled specification for all necessary arboricultural work to retained trees shall be submitted to and approved in writing by the Local Planning Authority. The specification will accord with the principles given in BS 3998:2010. All tree felling and pruning works shall be carried out in full accordance with the approved specification and the principles of British Standard 3998:2010 - Recommendations for Tree Works, and in accordance with the agreed timetable of operations or such other works at such other times as may be agreed in writing by the Local Planning Authority.

(Reason - To ensure that details of any works necessary to facilitate the commencement of development are agreed in advance of that work in the interests of the continued well being of retained trees during and after the construction of the dwellings and in the interests of the amenity of the area. This is in accordance with policy D5 (Trees on Development Sites) of the adopted East Devon Local Plan and Policy D3 (Trees and Development Sites) of the emerging New East Devon Local Plan.)

6. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed plan showing the layout of above and below ground services, foul and surface water drainage and other infrastructure shall be submitted to and approved in writing by the Local Planning Authority (notwithstanding any additional approvals which may be required under any other Legislation). Such layout shall provide for the long term retention of the trees and hedgerows. No development or other operations shall take place except in complete accordance with the approved service/drainage/infrastructure layout.

(Reason - To ensure the continued well being of retained trees during and after the construction of the dwellings and in the interests of the amenity of the area. In this regard it is necessary to have an agreed services plan before the start of development to ensure that the infrastructure works for the development are positioned appropriately in relation to trees. This is in accordance with policy D5 (Trees on Development Sites) of the adopted East Devon Local Plan and Policy D3 (Trees and Development Sites) of the emerging New East Devon Local Plan.)

7. Any landscaping scheme approved as part of a reserved matters application shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To 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 adopted East Devon Local Plan and policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the emerging New East Devon Local Plan.)
8. Before any development above slab level is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with policy 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.)
9. No dwelling shall be occupied until those parts of the carriageways and footways within the site which provide access to it have been constructed, except for the application of the final wearing course, in accordance with the plans hereby permitted.
(Reason - To ensure that adequate access is provided before dwellings are occupied in accordance with the requirements of policy TA7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan and policy TC7 (Adequacy of Road Network and Site Access) of the emerging New East Devon Local Plan.)

NOTE FOR APPLICANT

Informatives:

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.

This permission shall be read in conjunction with the unilateral undertaking dated 12 June 2015.

Plans relating to this application:

EWD 285/100 Proposed Site Plan 21.04.15

EWD 285/103	Location Plan	21.04.15
EWD 285/101	Proposed Site Plan	21.04.15
EWD285/102	Proposed Site Plan	21.04.15
EWD: 285/104	Additional Information	21.04.15

List of Background Papers

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

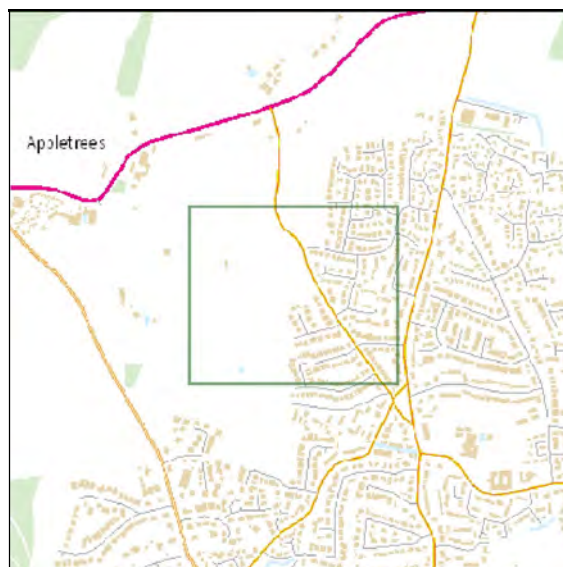
Ward Seaton

Reference 15/1195/MOUT

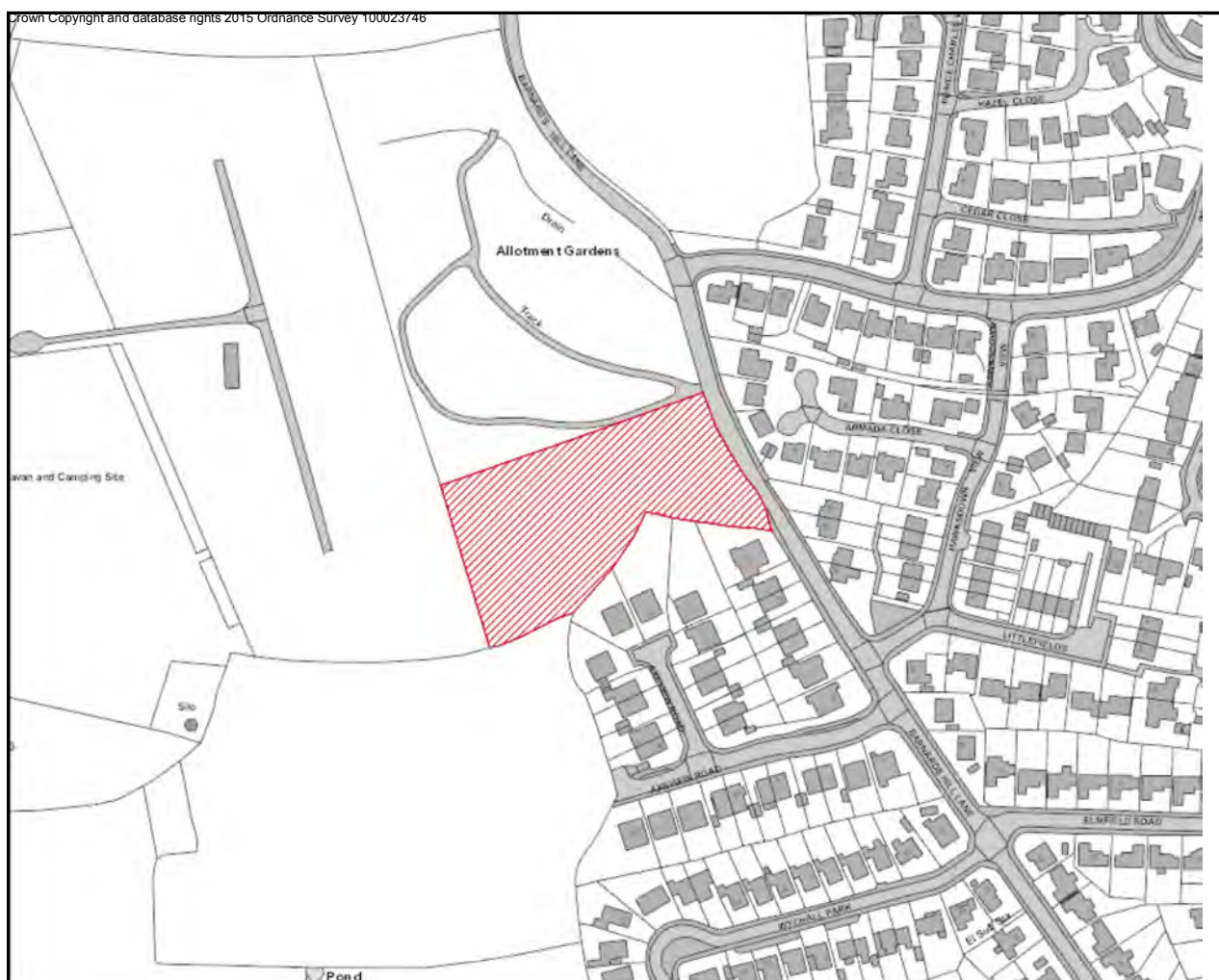
Applicant Mr Michael Gardiner (Fosseway Developments Ltd)

Location Land Off Barnards Hill Lane Seaton

Proposal Construction of up to 20 no dwellings including 25% affordable housing (outline application with all matters reserved)



RECOMMENDATION: Approval with conditions



		Committee Date: 08.09.2015
Seaton (SEATON)	15/1195/MOUT	Target Date: 26.08.2015
Applicant:	Mr Michael Gardiner (Fosseway Developments Ltd)	
Location:	Land Off Barnards Hill Lane Seaton	
Proposal:	Construction of up to 20 no dwellings including 25% affordable housing (outline application with all matters reserved)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is referred to committee as the officer recommendation differs to the view expressed by the Town council.

The application follows the grant of outline permission to a similar scheme on the same site but which sought development of 21 dwellings with all matters reserved (13/1168/MOUT). At the time the affordable housing level sought was that set out in the Adopted East Devon Local Plan, however recent appeal decisions have indicated that the affordable housing provision should be based on the most up to date assessments of viability and in which case going forward the level to be sought in Seaton is 25% within the Built-up Area Boundary. The application therefore seeks approval for a development of up to 20 dwellings with provision for 25% affordable housing.

The application site lies to the north of the town centre, outside of the built-up area boundary in the adopted Local Plan but within the built-up area boundary proposed in the emerging New Local Plan. There is existing residential development to the south and east of the site, allotments to the north and a holiday park to the west.

The adopted East Devon Local Plan 2006 defines the site as open countryside, and it was allocated for residential development in previous iterations of the New Local Plan, however as the site has already secured outline consent its allocation was removed from the latest version of the Local Plan in accordance with the Local Plan Inspectors comments. The site is well related to existing development and within relatively easy access of shops, employment and other services available within the town as well as the public transport services that serve Seaton.

In landscape impact, highway safety and other terms the development of the site has previously been found to be acceptable, subject to conditions. Whilst it is disappointing that the level of affordable housing provision has dropped, this is in line with a recent appeal decision and reflects the expected provision for this area in line with the requirements of the New Local Plan.

Some additional consideration of surface water drainage mechanisms have been submitted in relation to the application but a detailed design for surface water drainage has not been provided. Whilst it would be beneficial to have an outline strategy at this stage given the extant permission for development of the site it is not considered that this can be insisted upon and should therefore be secured by condition.

In consideration of all of the matters raised within the report the proposal, although a departure from the Adopted Local Plan, is considered to represent sustainable development and as such is recommended for approval subject to a legal agreement and conditions to secure the matters set out at the end of the report.

CONSULTATIONS

Local Consultations

Parish/Town Council

Objection

The Town Council objects to this application as the site has been removed from the draft Local Plan as the housing need for Seaton has already been met. In addition the site is outside of the built up boundary area, the proposals will cause a loss of light to neighbouring properties as well being out of character with the surrounding houses, which are of single storey design.

The Council also objects on highways grounds as the access to the site is onto a busy road, the additional hard standing caused by the proposals will lead to surface water run off into an area that already has drainage issues.

The site should also require an archaeological survey.

Other Representations

7 letters of objection have been received raising the following concerns:

- There is an existing ground water problem with this proposed site and Barnards Hill Drive where local properties already identified have been known to flood at times of heavy rain.
- Until such time as the engineering works have been carried out the cost and feasibility are not known and it is questioned how planning approval can be granted until that time.

- Traffic concerns for additional traffic accessing Harepath Hill via Barnards Hill Road.
- Visual impact of 2 storey dwellings in this location would be out of keeping with the character of the surrounding area.
- Impact on biodiversity and wildlife that is currently present on site and in the surrounding area.
- Incorrect plans shown at Seaton Town Hall therefore misleading to members of the public.
- Increased risk of flooding through increased surface water run-off, which would increase the flooding risk to neighbouring properties.
- This greenfield site should not be considered for development when there are large brownfield sites that should be developed first.
- This is in a rural position on the edge of the town and includes hedgerows and a traditional Devon bank which should be conserved.
- Contrary to ecological assessment submitted there is evidence of using the field and also Barn Owls, Bats and Dormice are evident in the surrounding area.
- Development would be contrary to guidelines in the NPPF and also EDDC guidelines in relation to development in the a designated Green Wedge (56) and Area of Great Landscape Value (EN2).
- Loss of privacy to properties opposite in Armada Close.
- Impact on tourism due to impact on views from the caravan park.
- There should be no development above single storey level.
- The local amenities of Seaton, i.e. schools and doctors etc. are already at full capacity

Technical Consultations

Devon County Archaeologist

The results of the geophysical survey undertaken on this site has not identified any archaeological features within the application area. However, given the proximity of the proposed development to the known prehistoric and Roman activity in the vicinity I would advise that any consent granted should be conditional upon a programme of archaeological work being undertaken. This would allow the identification and recovery of any artefactual deposits as well as any more ephemeral archaeological features that might be present on the site that were not identified by the geophysical survey.

For the above reasons and in accordance Policy EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological and Historic Interest) of the East Devon Local Plan and 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 development 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 proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

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

South West Water

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 sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the sewer 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.

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.

Devon County Council Education Dept

Devon County Council will seek a contribution towards additional education infrastructure at the local primary school that serves the address of the proposed development. The contribution sought is £56,807 (based on the current DfE extension rate for Devon) which will be used to provide education facilities for those living in the development.

There is currently capacity at the nearest secondary school for the number of pupils likely to be generated by the proposed development. We will however require a contribution towards both primary and secondary school transport costs due to the development site being further than 2.25 miles from Axe Valley Community College. The costs required are as follows: -

3.00 secondary pupils

£7.53 per day x 190 academic days x 5 years = £7,153

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.

County Highway Authority

Access to the A3052 is available from the site by following Barnards Hill Lane northwards to a very poor junction with the arterial route. It should be noted that satellite navigation from the west (Exeter) to Barnards Hill Lane, Seaton, directs the driver to use this substandard junction and the narrow lane there on to the site and not via the much safer route of Harepath Road. Any increase in the use of the northern part of Barnards Hill Lane, beyond the junction of Poplar Tree Drive, to link the site to the A3052 should be discouraged and should the development receive full planning permission, mitigating measures should be incorporated within that permission so that traffic is diverted away from using this wholly substandard route and junction. This could involve a change of priority at the junction of Barnhards Hill Lane and Poplar Tree Drive.

The proposed development is located on the edge of the existing built -up area to the north west of Seaton. But it well connected to the centre of the town and the facilities it offers via an existing network of residential roads of adequate width and with suitable footway provisions.

The wider highway network and access to the A3052 is available from the nearby Harepath Road where there is also access to the existing local and wider public transport system.

Recommendation:

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

1. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with

details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

2. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure the proper development of the site.

3. No part of the development hereby approved shall be commenced until:

The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway. The ironwork has been set to base course level and the visibility splays required by this permission laid out. The footway on the public highway frontage required by this permission has been constructed up to base course level. A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.

4. Mitigating proposals to alleviate traffic travelling to and from the development from the A3052 via the northern portion Barnhards Hill Lane beyond Polar Tree Drive. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that traffic is directed away from the substandard junction and on a road of substandard width.

Housing Strategy Officer Paul Lowe

At a recent planning appeal in the district the planning inspector and the Secretary of State have both advised that Strategy 34 of the emerging Local Plan can be given a considerable degree of weight and is to be preferred to Local Plan Policy H4, which is out-of-date, when determining appropriate levels of affordable housing provision.

The application site is allocated for residential development within the emerging Local Plan (E006) but in the current local plan is outside of the built-up area boundary and is in a green wedge. On the basis of Strategy 34 and the proposed allocation we will be seeking 25% (5 units) affordable housing on the site.

We would expect to see a tenure mix of 70/30%, in favour of rented accommodation as is proposed; we note that the applicant intends to provide both social rent and affordable rent which is welcomed. The remaining homes are to be shared ownership or similar affordable housing product as defined in the National Planning Policy Framework document or relevant policy at the time.

The indicative layout plan shows a good mix of 1 and 2 bedroom affordable houses. We would prefer to see the affordable units dispersed throughout the development rather than concentrated in one area.

Once completed the affordable homes should be transferred to and managed by a preferred Registered Provider. We would strongly recommend that you engage with a Registered Provider as soon as possible to ensure the affordable dwellings meet the relevant design standards.

We note from the draft heads of terms that all of the affordable homes will be constructed to Code for Sustainable Homes Level 3 and to the Homes and Communities Agency design and Quality Standards. Should these standards change we would expect all the affordable homes to be constructed to the relevant local and national standards at the time of completing the S106 agreement.

We would also expect that a nomination agreement is place that enables the Local Authority or a preferred Register Provider to nominate individuals from the Common Housing Register, preference going to those with a local connection to Seaton, then cascading to surrounding Parishes and finally the district.

DCC Flood Risk SuDS Consultation

The inclusion of Flood Risk and Drainage strategy statement is welcomed but lacks some detail at this stage. It identifies that soakaways will be the preferred method for the disposal of surface water. Geology and soil mapping suggests loamy clayey soils with impeded drainage suggesting soakaways may not be possible although further investigation would be required to confirm this.

If soakways are not feasible, SWW have shown that they will not allow surface water to be discharged into the combine/foul SWW sewer. Confirmation would be required if SWW would allow connection into an available surface water sewer for discharge, as our mapping suggests that is no open water body associated with the site.

Therefore it would be sensible that an assessment of the attenuation feature mentioned with the FRA is undertaken in order for space to be allocated within the current master plan. This only needs to be outline at this stage with further detail following within the detailed design stage.

At outline planning stage, details for a workable solution for managing surface water should include:

SuDS options considered - this has been included in the FRA
 Permeable/Impermeable areas and site characteristics
 Establish permitted discharge rates in accordance to DCC guidance (Greenfield/Brownfield/Critical Drainage Area). - this has been briefly covered in the FRA, we would expect rates and volumes to match greenfield performance
 Assessment of attenuation and long term storage volumes in order for features to be designed within the master plan.
 Assessment of the suitability of infiltration (through available information).

Management and Maintenance objectives.- this is included in the FRA as privately maintained system There is a record of historical flooding downhill from the proposed development, recorded as flooding from surface water along the flow path identified within the surface water flood maps. This would suggest through the current field access.

Consideration should be given to the SuDS system reducing this surface water pathway and reducing the potential discharge to the highway and retaining surface water on site together with the recommendations in the FRA.

The provision and approval of a detailed drainage design should be considered as a condition in any granted planning permission, this should contain the information attached to this letter and should be designed in accordance with local standards.

PLANNING HISTORY

Reference	Description	Decision	Date
13/1168/MOUT	Construction of up to 21 dwellings (outline application with all matters reserved)	Approve	01.05.2014

POLICIES

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

Strategy 8 (Development in Green Wedges)

Strategy 34 (District Wide Affordable Housing Provision Targets)

D1 (Design and Local Distinctiveness)

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

EN5 (Wildlife Habitats and Features)

D3 (Trees and Development Sites)

TC7 (Adequacy of Road Network and Site Access)

D2 (Landscape Requirements)

TC9 (Parking Provision in New Development)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

S5 (Countryside Protection)

S6 (Development in Green Wedges)

EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)

EN6 (Wildlife Habitats and Features)

D5 (Trees on Development Sites)

D2 (Sustainable Construction)

TA7 (Adequacy of Road Network and Site Access)

RE3 (Open Space Provision in New Housing Developments)

H4 (Affordable Housing)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Government Planning Documents

National Planning Practice Guidance

SITE LOCATION AND DESCRIPTION

The application site relates to a small agricultural field to the west side of and accessed from Barnard's Hill Lane. The site extends to approx 3/4 ha. To the south of the site is the residential cul-de-sac of Axeview, to the north are allotments and to the west a campsite. The site boundaries are formed to the west, south and east by hedgerow and to the north by a post and wire fence. There are some mature trees within the southern hedgeline. The site falls gently from northwest to southeast. The residential development in the vicinity is of mixed character with modern 2 storey estate housing opposite to the west and older bungalow development to the south.

The field is currently accessed by a field gate in the southeast corner of the field. Beyond this gateway to the north the lane narrows to single carriageway width, albeit the footway continues. The surrounding area is designated as Area of Great Landscape Value and Green Wedge and is located approximately 1 km north of the town centre.

RELEVANT PLANNING HISTORY

Outline planning permission was granted in May of last year (13/1168/MOUT) for the development of the site for 21 dwellings. Prior to this there is no relevant planning history relating to the site. However, the site has been considered previously as a deliverable and developable site through the Strategic Housing Land Availability Assessment (SHLAA) process and as a result has previously been allocated as a residential development site in the Publication Draft of the New East Devon Local Plan.

The latest version of the emerging New Local Plan has removed this allocation (in accordance with comments from the Local plan Inspector) on the basis that permission has already been granted for development of the site. The site is included within the built-up area boundary for Seaton within the emerging New Local Plan.

PROPOSED DEVELOPMENT

Outline Planning permission is sought with all matters reserved for the development of the site for development of up to 20 dwellings.

ANALYSIS

The site has recently been granted planning permission for development of a similar number of units as now proposed. The reduction in number of units is accompanied by a change in the housing mix with fewer small (1-2 bed units) now proposed reflecting the reduction in number of affordable units proposed. However, the layout of the site, as with all other matters, is (as was previously the case) reserved for future consideration.

The main issues to be considered in the determination of the application are therefore largely unchanged, save for the issue of affordable housing. Nonetheless in the interests of completeness those considerations are repeated below with additional commentary, as necessary:

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

- The principle of the proposed development
- Design and impact on the character and appearance of the area
- The wider landscape impact
- Highways and Access issues
- Surface Water Drainage
- Impact on trees
- Impact on residential amenity
- Impact on archaeology
- Impact on wildlife
- s106 matters: affordable housing provision, education contributions, open space
- Other issues

THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

The development plan for the District is the East Devon Local Plan 1995-2011 including all the saved policies following the Secretary of State's Direction in 2009. The site is located outside the built up area boundary of Seaton as defined within the Local Plan and is therefore countryside in accordance with Policy S5 of the Local Plan. This policy will only allow development in the countryside where it is in accordance with a specific Local Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

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

Within the housing section of the Local Plan there is not a policy that would explicitly permit housing on this site. The proposal does not therefore accord with the Development Plan and as such the application has been advertised as a Departure by virtue of Regulation 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

However, the emerging New Local Plan for East Devon for the period 2013 - 2031 is now at an advanced stage. Whilst earlier versions of the Local Plan sought to allocate the site for development of up to 20 dwellings under the Development Management Policies section (Policy H1), this allocation has been removed in the most recent version of the Emerging East Devon Local Plan (in accordance with the Local Plan Inspectors comments) as the site already benefits from planning permission.

It is noted that the Town Council has objected to the application on the basis that it is no longer allocated, however, given the reasons behind this and the fact that there is an extant permission on the site and the site is shown within the built-up area boundary for Seaton, objection on these grounds cannot be sustained.

DESIGN AND IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

The application is in outline form with all matters reserved and therefore it is not possible to assess the full impact of any development of the site at this stage.

However, the application is accompanied by an indicative layout plan that indicates how the site might be developed for 20 dwellings. Such dwellings would be two-storey in form which is slightly out of character with the existing single storey development to the south but there is two storey development on the opposite side of Barnards Hill Road. Given this, and given that the previous permission on the site indicated the development of 2-storey dwellings, this is again considered to be acceptable with the details of the design and relationships to surrounding proposed for consideration as part of any reserve matters application.

THE WIDER LANDSCAPE IMPACT

There are no national landscape designations applied to the site. The advice within the NPPF is to place more emphasis on protection of nationally designated landscapes such as an AONB. Nonetheless, one of the core planning principles within the NPPF is to recognise the intrinsic character and the beauty of the countryside as well as contributing to the conservation and enhancement of the natural environment. Policies in the existing Development Plan generally seek to protect the landscape.

The Council's Landscape Character Assessment and Management Guidelines, agreed in 2008 defines the landscape character type as LCT 3B: lower rolling farmed and settled slopes. The existing landscape quality is one of gently undulating lower valley slopes to the west of the River Axe, the site itself is undeveloped agricultural land but has existing development to the south and east, allotments to the north and a static caravan site to the west. Therefore whilst the development of the site would have some landscape impact, extending permanent development further up the hillside, viewed in the context of the existing built form of the settlement this impact would be limited.

The site is located within the defined "green wedge" of Policy S6 of the Local Plan which will not allow development if it would add to existing sporadic or isolated development or damage the individual identity of the settlement or could lead to or encourage settlement coalescence. This is similar to some of the purposes of Green Belt policy as identified in the NPPF but policy S6 is a local policy which happens to fulfil some of the aims of a Green Belt. As mentioned above local landscape designations do not carry the same weight as national designations indeed the NPPF makes no mention of Green Wedges. The principles of Green Wedges are however upheld by the NPPF and so it is considered reasonable to give weight to this local designation.

Although within the designated green wedge the site lies within existing non-agricultural routes and would not extend development closer to any neighbouring settlements i.e. Colyford than the existing built-form of Seaton. The main urban area of Colyford is located approximately 1 km away to the north east with exiting development to the west side of Harepath Road between the site and Colyford. The proposal would also not take development any closer to the A3052 than is the case at present. It is not considered that the proposal would have any significant landscape impacts or adversely affect the green wedge or the reasons for its designation.

Given this, and given that permission already exists on the site, the wide landscape impact from the development is considered to be acceptable.

HIGHWAYS AND ACCESS ISSUES

Access is proposed direct onto Barnards Hill Lane with the indicative site plan indicating an access broadly central to the roadside boundary. The accompanying Design and Access Statement suggests that Barnards Hill Lane, which narrows to

single carriageway width just to the south of the site, would be widened to Highway Standards and the existing public footpath extended to the site entrance.

North of the site access to the A3052 is achievable via Barnards Hill Lane, however, the junction of the lane with the A3052 is very poor and is not one that should be encouraged. A safer access route to this road is via Harepath Road to the east. The Highways authority on the previous application advised that in order to deter the use of the Barnards Hill junction, mitigating measures should be incorporated within any permission. Such measures they advise could involve a change of priority at the junction of Barnards Hill Lane and Poplar Tree Drive. The Highways Authority has reiterated its comments on the current application but have provided a verbal update to confirm that these mitigation measures are no longer required as the lane is now one-way at the point where it adjoins the A3052.

In terms of location the highways authority consider the site to be '...well connected to the centre of the town and the facilities it offers via an existing network of residential roads of adequate width and with suitable footway provisions'. The site location is also considered to have suitable access to the wider highway network (via Harepath road) and to the existing local and wider public transport system. Conditions are proposed to secure satisfactory construction details and the timing of these as well as details for and implementation of the required mitigation measures.

SURFACE WATER DRAINAGE

Since the determination of the earlier application there has been a change in the way in which surface water drainage matters are to be considered. Since 6th April 2015 it has been a requirement on 'major' planning applications for local planning authorities to consult the relevant Lead Local Flood Authority (Devon County Council) on the management of surface water; satisfy themselves that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. This therefore places an additional requirement to provide such information at the outline stage rather than leaving such considerations to the detailed design and layout of a scheme.

The applicant has since the initial submission provided further information in this respect in the form of a Flood Risk and Drainage Strategy Statement. This identifies that soakaways would be the preferred method for the disposal of surface water. However, geology and soil mapping suggests soil conditions may not make soakaways possible, but further investigation would be required to confirm this. Were soakaways not to be possible it would be necessary to explore alternative methods of dealing with surface water discharge and where South West Water have indicated that they would not allow surface water to be discharged into the combined/foul sewer.

The submitted Flood Risk and Drainage Strategy does not provide a detailed design or location for any surface water attenuation feature (to attenuate surface water discharge to Greenfield rates) that may be required, were soakaways to prove unfeasible and therefore the indicative layout does not account for the space that might be required to accommodate such a feature.

The Flood Risk Management Team of Devon County Council has assessed the submitted information and outlined the additional information that would usually be required at outline stage. However, in this instance it is acknowledged that there is an extant outline planning permission for the development of the site for up to one more dwelling and which does not provide this level of information. As this earlier permission could be brought forward it is not considered that the current permission can be refused on the basis of insufficient information.

Nonetheless, it would be important to condition such information in order that the most appropriate method of managing surface water can be incorporated into any Reserved Matters scheme from the outset. In recognition of the extant permission for development of the site the Flood Risk Management Team has in this instance recommended that the provision and approval of a detailed drainage design should be considered as a condition in any planning permission granted.

IMPACT ON TREES

An arboricultural survey has been submitted with the application which identifies sections of the southern boundary hedge and all of the eastern and western hedges as of B category under British Standard 5837:2012 (i.e. worth of retention and a constraint on development). There are also a number of individual trees of B category quality identified within the southern hedge boundary.

The arboricultural report submitted with the application recognises the benefits of retaining the boundary planting in providing screening for/of the development and considers that this could be achieved. The accompanying tree constraints plan indicates that root protection areas are relatively linear and do not extend significantly beyond the hedgerows themselves, due to the size of the individual trees identified it is not considered that these represent any significant above ground constraint by virtue of shading or dominance.

The proposed access would require a break in the existing hedgerow on the roadside boundary but the impact off this would be limited in the context of the development and there are opportunities for compensatory planting elsewhere within the site. Any approval of development though should include a requirement for a Tree Protection Plan and Arboricultural Method Statement.

IMPACT ON RESIDENTIAL AMENITY

The proposal lies adjacent to existing single storey residential development to the south and on the opposite side of Barnard's Hill Lane more recent 2 storey development. Developments of the site will clearly alter the character of the site and increase both activity adjacent to existing properties and traffic movements to and around the site. The indicative layout indicates back gardens of proposed properties adjoining the rear gardens of existing properties and that sufficient separation distances could be achieved. It is recognised that the existing properties are single storey and set at a lower site level but subject to appropriate consideration of layout and fenestration arrangements at Reserved Matters stage, together with the retention of existing boundary planting it is considered that a development of the

scale proposed could be achieved without any significant impact on residential amenity.

IMPACT ON ARCHAEOLOGY

A geophysical survey relating to the site has been considered by the Historic Environment Service of Devon County Council in relation to the potential archaeological impact of the development. Based on the results of this survey no additional up front survey work was considered necessary and the County Archaeologist has withdrawn his initial objection subject to the imposition of a condition requiring an archaeological watching brief of the site - due to the potential for deposits to be uncovered given the site's proximity to the known prehistoric/Roman site at Honeyditches.

IMPACT ON WILDLIFE

The original application was submitted with an Extended Phase 1 Ecological Assessment relating to the potential for the site to impact upon wildlife and in particular protected species. The findings of the report were that the semi-improved grassland that forms the majority of the site itself would have limited ecological interest but that the species rich hedgerow that surrounds it was potential dormouse habitat and that further assessment was required. As a result further survey work was undertaken and a report submitted. The report indicated that no evidence of dormice was found on site and that a European Protected Species Licence would not therefore be required. The report is now nearing two years old and as such potentially the site conditions may have changed, however, given the extant permission that exists, the retention of existing and provision of additional planting proposed and that the recommendations of the survey reports could be ensured by condition the proposal is considered to remain acceptable in this respect.

OTHER ISSUES

The Town Council and a number of local residents have raised the issue of surface water flooding resulting from the development of the site. Details of the methodology for dealing with surface water drainage have been submitted and any reserved matters approval would be required to include details of a sustainable drainage system to ensure this is properly dealt with on site and so that run-off rates would not exceed existing Greenfield run-off rates.

S106 MATTERS: AFFORDABLE HOUSING PROVISION, EDUCATION CONTRIBUTIONS, OPEN SPACE AND OTHER ISSUES

The situation has changed since the earlier application in that there is now a deficit at the Local Primary School and as a result contributions are now sought in relation to education infrastructure at that school, where these were not previously required. Conversely the open space requirements have reduced as contributions from other consented schemes have altered the requirements in this respect. The revised contribution figures sought are reflected in the Draft Heads of Terms that accompanies the application and offers the following:

1. Provision of Affordable Housing as follows:-

(a) 25% (5) units of Affordable Housing will be provided by the Developer as part of the development of 20 units in total.

(b) The 5 Affordable Units will be either 1 or 2 Bedroom units and will be transferred as Affordable Housing to a Registered Provider that manages Affordable Housing in East Devon.

(c) The housing mix and Tenure basis will be in accordance with the following Schedule of House Types;

	Social Rent	Affordable Rent	Shared Ownership	Sub Total
1 Bed House	1	1	0	2
2 Bed House	0	1	2	3
Totals	1	2	2	5

All Affordable Homes will be constructed to Code for Sustainable Homes Level 3 and The Homes and Communities Agency Design and Quality Standards.

Nominations for the Affordable Housing will be sought via the Common Housing Registers.

(d) Subject to finding an Affordable Housing provider willing to acquire, on normal Terms, the practical completion of all Affordable dwellings, these will be completed pro rata and prior to the first occupation of 50% and 75% of the Open Market housing on the site respectively.

In the event of the Developer having approached three Affordable Housing providers (RP's) and been unsuccessful in effecting the disposal of all or any of the Affordable dwellings, then the position will be referred to East Devon District Council for further proposals of up to 3 RP's which, if still unsuccessful will be offered to East Devon District Council on similar Terms as aforesaid and if the Council are not willing to take the remaining provision for Affordable dwellings, the requirement to provide all or any balance shall lapse.

2. Contributions:

(a) Education:

A contribution of £7,153.00 will be made towards the transportation of pupils to the Axe Valley Community College.

A contribution of £56,807.00 towards the extension of the Seaton Primary School.

A contribution of £300.00 to be made towards the cost of the Legal Agreement to secure this undertaking.

(b) Open Space:

A contribution of £45,924.24 will be made from which items (c) and (d) and (e) below will be included.

The above payments will be made pro-rata to the first occupation of 33% and 66% of the Open Market dwellings and will not be subject to bonding or indexation.

(c) An On Site Play Area approximately equal to 1% of the site area (80 sq. metres) will be provided on site prior to occupation of 100% of all dwellings to be maintained by a management company in a sum to be agreed.

(d) Monitoring fee to cover the cost of monitoring the requirements of the S106 agreement in a sum to be agreed.

(e) The Open Space contribution shall include the sum to be used towards the provision and/or maintenance of public open space within the vicinity of the development and to provide a minimum of 5 pieces of equipment at a minimum cost of £30,000 or a maximum cost of £37,000 to be spent on the said children's play equipment.

RECOMMENDATION

APPROVE subject to the applicant entering into a s.106 agreement to secure the above matters and to the following conditions:

1. Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason - The application is an outline with one or more matters reserved.
2. Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission. The development hereby permitted shall be begun before the expiration of three years from the date of the approval of the last reserved matters.
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.
3. 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 in writing by the Local Planning Authority. The development 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 in accordance with Policy EN8 (Proposals affecting Sites which may potentially be of archaeological importance) of the Adopted East Devon Local Plan and Policy EN7 (Proposals affecting Sites which may potentially be of archaeological importance) of the Emerging East Devon Local Plan.

4. Before any development commences, details of finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that adequate details of levels are available in the interests of the appearance of the locality and the amenity of adjoining occupiers and flooding in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan and Policy D1 (Design and Local Distinctiveness) of the Emerging East Devon Local Plan.

5. Prior to the commencement of the development hereby permitted, details of materials to be used externally for the buildings on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in the materials approved.

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

6. No development shall commence until details of the surface water drainage scheme for the development, incorporating sustainable drainage principles that will mimic or improve upon Greenfield performance and details of the mechanism for the maintenance of any such scheme, have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with details as agreed.

Reason - To protect third parties flooding and water quality interests, in accordance with Policy EN15 (Control of Pollution) of the Adopted East Devon Local Plan, Policy EN22 (Surface Run-Off Implications of New Development) of the Emerging East Devon Local Plan and guidance within the National Planning Policy Framework.

7. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason - To ensure that adequate information is available for the proper consideration of the detailed proposals in accordance with Policies TA7

(Adequacy of Road Network and Site Access) and TA9 (Parking Provision in New Development) of the Adopted East Devon Local Plan and Policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the Emerging East Devon Local Plan.

8. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

Reason - To ensure the proper development of the site and to prevent damage/disruption to the highway and in accordance Policies TA7 (Adequacy of Road Network and Site Access) and TA9 (Parking Provision in New Development) of the East Devon Local Plan) and Policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the Emerging East Devon Local Plan.

9. No part of the development hereby approved shall be commenced until:

The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway. A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.

Reason - To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents and in accordance Policies TA7 (Adequacy of Road Network and Site Access) and TA9 (Parking Provision in New Development) of the Adopted East Devon Local Plan and Policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the Emerging East Devon Local Plan.

10. Development shall proceed in accordance with the following restrictions:

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 in accordance with Policy EN15 (Control of Pollution) of the Adopted East Devon Local Plan and Policy EN15 (Environmental Impacts, Nuisance and Detriment to Health) of the Emerging East Devon Local Plan.

11. No development shall commence until a Method of Construction Statement has been submitted to and approved in writing by the Local Planning Authority, such statement to include: details of parking for vehicles of site personnel, operatives and visitors; loading and unloading of plant and materials; storage of plant and materials and a programme of works including measures for traffic

management. The development shall be carried out in accordance with the approved details.

Reason - To ensure the free flow of traffic on the highway in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan and and Policy TC7 (Adequacy of Road Network and Site Access) of the Emerging East Devon Local Plan.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order, with or without modification), no development of the types described in Classes A, B, D or E of Part 1 of Schedule 2 to the Order shall be carried out without a grant of express planning permission from the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain control over works or operations that would not ordinarily require a grant of planning permission in the interests of the character and appearance of the development and surrounding area in which the site is located and residential amenity and to accord with Policies D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan and policies D1 (Design and Local Distinctiveness) of the Emerging East Devon Local Plan.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order, with or without modification), no development of the types described in Class A of Part 2 of Schedule 2 to the Order for the erection of any fences, gates or walls other than those agreed as part of the landscaping scheme submitted as part of the reserved matters application.

Reason - To retain the open character of the communal areas of the site and to ensure the future use of appropriate and sympathetic boundary treatments in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan and Policy D1 (Design and Local Distinctiveness) of the Emerging East Devon Local Plan.

14. The development hereby approved shall proceed in accordance with the conclusions and recommendations section of the Dormouse Assessment Final Report, dated October 2013 and the Mitigation and Enhancement recommendations set out in the, Extended Phase 1 Ecological Assessment Final Report, dated May 2013, both prepared by Encompass Ecology Ltd.

Reason - In the interests of the continued protection of protected species and biodiversity enhancement in accordance with Policy EN6 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan and Policy EN5 (Wildlife Habitats and Features) of the Emerging East Devon Local Plan.

15. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority.

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

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.

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.

The AMS shall provide for the keeping of a monitoring log 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.

Reason - To ensure the continued well being of retained trees in the interests of the amenity of the locality and in accordance with policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the Adopted East Devon Local Plan and policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees on Development Sites) of the Emerging East Devon Local Plan.

16. Any landscaping scheme approved as part of a reserved matters application 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 Adopted East Devon Local Plan and policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the Emerging East Devon Local Plan.

17. 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.)

NOTE FOR APPLICANT

Informative:

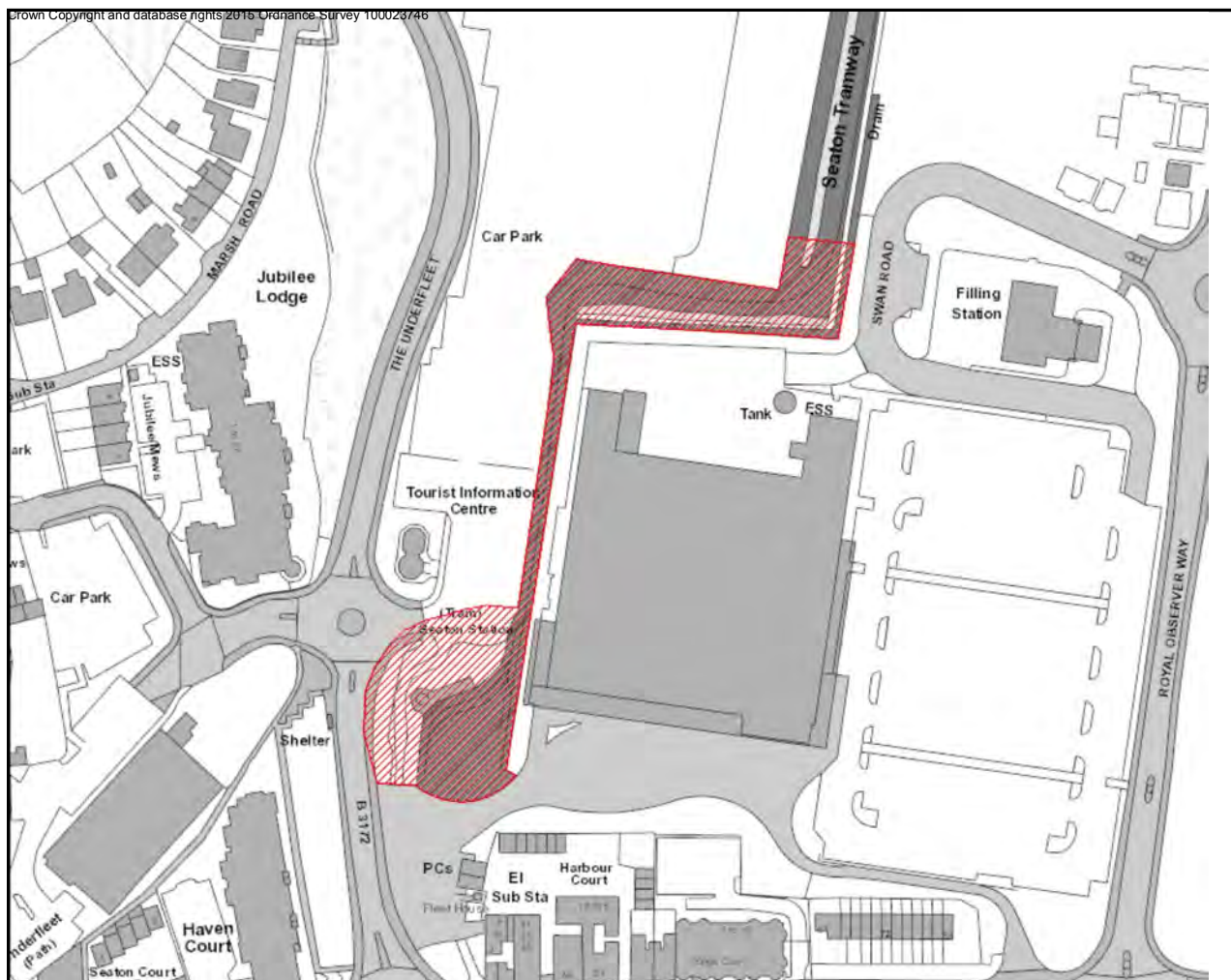
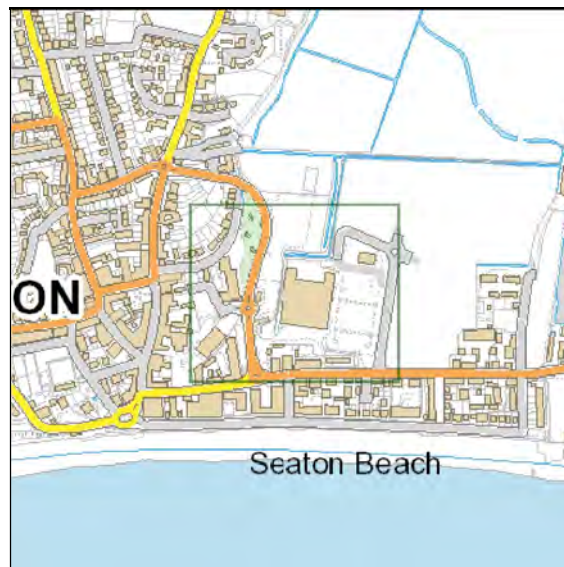
In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately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

Plans relating to this application:

101	Location Plan	20.05.15
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List of Background Papers

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



		Committee Date: 08.09.2015
Seaton (SEATON)	15/1381/FUL	Target Date: 20.08.2015
Applicant:	Ray Hole Architects	
Location:	Seaton Tramway Harbour Road	
Proposal:	Demolition of existing terminus building, raise the site and track levels, construct a new terminus building on the site to shelter additional tramway platforms, a cafe, gift shop, storage areas and construction of an additional length of track	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before committee as the application site is on land owned by East Devon District Council.

Planning permission is sought for the demolition of the existing tramway terminus building and the raising of site and track levels to facilitate the construction of a new terminus building on the site. The new building would provide covered shelter to additional tramway platforms as well as providing for, a cafe, gift shop and storage areas.

The proposed terminus building is of a modern contemporary, flat roof design, featuring full height glazing to the south elevation with the east elevation being painted render and the west featuring timber effect cladding. The external site levels immediately around the building would be raised, akin to those of the adjoining superstore and visitor centre, in order to take the building out of the flood risk zone. The perimeter of the raised area would be formed by stone filled gabions. To the west the existing linking footway and landscape planting would be retained.

The proposal would represent one of the final pieces of the jigsaw for the redevelopment of this western end of the regeneration site following the construction of the Tesco superstore, The Jurassic Coast Interpretation Centre and the public concourses both north and south of the application site. The improved facility and length of track would enable additional visitors to be accommodated, would improve the overall visitor experience and would better showcase the trams themselves.

Concerns have been raised that the provision of a cafe facility within the building would represent an oversupply in the vicinity and where there are existing cafes related to the Tesco superstore, the Jurassic Coast Interpretation Centre and independent businesses to the south. Whilst it is acknowledged that provision of a cafe has the potential to vie for trade with existing businesses, the site is located within the town centre shopping area where there is general policy support for such uses and where such a facility, ancillary to the tram terminus, is not considered unreasonable. In all other respects the application is considered to be acceptable and is recommended for approval subject to the conditions set out at the end of the report.

CONSULTATIONS

Local Consultations

Ward Members

No comments received at the time of writing

Parish/Town Council

Support

Other Representations

6 no. letters of representation have been received in relation to the application, 1 is a letter of support with the remainder raising the following concerns:

- Total over development of the area which would over power the new visitor centre and impact on the open paved space leading to Tesco/ Costa
- No cafe should be permitted, as the tram already has one at its Colyton station and there are sufficient cafes already in the town.
- Introduction of cafe would have serious impact on new Visitor centre and town centre.
- Concerns over flood risk and whether the submitted FRA has properly considered flood risk to the adjoining area.
- There is no provision to prevent seabirds (gulls) from roosting and causing a localised mess nuisance.
- A more traditional design would better suit the tramway function.
- Take away sales from the cafe should be prevented to avoid littering.
- Design is characterless, unsympathetic, and in no way relates to the 'Edwardian' design of the trams.
- No night time functions should be permitted.
- Bulky and ugly building would not complement the town.
- No night time illumination or internal illumination of signs should be permitted.
- Landscaping should be retained and enhanced and trees protected.
- Use of 'Seaton maroon' somewhere on the building should be encouraged.

Technical Consultations

Environment Agency

Providing development proceeds in accordance with the submitted Flood Risk Assessment dated June 2015 there are no objections to the proposed development from the flood risk aspect.

Environmental Health

I have considered this application and recommend the following condition to be attached to any permission granted:

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

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution."

Natural England

Having reviewed the application Natural England does not wish to comment on this development proposal.

Economic Development Officer - Rob Murray

In performing our role as enabler and facilitator of the wider economic regeneration of the town, we want to ensure that a good proportion of the additional footfall generated by Seaton Jurassic and the new Tramway terminus is dispersed around the existing town centre to promote wider trade and increased employment. The establishment of the Seaton Jurassic 'discovery points' at various locations around the town follow from this ambition to widen and improve the visitor experience and encourage more distributed spend in the town.

Seaton Tramway is one of the District's strongest visitor attractions, bringing in c.90,000 visitors per year. With projected increases in visitor numbers of around a third in association with a new terminus, we're keen to ensure the proposal will complement the regeneration of Seaton, encouraging visitors to venture into the town and towards the seafront. We know that this is already a key local economic benefit of the Tramway as is and we should do all we can to further encourage this trend. We would like to ensure that as well as being commercially attractive for the Tramway, the new facility will complement the wider and longer term regeneration strategy that is supported by local residents and businesses and promoted by the Council.

The issue for ED within this application is that the more commercial facilities that are provided within the new terminus – the second Tramway cafe and gift shop; the more likely it is that visitors will engage less with the town to purchase food, drink and goods. We want to encourage people to visit Seaton and enjoy the enhanced

local tourism offer in the development of Seaton Jurassic and expansion of Seaton Tramway but also to spread out, see the discovery points, to explore and enjoy the rest of this growing seaside town. We would therefore advise against an oversupply of cafe provision on Thury Harcourt at this time.

The town remains vulnerable in terms of its comparison retail and point-of-service food business offer. Drawing visitors from existing trading centres to a new 'hub' of cafes on Thury Harcourt Place would reduce the potential for linked-trips. It would serve to limit the opportunity for greater visitor spend dispersal across the town - most notably the existing High St to the west of this site.

County Highway Authority

Observations:

Devon County Council responds not only as Local Highway Authority for this application, but also as the Local Transport Authority. DCC believes that the proposed development will serve to further enhance the nearby developments of the Seaton Jurassic Centre, the existing Tesco Store and the existing and future Public Realm that is planned to surround and link these attractions, all of which are part of the Seaton Regeneration programme along with the housing development to the east of Tesco. The proposed new terminus with modern futuristic designs will be in juxtaposition to the existing Victorian station at Colyton and will bring travellers from the old to the new and vice versa and will serve to emphasize the regeneration of Seaton as whole.

Access to the Tram Terminus for visitors arriving by car will from one of the public car parks situated in the town, the nearest being the former Underfleet Car Park to the north of the proposal site or the recently approved one on land to the west of Underfleet. Because of flood elevation measures the new building will have to be raised from its current level and therefore suitable access will be in the form of two pedestrian wrap around ramps that will extend to existing paths and public spaces. DCC has no objections to the proposed development and at this time does not request any conditions should the LPA be minded to grant as it stands; however we would wish to be consulted and may wish to recommend conditions on any grant of planning throughout the planning process.

PLANNING HISTORY

Reference	Description	Decision	Date
09/0022/MOUT	Re-development of land to Housing, tourism, new public realm, Petrol filling station, hotel, retail development with public open space and access	Approved	04/11/2010

POLICIES

New East Devon Local Plan Policies
Strategy 3 (Sustainable Development)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 25 (Development at Seaton)

Strategy 38 (Sustainable Design and Construction)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN16 (Contaminated Land)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

E20 (Provision of Visitor Attractions)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

Adopted East Devon Local Plan Policies

S2 (Built-up Area Boundaries for Area Centres and Local Centres)

S4 (Development Within Built-up Area Boundaries)

S7 (Infrastructure Related to New Development)

D1 (Design and Local Distinctiveness)

D2 (Sustainable Construction)

D3 (Access for the Disabled)

D4 (Landscape Requirements)

EN6 (Wildlife Habitats and Features)

EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)

EN15 (Control of Pollution)

E2 (Employment Generating Development in Built-up Areas)

SH1 (Town Centre Shopping Areas)

TO6 (Provision of Visitor Attractions)

TA1 (Accessibility of New Development)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

LSE 1 (Seaton Regeneration Area)

Government Planning Documents

National Planning Practice Guidance

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

SITE LOCATION AND DESCRIPTION

The site lies to the east side of The Underfleet, to the north of its junction with Harbour Road and sits between this road and the Tesco superstore to its northeast. The land to the north of the site is currently under development for the construction of the new Jurassic Coast Interpretation Centre and to the immediate south is an area of public realm which also serves as a pedestrian link to Harbour Road and the town centre.

The existing buildings on site consist of a single storey terminus building in the 'Neo-Victorian' style. This features a small ticket office/kiosk and covered waiting areas in a broadly 'L' shaped plan form. The existing tramline runs on a narrow strip of land extending north from the site parallel to the boundary with the Tesco superstore before turning to run along the northern boundary of this neighbouring site and then turning north again to run parallel to the residential site currently under construction and on to Colyford and Colyton. On the opposite side of Harbour Road is a 3-4 storey residential sheltered housing development whilst to the south beyond the area of public realm are 2 to 3 storey properties with commercial units at ground floor level and residential units above.

The site falls within the Seaton Regeneration Area as defined in the Adopted East Devon Local Plan and which includes the Jurassic Coast Interpretation Centre, the public realm area, the Tesco site and land beyond this to the east, up to the River Axe.

The site also falls within a designated high risk flood zone with the site being vulnerable to both fluvial and tidal flooding.

PROPOSED DEVELOPMENT

Planning permission is sought for the demolition of the existing terminus building and the raising of site and track levels to facilitate the construction of a new terminus building on the site. The new building would provide covered shelter to additional tramway platforms (4 rather than the current platform) as well as providing for a cafe, gift shop and storage areas. As part of the proposal it is intended to add an additional section of track extending first north and then east from the existing terminus, the overall length of the additional section of track being approximately 200m.

The proposed terminus building would occupy the same part of the site but with an enlarged footprint extending further to the west covering the open area between the existing terminus building and the concourse to the immediate south of the existing Tesco superstore. The overall floor area of the building would be 440m² which would be contained within a contemporary flat roofed building of irregular shape, which narrows towards its western end. The building would feature full height glazing to the south elevation with the east elevation being painted render and the west featuring timber effect cladding.

The overall maximum height of the building would be 7 metres from external ground level but where this would be raised in height by up to 2 metres above existing ground levels. The western side of the building, adjacent to the main linking footway between the public concourses to the north and south, would be single storey with the flat roof then flowing up to full 2 storey height and extending over the majority of the building. Feature internally illuminated individual lettering is proposed reading 'Seaton Tramway' above the single storey section of building and feature advertisement panels are also proposed on the east elevation and around the perimeter of the raised area to the west.

The external site levels immediately around the building would be raised, akin to those of the adjoining superstore and visitor centre in order to take the building out of the flood risk zone. The perimeter of the raised area would be formed by stone filled gabions. To the west the existing linking footway and landscape planting would be retained.

ANALYSIS

The application is before committee as the Council is the land owner of the site. It is considered the main issues in the determination of the application are as follows:

- The principle of the development
- The design and layout
- The impact on the character and appearance of the area
- Flood Risk
- Highway Safety/Access
- Arboricultural impacts
- Amenity impacts
- Other issues

THE PRINCIPLE OF THE DEVELOPMENT

The site falls within the Seaton Regeneration Area as defined in the Adopted East Devon Local Plan and which includes the Jurassic Coast Interpretation Centre, the public realm area, the Tesco site and land beyond this to the east, up to the River Axe.

The site also falls within a designated high risk flood zone with the site being vulnerable to both fluvial and tidal flooding (discussed below).

The Regeneration Area has seen significant progress in recent years with the development of the Tesco superstore complete, development of the public realm area to the south and southwest of this complete and development of the Jurassic Coast Interpretation (JCI) Centre and the housing scheme to the east of Tesco ongoing. The original proposals for the regeneration area always envisaged a new or enhanced tramway terminus, although not necessarily in the same location, and the redevelopment of this site to provide improved facilities and an enhanced visitor experience is therefore seen to be in line with the approach to the wider regeneration area.

The proposals seek to provide a facility able to meet the expectations of today's visitors in terms of the facilities it provides and the number of visitors. The supporting documentation advises that the proposals will look to support up to 140,000 annual visitors (45% of which would arrive in the months of July and August), with the terminus able to manage 250 visitors an hour/1000 visitors a day.

The location of the site also forms an important link from the public realm area to the south through to the JCI centre to the north and the wider regeneration area to the west. The provision of an additional section of track leading north from the site would also facilitate an improved tram service and potentially enable more visitors to be able to use the service with hopefully wider benefits to the town as a whole. The eventual proposal is to provide an additional section of track as far as the tramway depot (to the west side of the Axe estuary) but the current application only seeks permission for part of this length.

The site lies within the Town Centre Shopping Area, as defined in the Adopted East Devon Local Plan. In such areas policies of both the Adopted and Emerging Local Plans support retail and non-retail uses which would add variety and increase activity.

The tram terminus as well as providing ancillary retail and support facilities also seeks to provide a small cafe area. The concerns of the Economic Development Officer and a number of local residents in relation to an additional cafe facilities being provided in this area are noted. However, there is not considered to be a sound planning reason to oppose this element of the scheme. Whilst it is accepted that the proposed use might provide competition to other cafes in the immediate vicinity as well as those to the west in the town centre, the site falls within the designated town centre where such uses are supported by policy and it is not for the planning system to prevent or restrict competition. Furthermore, the proposed cafe element of the

building is, at 42 sqm, not excessive and is considered most likely to serve waiting passengers as opposed to being a destination in its own right.

THE DESIGN AND LAYOUT

The proposed building is clearly contemporary in design in contrast with the Victorian/Edwardian inspired theme of the existing terminus platform and building. However, the existing building is relatively modern, having been constructed in 1995 and is of no historical merit.

The contemporary design proposed would through the use of materials, the difference in roof lines and the significant use of glazing serve to reduce the apparent massing and solidity of the building and help to give it a lightweight appearance. This coupled with the flowing nature of the roof helps to break up the bulk and massing of the building, giving it a more human scale when viewed from the west and providing a transition to the larger massing of the adjoining superstore. The use of glazing would also allow the trams to be visible from outside making the purpose of the building clearly legible permitting views both of the interior of the buildings and of the trams themselves which it is proposed to light at night.

The new building will also be more in keeping with the contemporary architecture and materials employed on the adjoining superstore and JCI centre.

Internally the western (lower) part of the building would house the visitor and ancillary support facilities, shop, toilets, cafe, offices etc. with the main (higher) part of the building to the east of this housing the tram platforms.

The whole site would need to be raised to reduce the flood risk (see below) and this would take the building and perimeter walkways to a level of 4.1 m above ordnance datum (AOD) this would be akin to the level of the JCI centre and adjoining superstore and would result in a difference of between 0.74 and 1.89 m above existing site levels. The perimeter of the building below ground floor level would be formed by stone gabions and these would be used to raise the track level to the north. Access to the building would be via a sloping perimeter walkway from the circular public space to the north, via a switchback ramp from the concourse to the southeast or by means of external steps to the southwest.

THE IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

The site occupies a relatively prominent position to the east side of The Underfleet and directly on the pedestrian link between the town centre to the west and the regeneration site to the east. As a result the building would be visible in views on approach from all directions but particularly from the south as retention of existing trees between the site and The Underfleet would filter views from this direction. To the south there is an open space between the site and the existing buildings to the rear of Harbour Road and as such views from the north and west would not be directly in conjunction with these. From other directions views of the building would be in conjunction with either the JCI centre or Tesco superstore and where it is considered that the design of the building would represent a positive enhancement of

the existing site which would complement the contemporary architecture employed on those adjoining buildings.

The raising of the track levels and provision of additional track would not be readily noticeable outside the immediate environs of the site. The existing track runs between the raised Tesco site to the east and the raised JCI centre to the west, as such the initial section of raised track(s) that runs north from the site would be largely screened from wider public view. The remaining raised section of track may be discernible in views across the car park from the north and west but this would be the less elevated section and would be viewed against the backdrop of the raised levels of the wider regeneration site.

Overall, the building will enhance the appearance of the area with the raised track not considered to have any harmful visual impact.

FLOOD RISK AND DRAINAGE

The site lies within a designated high risk flood zone. The submitted Flood Risk Assessment (FRA) explains that this risk originates from both tidal, fluvial related to the River Axe and pluvial (surface water) sources. It is understood that the greatest risk is related to tidal flooding where the 1 in 200 year peak tidal surface water level is modelled as 4.07m AOD.

Planning guidance set out in the NPPF states that development proposed in such locations should be subject to a sequential test, the aim of which is to steer development to areas at lower risk of flooding. It goes on to state that development should not be permitted in such high risk areas if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

It is for the Local Planning Authority to carry out the sequential test and to consider if there are other sites at lower risk of flooding that could reasonably serve the development. In this case, the location of the tramway terminus building is restricted to sites served by the track itself and the availability of other land. As the site is currently serving the same purpose, forms part of the wider regeneration site where the wider sustainability benefits arising from its redevelopment have been considered to outweigh any flood risk, and any alternative sites would also lie within land of similar high flood risk, it is considered that there are no alternative sites available that could meet the need and are of lower flood risk. Member's will need to satisfy themselves that the sequential test has been met.

If it is accepted that there are no alternative sites at a lower risk of flooding then the development must then be considered against the exceptions test.

In terms of the exceptions test, it needs to be considered whether the development would provide wider sustainability benefits to the community that outweigh the flood risk. In this respect, the development is for an enhancement of an existing use which already provides a significant tourist draw for the town. The proposals would replace the existing facilities with a larger building and additional track which would enable increased visitor capacity and hopefully form part of a symbiotic relationship with

other tourist attractions in the town including the JCI centre and Axe Wetlands. As such the proposal would support the regeneration principles of this part of the town and through improving visitor facilities provide wider economic benefits to the local community. This being the case subject to the site specific flood risk assessment demonstrating that the development can be made safe, without increasing flood risk elsewhere, the development could be considered acceptable in flood risk terms.

The submitted Flood Risk Assessment considers whether it would be possible to comply with the exceptions test in terms of taking into account the vulnerability of its users without increasing flood risk elsewhere and ideally reducing flood risk overall. At present the site is largely hardstanding with some landscaped areas on the western boundary. Although a larger building would occupy the site, the addition of some further landscaped areas would provide some limited increase in permeable areas. The FRA advises that the site drains in a generally northeasterly direction and although no detailed surface water drainage scheme has been provided at this stage, given the increased permeability of the site it is considered that this could be appropriately managed subject to a detailed design for this being prepared.

In terms of flood risk to the site itself and users of the building the proposed floor level is set at 4.1 m thereby taking it above the 1 in 200 flood level. The Environment Agency has considered the FRA and has raised no objections to the development subject to compliance with the submitted flood risk assessment. However, as the submitted drainage strategy is in outline form only it would be necessary to condition a full surface water drainage strategy in the event of an approval.

HIGHWAY SAFETY/ACCESS

There is no direct vehicle access to serve the site, although the circular open space at the northern end of the site can act as a drop off area for those with limited mobility and also for occasional deliveries. Parking for visitors would be provided by existing and proposed car parks within the town of which there are several within a short level walking distance of the site.

ARBORICULTURAL IMPACTS

There is an existing line of Ash trees (and one willow) to the west of the footway that runs north to south through the site. Whilst these trees are of no particular individual merit they do provide an attractive 'greening' of the area which is otherwise dominated by hard landscaping. Earlier iterations of the scheme proposed the removal of this pathway and creation of a new one closer to the new building. However, the current proposals have sought to retain the existing pathway and as such the rooting zone of the trees should remain undisturbed and the trees unaffected by the proposed development. Given the proximity of development to the trees it is suggested that tree protection measures already submitted are secured by condition.

AMENITY IMPACTS

The location of the building is set some distance from the nearest neighbouring residential properties which are located above commercial premises fronting Harbour

road or on the opposite side of The Underfleet to the west. The size, height and massing of the building will make it more prominent but not to the extent that it would have an overbearing impact on residential amenity. Likewise the increased scale of the building and the number of visitors it could accommodate has the potential to create additional impacts through noise and lighting but given the separation distance involved and the town centre location of the site any such impacts are unlikely to significantly alter the character of the area or have such detrimental effects that they would warrant objection.

The Council's Environmental Health department have however recommended the imposition of a Construction and Environment Management Plan condition to control the construction process, in terms of vehicle movements, hours of working etc.

OTHER ISSUES

The site is considered to have limited archaeological potential and this has previously been assessed in relation to the JCI centre and no specific requirements for additional work have been requested from Devon County Council Historic Environment Service.

The site of the proposed building is an tramway terminus and is largely hardsurfaced, it is not considered to be particularly sensitive in terms of ecology. However, those parts of the site with the highest potential ecological value, the tree line to the west of the site, are to be retained as part of the development.

The site is within an area where there is the potential for seagulls to cause a nuisance by nesting or perching on the roof of the building. The applicants have been requested to consider how this issue might be properly planned for and incorporated into the design from the outset. Although the submitted plans do not incorporate 'gull-proofing' measures the applicant has provided some details of how this might be managed. Such proposals involve tensile wires around the perimeter of the roof which would have a very limited visual impact and as such it is considered reasonable to condition further details.

RECOMMENDATION

APPROVE subject to the following conditions:

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

3. Prior to the commencement of development a detailed scheme for surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
- details of the drainage during the construction phase;
 - details of the final drainage scheme;
 - a timetable for construction;
 - a plan for the future maintenance and management of the system

Following approval of details and prior to the initial use of the building it shall be demonstrated to the satisfaction of the Local Planning Authority that the scheme has been completed in accordance with the approved details and timetable. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

(Reason: To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development in accordance with national planning policy contained in National Planning Policy Framework. The condition is required to be pre-commencement as drainage of the site is key to how the development integrates into its surroundings and to minimise the risk of off site impacts)

4. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include:
- Details of the finished surfacing material for all areas of hardsurfacing
 - Details of new planting (including size, species, number and location)
 - Details (including typical elevation/sections) of all fencing proposed
 - Details of the design, material finish and design of the tram masts

The hard landscaping scheme shall be carried out and completed prior to the initial use of the building with all landscape planting to 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 Adopted East Devon Local Plan and policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the Emerging East Devon Local Plan . The condition is required to be pre-commencement as the site lies in a prominent position and the landscaping is key to the integration of the proposal into its surroundings)

5. No development apart from demolition and site preparation works shall take place until further details of the following have been submitted to and approved in writing by the Local Planning Authority:
- Sample of material for gabion baskets
 - Sample of typical render finish and colour

- Sample of timber cladding
- Sample of finished roofing material (including eaves)
- Details of finished colour of internally illuminated lettering
- Details of the finished paint colour for balustrading and tram statue
- Details of the colours and finish for the 'Seaton Tramway' graphics and lettering on the east elevation of the building and for the graphic film to the doors on the north elevation
- Details of the mechanisms to prevent birds from perching/nesting on the roof

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

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

6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, the uses of the building hereby permitted shall be as set out on approved drawing no. 101 rev. B, with the use of the area defined as cafe/restaurant being permitted for use either as A3 (cafe) use, or A1 (retail) use in accordance with the relevant Use Classes as defined in the Town and Country Planning (Use Classes) Order 1987 (or in any provisions equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purposes.

(Reason - In order to enable a flexible use of the building in the interests of maintaining the vitality and viability of the area and to retain control over any future changes in use in the interests of amenity and the character of the area in accordance with policies D1 (Design and Local Distinctiveness) and SH1 (Town Centre Shopping Areas) of the Adopted East Devon Local Plan and Policies D1 (Design and Local Distinctiveness) and E9 (Town Centre Vitality and Shopping Areas) of the Emerging East Devon Local Plan.

7. The use hereby approved shall not commence until the following details and specification have been submitted to and approved in writing by the Local Planning Authority.

- Details of all external lighting
- Details of the method and periods of illumination of internally illuminated 'Seaton Tramway' Signage
- Details of the method and periods of illumination designed to illuminate trams parked inside the building

Development shall proceed in accordance with approved details.

(Reason - In the interests of the amenities of the area in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the Adopted East Devon Local Plan and policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the Emerging East Devon Local Plan.)

8. A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.
Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the Adopted East Devon Local Plan and policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the Emerging East Devon Local Plan.)
9. No development shall commence until Tree Protection Measures have been put in place in accordance with those detailed in the submitted Arboricultural Constraints Appraisal prepared by Advance Arboriculture and dated 23rd March 2015 and as shown on drawing nos. TH/X1185/0135 rev 1.0 and AGS 04 rev. 1.1. The tree protection measures shall remain in place for the duration of the construction phase of the development.
(Reason - In order to ensure trees to be retained as part of the development are protected from any potential impacts from the start of the development and to ensure their long term retention in the interests of the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness) and D5 (Trees on Development Sites) of the Adopted East Devon Local Plan and policies D1 (Design and Local Distinctiveness) and D3 (Trees on Development Sites) of the Emerging East Devon Local Plan.)
10. Development shall be carried out in accordance with the submitted flood risk assessment prepared by ENVIRON and dated June 2015.
(Reason - In the interests of the prevention of flooding in accordance with guidance within the National Planning Policy Framework)

Plans relating to this application:

TH/X1185/0315	Other Plans	15.06.15
AGS 04	Other Plans	15.06.15
	Arboriculturist Report	15.06.15
001 B	Location Plan	25.06.15
002 E	Proposed Block Plan	25.06.15
104 B	Other Plans	25.06.15

105 B	Sections	25.06.15
106	Sections	15.06.15
101 B	Proposed Floor Plans	15.06.15
107 A	Sections	15.06.15
110 A	Proposed Elevation	15.06.15
111 A	Proposed Elevation	15.06.15
120 A	Sections	15.06.15

List of Background Papers

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

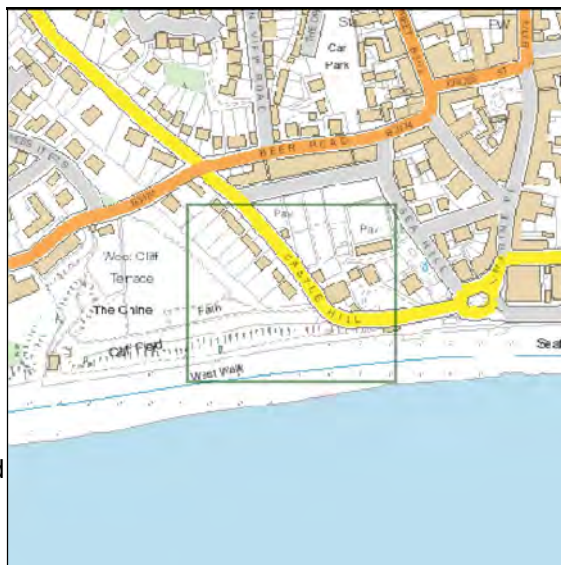
Ward Seaton

Reference 15/1393/FUL

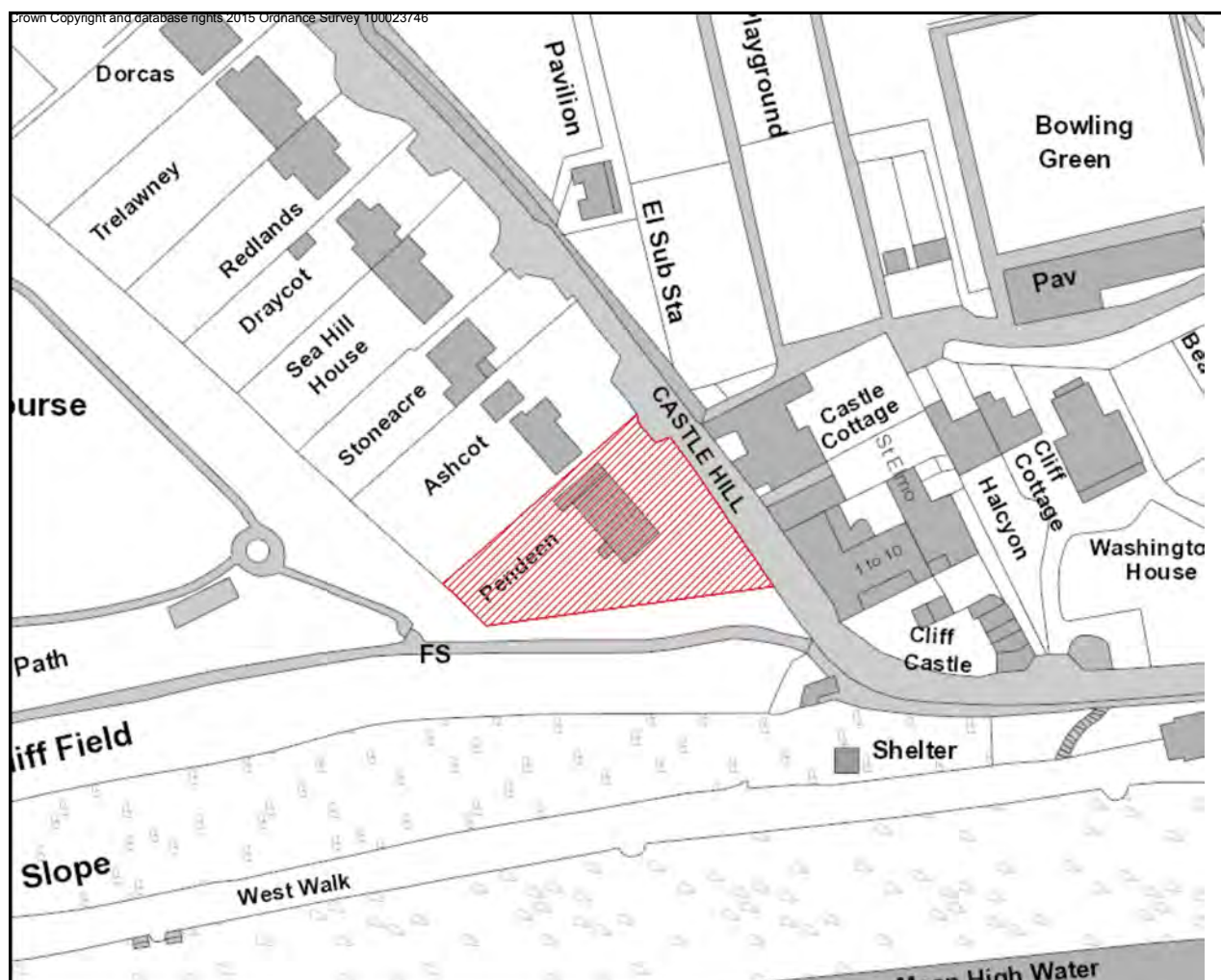
Applicant Mr & Mrs Stuart James Absalom

Location Pendeen Castle Hill Seaton EX12 2QP

Proposal Demolition of existing bungalow and construction of 3no flats



RECOMMENDATION: Approval with conditions



		Committee Date: 08.09.2015
Seaton (SEATON)	15/1393/FUL	Target Date: 11.08.2015
Applicant:	Mr & Mrs Stuart James Absalom	
Location:	Pendeen Castle Hill	
Proposal:	Demolition of existing bungalow and construction of 3no flats	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the officer recommendation is contrary to the view of the Ward Member.

The application follows an application submitted earlier this year for the redevelopment of the site for a very similar form of development (14/2695/FUL). That earlier application was recommended for approval by officers but was refused at the committee meeting in April of this year. The reasons for refusal related to the bulk, massing, prominent position and detailed design of the building (including provision of an external first floor terrace) having an adverse impact on residential privacy and amenity; the character of the area and streetscene, and; the setting of the listed building and conservation area to the east.

As before, the proposal seeks the redevelopment of this relatively prominent site on elevated land to the west side of Seaton. The site is currently occupied by a modest bungalow dating from the 1920's which sits at the southern end of a line of properties on the west side of Castle Hill. Opposite the site is the grade II listed Cliff Castle and Castle Hill also marks the boundary of the Town's conservation area which the site is outside of but adjoins.

The application proposes the demolition of the existing bungalow and the redevelopment of the site with a two storey building containing 3 no. apartments. The proposed replacement building is of contemporary design and would have a greater footprint than the existing building, it would however have a lower overall height achieved through the use of flat roofs and lowering of site levels.

This revised proposal has sought to address the previous reasons for refusal through a slight reduction in the footprint to reduce the overall massing, and

through some minor changes to the elevation treatment and fenestration to attempt to address privacy and design concerns.

It is acknowledged that the revisions to the application are not fundamental but they do help to simplify the appearance of the building and represent a slight reduction in scale and improvement to the amenity of the immediate neighbour. However, these amendments have not overcome concerns expressed by local residents, the Town Council or the Ward Member and do not represent significant changes to address the previous 3 reasons for refusal.

It is the view of officers that the proposal is acceptable and that the changes proposed in this application, whilst limited, have some positive benefit in simplifying the overall appearance of the building. It also remains the case that it is considered that the site can accommodate such a design without adverse affect on the setting of the conservation area/listed building, residential amenity or wider landscape. The proposal is considered to be acceptable and is therefore recommended for approval subject to the conditions set out at the end of the report.

CONSULTATIONS

Local Consultations

Parish/Town Council

Objection:

The Town Council objects to this application for the following reasons:

- o it is over intensive development
- o there will be a loss of visual amenity from a number of directions
- o further development at this site will lead to increased traffic congestion
- o there are highways safety concerns as the site is on a blind bend and there is no pedestrian footpath
- o the highway has a vehicle width limit but this is unenforced
- o there are subsidence concerns due to the proximity to the cliff edge and coastal path
- o the build is not in keeping with the surrounding properties as the newest building in the adjacent area was built in the 1960's
- o the proposed design will be detrimental to the street scene
- o there will be an overlooking effect on neighbouring properties
- o the development is contrary to the Seaton Design Statement
- o the proposal will intrude on the visual impact from Cliff Fields, the South West coast path, Seafeld Gardens and Cliff Field Gardens

In addition the changes to the site from the recently refused application are unclear and the application is contrary to planning policies D1, EN 8, 9 and 10

Seaton - Cllr J Knight

I wish to object to the above planning application. This revised application appears to have made very little difference from the original application my main objections to

the previous application still stand. The bulk and mass of this development is totally wrong for this plot which is very close to the cliffs edge. To reduce the height of this development it is proposed to dig down. I wonder what impact this would have on my property and the cliff, as although now stated to be stable, there has been no development over many years. The Old Beer Road has shown us how unstable this area can be.

The road is one way with no pavements; it is well-used by pedestrians and also a bus route for the X53 to Exeter and 899 to Sidmouth. Removing some of the large stone wall fronting Castle Hill will not eliminate the danger to pedestrians and vehicles.

1. The proposed development by reason of the size of the site and the dwelling would be out of keeping with the spacious character of development in the locality, causing harm to the environment.
2. The proposed access would be likely to lead to conditions of danger and inconvenience to other road users because of the restricted visibility from the left and of the drivers approaching this blind bend.

Technical Consultations

County Highway Authority

The Planning Officer will be aware that the CHA has given comments previously:-

Further comment rec'd 30.3.15:

The County Highway Authority commented on (14/0007/PREAPP) as attached. This was for a proposal of 6 flats with parking for 9 vehicles with turning room, and the CHA did not have any in principle objections to that proposal.

The current proposal, 14/2695/FUL, is for 3 flats with parking for 4 vehicles with turning room, this size of development on an unclassified road would normally be dealt with by the LPA under Standing Advice; however because the CHA has commented on the pre-app it is correct that it also comments on the full planning application, even though it is for a smaller development.

The existing access and particularly the visibility to the south along Castle Hill is restricted by the boundary stone wall and therefore the access, as it stands, is substandard in terms of visibility. I estimate that the local traffic speeds on Castle Hill are low and well below the 30 mph speed limit because of the bend at the bottom and the uphill gradient. Also the one-way traffic movement means that vehicular traffic comes from one direction only as opposed to two way traffic.

The proposed development for 3 flats proposes to improve the visibility to the south by altering the wall. The alteration will provide improved visibility to the south and even though the access will still be slightly substandard in terms of visibility splay length, I believe that

what is proposed is a betterment overall that will be an improvement in highway safety terms.

Considering the size of the proposed development and the low number of increased traffic movements it will attract against that which currently exists, I do not believe that the CHA could successfully sustain an objection on highway safety grounds in an appeal situation.

The proposed offers adequate on site vehicle parking and turning room so that vehicles can enter and leave in a forward gear. There is not any existing footway provisions in Castle Hill and therefore I do not see that new pedestrian provisions are required as part of the

application because it would not link to any existing footway provisions.

If it was possible the CHA would welcome further improvements to the visibility splay length to the south, perhaps by the lowering of the boundary wall to 600mm above the proposed driveway. But this may conflict with other overriding LPA's policies that may take precedent

over what is a minor highway concern.

This application, from a highway point of view, is a resubmission of 14/2695/FUL with some amendments to widen the access width and lowering of a section of the existing wall.

The proposed widening of the access to 5 metres will provide adequate access to the highway for pedestrians and vehicles. The proposed lowering of the frontage boundary wall to 600 mm returning to its existing height, as shown on the attached Proposed Site Plan SP 3c,

will improve visibility of and for emerging vehicles for pedestrians and vehicles. Both these measures will have a betterment in road safety over that which currently exists.

The proposed vehicle turning area and the vehicle parking spaces are adequate for the traffic that will be attracted to the development.

The proposal that the parking and turning area will be formed at an early stage of the construction works, with temporary surfacing, for use by workmen and for on-site storage of construction materials to keep the highway clear, meets with the CHA's approval.

Recommendation:

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

1. On-Site Works The on-site temporary works including parking and turning as shown on drawing no. SP 3c shall be constructed and made available for use at an early stage of development shall be agreed in writing by the Local Planning Authority.

REASON: To ensure that adequate facilities are available for construction traffic.

2. The site access and visibility splay to the southeast shall be constructed, laid out and maintained for that purpose in accordance with the attached Diagram SP 3c
REASON: To provide a satisfactory access to the site with adequate facilities for short term parking and to provide adequate visibility from and of emerging vehicles.

3. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

REASON: To ensure that adequate facilities are available for the traffic attracted to the site.

4. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

REASON: In the interest of public safety and to prevent damage to the highway.

Historic England

Thank you for your letter of 17 June 2015 notifying Historic England of the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

The application(s) 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 on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

Conservation

The existing bungalow on the site is indicative of its era and building type. It is not particularly prominent from the road and sits quite comfortably within a row of similar properties stepping down towards the cliff top. I consider it to be satisfactory end building to the properties in Castle Hill. Its contribution to the setting of Cliff Castle is quite neutral.

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

The replacement of the existing dwelling with a contemporary building divided into three flats has recently been refused. The re-submission still proposes more-or-less a similar building, albeit on a slightly smaller footprint with some changes to the detailing. I was generally supportive of the previous application, and therefore I would not wish to make any detailed observations. However, one aspect that I would wish to draw attention to is the change to rather chunky balustrades supporting

glazed panels. While glass balustrades would have less of a visual impact the previously proposed slender design with horizontal tension wires contributed to the lines of the building and the juxtaposition of vertical and horizontal emphasis. If glazed balustrades are now proposed I would prefer to see these as structural glass without tubular steel newels and handrails.

Overall I am satisfied that the proposals would not have an unduly harmful impact upon Cliff Castle and the wider conservation area. I would therefore support approval.

PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

Other Representations

17 representations have been received, many of which refer to previous objections on the earlier application, and as such these are repeated below with additional comments added:

- The revised application makes only minor cosmetic changes that do not alter the fundamental issues with the application.
- The reduction in bulk is welcomed but the proposal is still not good enough.
- There are discrepancies in the documentation and supporting information submitted with the application particularly in relation to location of site within designated areas and constraints on it.
- Increased traffic
- The building is not in need of demolition but could be renovated and let out.
- No need for more flats in Seaton
- Overdevelopment of the plot with a nondescript block of flats
- Pedestrian safety danger resulting from increased traffic through existing poor access
- Inadequate access where the proposal would result in increased traffic
- Impact of additional traffic and people movement on neighbouring occupiers
- There is a covenant on the site restricting further development
- The proposal is out of keeping with the surrounding area
- The underlying soil conditions increase the potential for land slips and the impact of the development in this respect has not been properly considered
- There are known badger setts in the locality which could be affected by the development
- Impact on underground wartime construction to the south of the site
- This is a good example of an Arts and Craft Style property which should be retained and preserved
- Loss of wildlife habitat
- The proposed location for parking would create an eyesore in this prominent location
- The required earthworks and level changes could have a destabilising effect on the cliffs where there have been existing issues with cliff stability in the area
- The proposal provides inadequate parking provision for the number of flats proposed
- Increased surface water run-off due to increased area of hard-surfacing
- Visual impact on surrounding area and Cliff Gardens
- Extends beyond existing rear building line

- Impact on stability of demolition of part of the boundary wall
- The existing property provides a transition from the amenity land to the south to the larger properties to the north, the proposal would be more abrupt and detrimental
- Proposal is out of keeping with other 1920's style properties along this section of road.
- The proposal will cause disruption to pedestrians and vehicular traffic during construction including the Jurassic Coast bus service.
- The Ecological Assessment has not properly considered all potential habitats in the vicinity.
- Impact on public amenity and use of public gardens/footpaths due to overlooking from proposed balconies
- Proposal is contrary to national planning policy which seeks to maintain the character of the undeveloped coast.
- There is a restrictive covenant in force that seeks to restrict the number of dwellings permitted on the west side of Castle Hill, the proposal would breach this.
- The development should be refused for the same reasons as the previous attempt. The fact that this proposal is marginally less objectionable does not make it desirable.

PLANNING HISTORY

14/2695/FUL - Demolition of bungalow and construction of 3 no. flats. Refused 30.04.2015 for the follow reasons:

1. The proposal by reason of the increased bulk and massing of the building over that of the existing dwellinghouse; it's projection deeper into the site parallel with the shared boundary with 'Ashcot' to the northwest, and; the provision a first floor external terrace, would give rise to a loss of privacy and amenity to neighbouring occupiers through overlooking of and overbearing impact on their private amenity areas contrary to Policy D1 (Design and Local Distinctiveness) of the Adopted and New East Devon Local Plans and the guidance contained in the National Planning Policy Framework.
2. The proposal by reason of the scale and massing of the building; materials proposed; fenestration arrangements, and; overall density of development would result in a building that would be out of character with its context and in particular the streetscene of Castle Hill would represent an over development of the site and as such would be contrary to Policy D1 (Design and Local Distinctiveness) of the Adopted and New East Devon Local Plans and the guidance contained in the National Planning Policy Framework.
3. The proposal occupies a prominent position adjacent to the Seaton Conservation Area and elevated above the level of the Grade II Listed building known as 'Cliff Castle' to the east of the site and where by virtue of the scale and massing of the building and its detailed design it would result in harm to the setting of these designated heritage assets and where there would be no public benefit arising that would outweigh the identified harm, as such the proposal would be contrary to the provisions of Policies EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) and EN11 (Preservation and Enhancement of

Conservation Areas) of the Adopted East Devon Local Plan; Policies EN8 (Extension, Alteration or Change of Use of Buildings of Special Architectural and Historic Interest) and EN10 (Preservation and Enhancement of Conservation Areas) of the New East Devon Local Plan and guidance contained in the National Planning Policy Framework.

POLICIES

New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)

EN10 (Demolition of Listed Building)

EN5 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN9 (Development Affecting a Designated Heritage Asset or Loss of a Building or Structure that makes a Positive Contribution to a Conservation Area)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

S4 (Development Within Built-up Area Boundaries)

EN6 (Wildlife Habitats and Features)

EN11 (Preservation and Enhancement of Conservation Areas)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Government Planning Documents

National Planning Practice Guidance

SITE LOCATION AND DESCRIPTION

The site lies within the built-up area boundary of the town, just to the west of the town centre and sea-front and adjacent to the town centre conservation area, the boundary of which runs along the opposite side of Castle Hill to the east of the site. Cliff Castle on the opposite side of the road to the southeast of the site is a grade II listed building.

To the south and west of the site are public amenity areas. The existing property occupies an elevated plot set above the town to the east and the sea front to the south. The land continues to slope upwards to the north. The existing building on the plot is a bungalow with accommodation within its roof, It is set back and raised up from the road in line with other properties in Castle Hill to the north of the site - It is unclear exactly when the building dates from but is certainly appears on OS maps from the 1930's and therefore was constructed some time prior to then, probably in the early Inter War years. The plot is relatively level and largely laid to lawn. The site boundaries are marked by hedge to the rear and sides with low planting atop the stone retaining wall to the front.

PROPOSED DEVELOPMENT

Planning permission has recently been refused for development of the site in a similar form to the current proposal (14/2625/FUL). That earlier application similarly sought the demolition of the existing bungalow and the construction of a replacement building on the site, housing 3 no. flats in a broadly L shaped 2 storey block (with some single storey elements).

The main part of the proposed building would sit adjacent to the footprint of the existing property on a northwest to southeast axis and running in line with the adjoining properties to the northwest side. A separate two storey element would run parallel to the rear garden boundary with the neighbouring property to the northwest, known as 'Ashcot'. At ground floor level there is a further extension between the two main parts of the building and extending deeper into the plot.

The building would be of contemporary appearance with flat roofs over rendered elevations with some feature panels of timber boarding. Fenestration would be large areas of full height glazing, particularly on the south eastern elevation with more typically domestic sized fenestration to the northeast and southwest elevations and limited openings on the northwest elevation.

The location of the access remains as existing, in the northeast corner of the plot but would be widened with the existing boundary retaining wall indicated to be partially re-built to create a wider entrance splay and to improve visibility. The front garden area would be re-landscaped to provide parking/turning areas.

ANALYSIS

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

- The principle of the proposed development
- Design and impact on the character and appearance of the area and on the setting of listed building/conservation area
- The wider landscape impact
- Impact on residential amenity
- Access and Highway safety
- Other Issues

The principle issues remain unchanged from the earlier application and where they were fully addressed in the previous report to committee, as such those matters are repeated below with additional commentary as necessary.

THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

The proposal looks to demolish the existing bungalow on the site and to replace this with a new building containing 3 no. flats. The existing building is not listed nor does it lie within a designated conservation area, therefore there is no in principle reason on which its demolition could be resisted, subject to a suitable replacement building. English Heritage received a request to have the building listed (in conjunction with the previous application) but declined to do so citing the age of the building; lack of architectural interest and alterations that have taken place to it as reasons why the building was not considered suitable for listing.

The development plan for the District is the East Devon Local Plan 1995-2011 including all the saved policies following the Secretary of State's Direction in 2009. The site lies with the built up area boundary of Seaton as defined by Policy S2 of the East Devon Local Plan and occupies a position relatively close to the town centre.

The location of the development close to the centre of the settlement and the town centre shopping area where there would be good access to a range of essential services and public transport links, would mean that future occupants would not need to be reliant on private motor vehicle to access such services. Therefore the development is acceptable in principle subject to any impacts being acceptable in relation to other relevant policies and material considerations.

DESIGN AND IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA AND ON SETTING OF LISTED BUILDING/CONSERVATION AREA

The previous application was refused on three grounds two of which related to the scale, massing and detailed design of the proposal and its impact on both the character and appearance of the area and the setting of the adjacent listed building/conservation area. The applicant has considered the reasons for refusal and provided some alterations to through this revised application. The revisions include:

- A slight reduction in the buildings footprint (through the pulling back of the rear elevation by up to a metre);
- Provision of privacy screen to the northwest side of the first floor terrace;

- Changes to fenestration including the removal of some aluminium cladding, provision of some obscure glazing and removal of a window to the north-east elevation.

Overall the proposals represent some limited reduction in massing and some simplification of the buildings appearance but the overall scale of the building remains very similar to the previously refused application.

However, it remains the case that the height of the building would be below the height of the existing dwelling. As such officers remain of the view that the building would be no more prominent in the streetscene than the existing building although it would have a greater visual presence from the adjoining coast path and on approach from the south. The relationship with the listed building and conservation area opposite would remain largely the same but the simplification of the buildings appearance through the reduction in the material palette has some benefit. The design of the building remains unashamedly contemporary but has been further simplified from that originally proposed. Whilst the front/street elevation still appears to lack some legibility and presence in reality this is not seen in isolation other than glimpsed views from the site entrance and from where the entrance foyer would be most prominent.

The southeastern elevation remains potentially the most prominent elevation with views of it on approach from Castle Hill to the east and also along the coastal path from the west. In these views the proposal would have a relatively low profile aided by the strong horizontal emphasis from the flat roofs, balconies and fenestration arrangements. The massing of the building is also broken up with projecting and recessed elements and the judicious use of timber cladding. Overall, the proposed replacement building would be more prominent from the coastal path but the design with its 'art deco' undertones and crisp clean lines has the potential to make a positive statement as a piece of coastal architecture. In addition its slightly reduced massing overall and simplification of the building means it is not considered to compete visually with the listed building to the east and it remains the view that it would not harm the setting of the listed building or the character and appearance of the conservation area.

It is appreciated that Members refused the previous application on the basis that the design of the building was considered to be inappropriate and out of keeping and in particular in relation to the neighbouring properties to the north, however, these buildings whilst of more traditional appearance, display a variety of design elements and are not within the conservation area, nor do they display any particular architectural style that should be adhered to. Design often illicit a subjective response and modern design in particular can polarise views, The NPPF in relation to consideration of design states at para. 60:

"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles."

In respect of the potential impacts aside from the building itself, concerns have been raised in relation to the visual impact of the proposed parking area. This is proposed

on the site frontage behind a new hedge. Whilst the impact of parked cars can have a detrimental impact on a streetscene in this instance due to the difference in levels between the site and the road, the proposed landscaping to the roadside boundary and the limited number of spaces proposed it is considered that this would in time be well screened and as such would not dominate the site frontage or be detrimental to the appearance of the site.

With regard to design and the impact upon the adjacent listed building and conservation area, it is considered that the proposal makes some positive changes to the footprint and design of the dwelling although it is recognised that the changes are not fundamental and as such do not substantially address the 2 previous reasons for refusal related to design and impact upon the listed building and conservation area. However, officers were of the view that the previous application was acceptable and with some minor improvements to the footprint and design, officers are again supportive of the design proposal subject to conditions relating to materials, design detailing and landscaping, that the proposal is acceptable.

THE WIDER LANDSCAPE IMPACT

The location of the site is such that it has the potential to be viewed in mid and longer range views on approach from the east and west. From the Esplanade to the east, the existing building is largely set behind the listed building on the opposite side of Castle Hill, known as 'Cliff Castle'. In addition the low height of the building, the recessed nature of its rear wing and the use of similar material finished to Cliff Castle give rise to the view that it would not appear prominent in views from the east. When viewed on approach from the west the site is more prominent as Pendeen is the first building on approach and the roof of it can be seen for some distance across Cliff Field. From here whilst the design of the building would be noticeably different to other properties to the northwest along Castle Hill and the massing greater, due primarily to the larger footprint, it is not considered that this necessarily results in a negative impact. The existing building is low key with mainly only the roof visible above boundary planting, the proposal would be more apparent from the cliff foot path but would add visual interest and would be seen in context with the built form of the town spreading out beyond it. It is not considered that the proposal would have any significant wider landscape impact and any impact it would have would not be detrimental.

IMPACT ON RESIDENTIAL AMENITY

The application site only physically adjoins one other property, that being 'Ashcot' to the northwest. However, due to the elevated nature of the site and the increased scale of the development there is potential to have an impact on properties on the opposite side of Castle Hill also. Given the separation distance between the proposed building and the neighbour but one to the north (over 20 metres) coupled with the lack of openings proposed to the northwest elevation it is not considered that the amenity of this or properties further to the northwest would be affected.

To the east the proposal would view towards the properties known as 'Cliff Castle' and 'Castle Cottage' (over a distance of approximately 18 metres) these properties are at a lower level, such that their first floor level is more in line with the proposed

ground floor of the building. At present there is a low hedge along the roadside boundary of Pendeen which grows above the retaining wall, it is proposed to supplement this with a new hedge which would reduce views into the site and also from the site. There are existing windows in Pendeen, including at first floor level which view towards the Cliff Castle and Castle cottage and there are also public views towards these buildings from the cliff path, as a result it is not considered that the proposal would have any significant additional impact on the amenity of residents opposite.

Clearly the property that has the greatest potential to be affected by the proposal is Ashcot to the immediate northwest. This property is of two storey form and sits in line with Pendeen (and other properties on Castle Hill) on a northwest-southeast axis. The side boundary between the site and this neighbour is currently formed by a mature evergreen hedge to a height of approximately 3 metres. Indeed the impact on this property by virtue of the building's overall bulk and massing and in particular its external terrace formed one of the reasons for refusal on the previous application.

Whilst there has been some slight reduction in massing this is minimal. However, the perceived overlooking from the balcony has been addressed by the provision of an obscure glazed privacy screen to this side. In addition the potential impact from other windows on this elevation has been addressed through either their removal or having them obscure glazed and fixed shut. Finally, a drawing has been provided which attempts to demonstrate that distant views from the oriel window at first floor level on the southeast side elevation would be maintained. Whilst not a planning consideration it does indicate that the applicant has given consideration to addressing neighbour concerns.

Officer view remains that the proposed development would not detrimentally impact on residential amenity in accordance with Policy D1 of the East Devon Local Plan although it is recognised that changes proposed as part of this application do not substantially address the previous reason for refusal.

ACCESS AND HIGHWAY SAFETY

The application proposes to utilise the existing access and to improve visibility in a southeasterly direction from this by setting back the existing retaining wall to the south side of the access. Castle Hill is restricted to one-way traffic travelling from the seafront northwest past the site to the junction with Seaford Road, as such visibility concerns are primarily in the southeasterly direction. At present visibility in this direction is limited due to the presence of the retaining boundary wall, the proposals to set this back further would therefore improve visibility of oncoming vehicles in this direction.

The Highways Authority had originally suggested that standing advice be applied, however, given that they have previously commented at pre-application stage they have now provided bespoke comments.

Although the visibility that would be achieved would appear to fall short of that normally expected the Highways Authority advise that it would represent a betterment overall in highway safety terms. This is based on the proposed increase

in visibility splay to the south and the existing highway conditions where the estimated local traffic speeds on Castle Hill are low due to the bend just to the south of the site and the uphill gradient. In addition the visibility requirements can be reduced from normal requirements because of the one-way nature of the traffic movements. The Highways Authority has further suggested that due to the low number of increased traffic movements the development would attract, against that which currently exists, they do not believe a refusal on highways grounds could be sustained.

In terms of pedestrian traffic they have suggested that although there is not any existing footway provisions in Castle Hill they do not consider that new pedestrian provisions are required as these would not link to any existing footway provisions. The proposal looks to provide 4 no. parking spaces and given the proximity to the town centre is considered to be adequate and the proposed improvements to the site access to offset the likely intensification in its use.

OTHER ISSUES

Land stability - A number of members of the public have raised concerns in relation to the impact of the proposed development on the stability of the cliff, particularly given the landslip further to the west of the site at Old Beer Road. There is no particular evidence to suggest that this part of the coastline is similarly affected and where it is protected at this point by the West Walk Promenade from direct sea erosion. Nevertheless the applicant has sought expert opinion from a Geo-technical consulting engineer who has experience of the area having advised the council on this section of coastline for a number of years. He concludes that nearby cliff slope instability is negligible and insignificant and further that the proposed redevelopment of the site would not create in itself any cliff stability issues.

Wildlife - Concern has been raised that the submitted ecological survey has failed to pick up the presence of garden ponds in the vicinity of the site and where these might harbour protected species. The purpose of the report in this instance was primarily to assess the impact of the proposed demolition on bats, should they be using the roof area of Pendeen. The report found that the design and location of the building meant it had low potential to support roosting bats but makes recommendations for further inspection prior to demolition, this could be conditioned. In relation to Great Crested Newts it advises that no further surveys are required and the same conclusion is reached in relation to badgers, although this is not to say there may be setts outside the site. The report has been prepared by professional ecologists who have advised that no further surveys are required.

Impact on wartime structure - This relates to a small, what appears to be a, WWII pill box. The structure lies outside of the site on the opposite side of the cliff path and there is therefore no reason to consider it would be affected by the proposed development.

Restrictive covenant - A number of local residents have referred to a restrictive covenant in place on the site and the land to the northwest and which seeks to restrict the overall number of dwellings permitted on the land. The fact that a covenant may exist is not disputed and may have been put in place at the time of the

original development of this side of the road. However, the land was originally developed nearly one hundred years ago (English Heritage date Pendeen to circa 1923) and development pressures and density have changed considerably since that time. A covenant on the land does not affect the ability to grant planning permission and is not a matter that would be enforced by the Council. However, equally the granting of planning permission does not prevent any parties to the covenant pursuing their own civil action in this respect.

Surface Water Run-off - The proposal would look to increase the hard surfaced area of the site both through the increased footprint of the building and enlarged parking area, however, areas of hard surfacing could be permeable and the issue of surface water run-off being dealt with within the site is a matter for consideration under the building regulations.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan and policy D1 (Design and Local Distinctiveness) of the Emerging East Devon Local Plan.
4. No development shall commence until the following details and specification have been submitted to and approved in writing by the Local Planning Authority.
 - New rainwater goods including profiles, materials and finishes.
 - New windows/doors including materials, sections, profiles and finished colour. Sections through casements should be at a scale of 1:2 or 1:5.
 - Eaves and verge details including construction and finishes.
 - balustrade and balcony details including typical elevation and section details at a scale of 1:2 or 1:5

- Position, design and finish of all external vents, flues and meter boxes.

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

(Reason - In the interests of good design and to ensure the detailing of the design is appropriate given the location of the site in relation to listed buildings and the designated conservation area in accordance with Policies D1 (Design and Local Distinctiveness) and Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan and policies D1 (Design and Local Distinctiveness) and Policy EN9 (Development affecting a Designated Heritage Asset or Loss of a Building or Structure that makes a positive contribution to a Conservation Area) of the Emerging East Devon Local Plan.)

5. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include:
 - the planting of a hedge along the northeast roadside boundary of the site
 - details of existing planting and boundary treatment to be retained
 - details of any other proposed walls, fences and other boundary treatment .
 - details of any other trees, hedges, shrubs, herbaceous plants and areas to be grassed.
 - details of the finished surfacing of all areas of hardsurfacing.

The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - 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 and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the Emerging East Devon Local Plan.)

6. Notwithstanding the requirements of condition 5 above or the details shown on drawing no. SP 3c no development shall commence until further details of the works to the wall to the south side of the site access to be rebuilt has been submitted to and approved in writing by the Local Planning Authority, such details to include:
 - the, layout, length and finished height
 - the materials and finish to be used.

Development shall proceed in accordance with details as agreed.

(Reason - In the interests of the character and appearance of the area and highway safety in accordance with Policies D1 (Design and Local Distinctiveness) and Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan and policies D1 (Design and Local Distinctiveness) and Policy EN9 (Development affecting a Designated Heritage Asset or Loss of a Building or

Structure that makes a positive contribution to a Conservation Area) of the Emerging East Devon Local Plan.)

7. Prior to the commencement of any works on site (including demolition and site clearance), a Tree Protection Plan (TPP) for the protection of all retained trees/hedges shall be submitted to and approved in writing by the Planning Authority.

The development shall be carried out in accordance with the approved details. The TPP shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees/hedges will be protected during the development process.

Reason: To ensure the continued well being of retained trees/hedges in the interests of the amenity of the locality and that of adjoining residents in accordance with policies D1 (Design and Local Distinctiveness) and D5 (Trees on Development Sites) of the East Devon Local Plan and policies D1 (Design and Local Distinctiveness) and D3 (Trees on Development Sites) of the Emerging East Devon Local Plan.

8. In accordance with the submitted details as shown on drawing no. P E 3c the first floor windows and the privacy screen to the external first floor terrace shown on the northwest elevation shall be fitted with obscure glazing prior to the initial occupation of the residential unit to which they relate and shall be retained as such thereafter.

(Reason - To protect the privacy of adjoining occupiers in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and policy 1 (Design and Local Distinctiveness) of the Emerging East Devon Local Plan.)

9. Notwithstanding the details indicated on drawing no. SP 3c, no development shall commence until details of the parking and turning facilities for construction traffic, including a timetable for their provision, have been submitted to and approved in writing by the Local Planning Authority in consultation with the highways authority. These facilities shall be provided and retained for use in accordance with the agreed timetable.

(Reason: To ensure that adequate facilities are available for construction traffic prior to development commencing in accordance with policies TA7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan and policy TC7 (Adequacy of Road Network and Site Access) of the Emerging East Devon Local Plan.)

10. The site access and visibility splay to the southeast shall be constructed, laid out and maintained for that purpose in accordance with the attached Diagram SP 3c.

REASON: To provide a satisfactory access to the site with adequate facilities for short term parking and to provide adequate visibility from and of emerging vehicles in accordance with policies TA7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan and policy TC7 (Adequacy of Road Network and Site Access) of the Emerging East Devon Local Plan.)

11. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

REASON: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with policies TA7 (Adequacy of Road Network and Site Access) and TA9 (Parking Provision in New Development) of the Adopted East Devon Local Plan and policy TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the Emerging East Devon Local Plan.

12. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

REASON: In the interest of public safety and to prevent damage to the highway in accordance with policies TA7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan and policy TC7 (Adequacy of Road Network and Site Access) of the Emerging East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

PE3C	Proposed Elevation	01.07.15
	Location Plan	16.06.15
GF3C	Proposed Floor Plans	16.06.15
FF3C	Proposed Floor Plans	16.06.15
A-A3B	Sections	16.06.15
SP3C	Proposed Site Plan	16.06.15

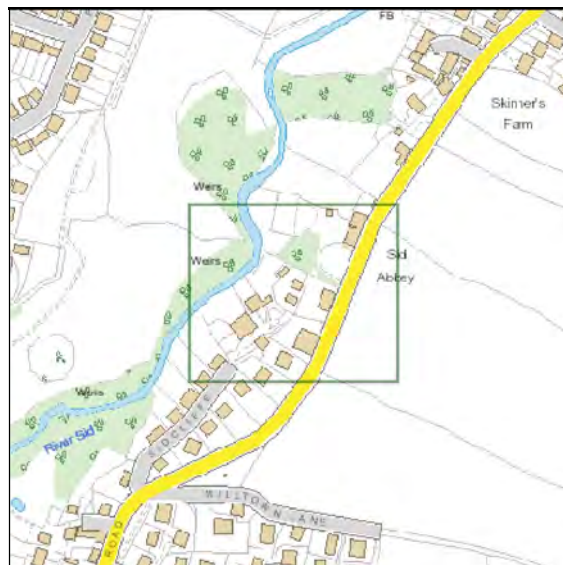
Ward Sidmouth Rural

Reference 15/0192/FUL

Applicant Mr & Mrs Ross

Location Stratton Lodge Sidcliffe Sidmouth
EX10 9QA

Proposal Removal of greenhouse and
construction of holiday letting unit.



RECOMMENDATION: Approval with conditions



		Committee Date: 18.09.2015
Sidmouth Rural (SIDMOUTH)	15/0192/FUL	Target Date: 06.05.2015
Applicant:	Mr & Mrs Ross	
Location:	Stratton Lodge Sidcliffe	
Proposal:	Removal of greenhouse and construction of holiday letting unit.	

RECOMMENDATION: Approval with conditions

This application is before Members as the officer recommendation differs from the view of the Ward Member.

The application proposes the demolition of a greenhouse and construction of a holiday let on a site within the Built-up Area Boundary of Sidmouth.

The principal of the provision of holiday accommodation in this location is acceptable and the revised plans received result in an acceptable relationship to neighbouring properties.

The access to the site and parking facilities are acceptable to serve the development and have raised no objection from the Highway Authority.

The proposal will not harm the character or appearance of the area given its location and lack of prominence from the public realm.

The application is therefore considered to be acceptable subject to conditions.

CONSULTATIONS

Local Consultations

Town Council 09.06.15

Members were unable to support the application for the following reasons: members considered that the access and existing parking arrangements were substandard and inadequate.

Clerk To Sidmouth Town Council 03.07.15

Members were unable to support the application for the following reasons:

The amendments to the proposal were not considered sufficient enough to alter the Committee's previous view that the proposed access and parking arrangement were substandard and inadequate.

Town Council 31.07.15

Unable to support

Reason: the amendments to the proposal were not considered sufficient enough to alter the Committee's previous view that the access and existing parking arrangements were substandard and inadequate.

Sidmouth Rural - Cllr D Barratt 13.07.15

I feel that the access arrangements might present a real inconvenience to other near by properties.

I cannot support this application.

(In the event that this application comes to committee I would reserve my position until I am in full possession of all the facts both for and against)

Sidmouth Rural - Cllr D Barratt 03.08.15

I continue to have concerns over the access and parking related to this application.

Sidmouth Rural – Cllr D Barrett 10.08.15

I confirm that should the officer recommendation be for approval I would like this application to come to committee for determination.

Technical Consultations

County Highway Authority

1. Access and turning for reversing vehicles from new development in existing shared access OK. Similar to what already takes place with existing 4 garages.
2. Existing access/vis to Sidcliffe Close is reasonable. I do not think that the extra vehicles generated by the proposal would be an overintensification.

Other Representations

There have been six letters of representation stating the following:

- Concern to the obstruction of shared access during construction of holiday let;
- The submitted plans do not indicate that the provision of parking is provided for holiday use;
- Issues of potential inconsiderate parking by persons residing in the holiday let;
- Concerns that the access road would be obstructed by additional parking in the lane;
- The driveway to Riverside Cottage is not a right of way to access the river
- Concern to the impact that the proposed building would have upon neighbouring property's boundary wall.

PLANNING HISTORY

Reference	Description	Decision	Date
90/P0259	Full Application Extension Alterations.	& Approval with conditions	14/03/1990

POLICIES

New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 33 (Promotion of Tourism in East Devon)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

D4 (Landscape Requirements)

D5 (Trees on Development Sites)

TO1 (Proposals for Holiday or Overnight Accommodation and Associated Facilities)

TA1 (Accessibility of New Development)

TA7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Officer Report

Site Location

The site is located to the north east of the town centre of Sidmouth with access taken via a private driveway off Sidcliffe and the main Sid Road. The site consists of a dwelling house (bungalow) with a greenhouse to the rear (north) and outbuilding on the northern boundary wall. The bungalow is a late 20th Century building built with

brick walls, timber windows and doors and a concrete tiled roof. The green house is constructed with a full height brick wall on the north elevation with low level brick walls on the south, east and west elevations with timber windows above supporting a timber and glass lean-to roof

Proposed Development

The proposal is for the replacement of existing greenhouse with the construction of a two storey building that would be used as a holiday let, providing living accommodation at ground floor level with bathroom and bedroom above. The proposed building would be built on the existing footprint of the greenhouse and extend to the south by 1m with an overall increase in height by 2m and the construction of gable roof.

The proposed holiday let as originally submitted was proposed 6.5m from the rear elevation of the dwelling house but during the life of the application a revised proposal was submitted relocating the holiday unit building a further 3.5m to the north east of the garden (in a similar position to the existing greenhouse) at distance of 10m from the main dwelling house . The building is proposed at a height of 3.5m to eaves and 6.3m to ridge, at a width of 5.6m and 10.5m in length.

The building would be constructed with timber cladding for the walls, floor to ceiling glass wall on the west elevation, composite window frames and slate roof with a wood burner flue.

ANALYSIS

Principle

Policy TO1 of the adopted Local Plan and Strategy 33 of the emerging New Local Plan support the provision of holiday accommodation within the Built-up Area Boundaries of towns and villages. Policy TO1 states that this is subject to the scale and intensity of the development being compatible with the character of the area; the proposal protecting the amenity of neighbouring properties; adequate provision of on-site services and parking and the proposal being accessible on foot, bicycle and public transport and not impairing road safety or the flow of traffic. These issues are addressed below.

Character

The proposed design of the building, its increased size and its materials are considered to be acceptable and would not result in any significant visual harm to the character and appearance of the local area. There are no significant public views into the site due to the siting of neighbouring properties and existing mature established boundaries.

The building would replace an existing greenhouse that is in a poor condition that does not enhance the character and appearance of the area. The new building would be slightly larger than the existing greenhouse but given the site levels, the

current appearance of the greenhouse, and relationships with surrounding properties, the proposal would not harm the amenity of neighbouring properties.

Whilst the proposed timber cladding, slate roof and aluminium window materials are considered to be acceptable in principle, the application does not details their finish or colour and as such a condition is recommended for samples to be submitted for approval if permission is granted. A further condition is recommended on any permission for the wood burner flue to be constructed in matt black finish to minimise the visual impact of this structure or neighbouring properties.

Neighbour amenity

The rear of the proposed building faces an outbuilding within the current garden with substantial planting beyond. This will ensure that there is no harmful loss of privacy to the north from the proposed development.

The application only proposes a door at ground floor level to the east elevation and given the levels difference to the neighbouring property (Longwall) there will be no loss of privacy caused by the proposal. Longwall is sited at a higher level and given the distances between the buildings at approximately 21m, there is no detrimental loss of amenity even with the increase height of the proposed building compared to the existing greenhouse.

The west elevation provides a fully glazed wall that does provide the ability for overlooking of neighbouring property's (Riverside Cottage) rear garden. However, there is no existing physical boundary between the two properties at present and a substantial levels difference. Therefore a degree of overlooking currently exists from both the garden and the greenhouse although views are mainly across the top of the neighbour's outbuilding of distant views. Given this relationship and the existing situation it is not considered that any additional overlooking will be to an extent that would cause harm that could justify a refusal of planning permission.

In terms of the relationship with Stratton Lodge, the revised positioning of the proposed building, being 10m from the host dwelling house, results in a suitable relationship between the two buildings given that they will be in single ownership with some interdependence between the two. The application includes obscure glazing to the south elevation facing Stratton Lodge along with the planting of a boundary hedge at a height of 2m between the buildings to provide an element of privacy between the two properties at ground floor level. These details can be secured by condition.

Concern has been raised to the proximity of the proposed holiday building being built adjacent to a historic flint and stone boundary wall on the south east elevation and connecting brick wall of neighbouring property's boundary. These concerns are noted though they are civil matters outside of the control of the planning system covered by other legislation such as Building Regulations and the Party Wall Act.

Given the above, the proposal would not adversely impact upon neighbouring properties.

Highways

The concerns raised by objectors regarding the lack of off street car parking provision to this proposal have been noted. However, the revised application details show the provision of three parking spaces (one for the holiday unit and two for the main dwelling house) together with a further space within the existing garage, therefore adequate provision for parking is considered to have been provided.

The objections received state that there is inadequate access to the site and insufficient turning space. In response to this the County Highway Authority has raised no objection to the proposal as vehicles already have to reverse out of the site and turn in Sidcliffe. The vehicle movements generated from the proposal would not result in the over-intensification of the use of the access or road to warrant the refusal of the application as it would not result in a significant highways safety objection.

The concerns raised regarding inconsiderate parking in Sidcliffe and the use of Riverside Cottage drive not being a right of way to the River are noted though these are civil matters.

East Devon Pebblebed Heaths

The submission is accompanied by a unilateral undertaking relating to the payment of a financial contribution of £626 towards mitigation of the impacts from recreational use of the development upon the ecologically sensitive habitats of the European-designated East Devon Pebblebed Heaths Special Protection Area (SPA) in line with the Council's adopted approach. Any grant of planning permission will therefore need to be read in conjunction with this obligation.

Conclusion

The revised siting of the holiday let is considered to be acceptable as it provides an acceptable distance to the host dwelling house and neighbouring properties to protect their amenity. The proposed scale, design and use of materials of the proposed holiday let are acceptable subject to conditions. There is adequate access to the site, provision of off street car parking and turning area is provided for the additional holiday let and therefore the proposal is considered to accord with local plan policies and is supported.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

3. Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.

(Reason - To enable the Local Planning Authority to consider the details of materials and finishes to be used for the development in the interests of ensuring that they are sympathetic to the character and appearance of the local area in which the site is located in accordance with 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 and guidance set out in the National Planning Policy Framework. To ensure that the development is constructed using the approved materials, the Local Planning Authority require that these details are submitted before any development commences.)

4. The flue hereby permitted shall be finished in a matt black in the interests of the character and appearance of the local area and shall thereafter be retained as such.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan and Policy D1 (Design and Local Distinctiveness) of the emerging New East Devon Local Plan and guidance set out in the National Planning Policy Framework.

5. No development shall take place until a landscaping scheme detailing the proposed dividing boundary hedge as shown on drawing number SL 01 P4 hereby approved has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To enable the Local Planning Authority to consider the details of submitted boundary treatment, to ensure the interests of amenity and to and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the Adopted East Devon Local Plan and D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the emerging New East Devon Local Plan).

6. Before the building hereby permitted is occupied the windows on the south elevation shall have been glazed with obscure glass and the obscure glazing of these windows shall thereafter be retained at all times.

(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2006 and Policy D1 – Design and Local Distinctiveness of the New East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

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

This permission shall be read in conjunction with the Unilateral Undertaking dated 10th March 2015.

Plans relating to this application:

SL 01 P4	Proposed Site Plan	20.07.15
SL 20 P2	Proposed Elevation	20.07.15
SL 10 P3	Proposed Floor Plans	20.07.15
SL EX 00 P3	Location Plan	13.07.15

List of Background Papers

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

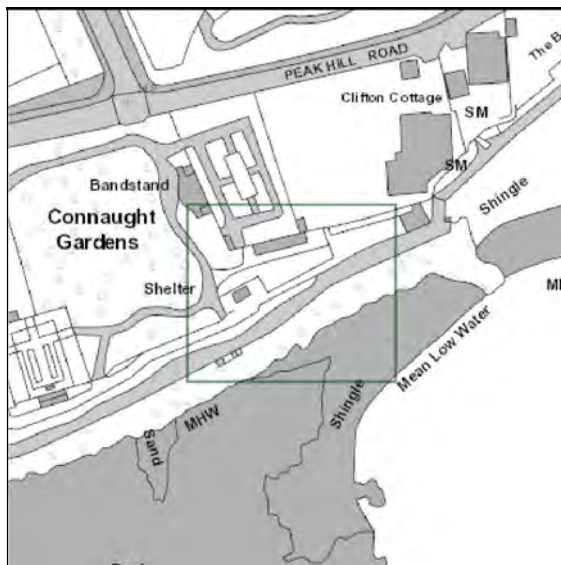
Ward Sidmouth Town

Reference 15/1560/FUL

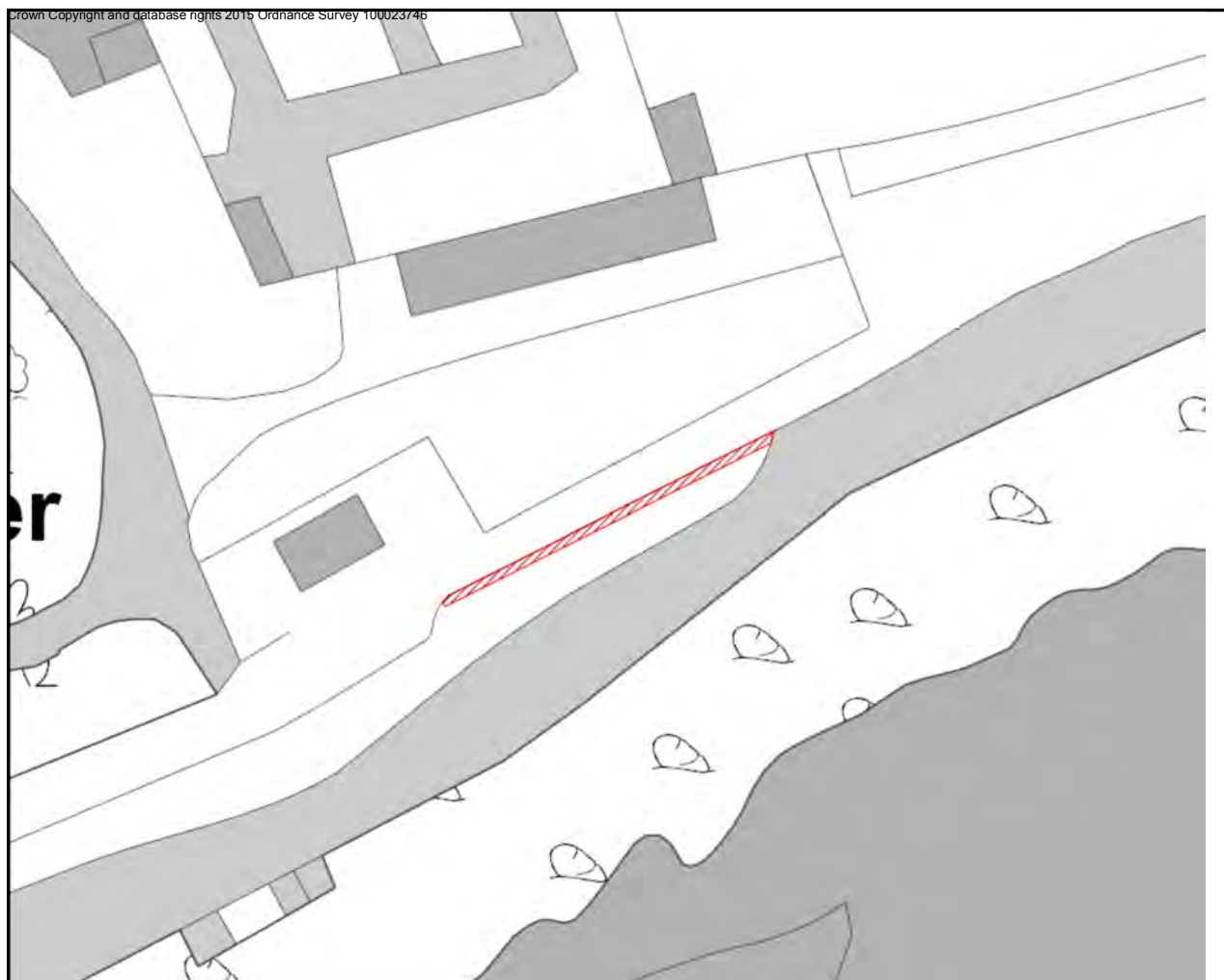
Applicant Mrs Esther Harbour

Location Connaught Gardens Peak Hill Road
Sidmouth

Proposal Construction of 30 m length of steel
railings along cliff top edge



RECOMMENDATION: Approval with conditions



		Committee Date: 08.09.15
Sidmouth Town (SIDMOUTH)	15/1560/FUL	Target Date: 04.09.2015
Applicant:	Mrs Esther Harbour	
Location:	Connaught Gardens Peak Hill Road	
Proposal:	Construction of 30 m length of steel railings along cliff top edge	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before members as the applicant is East Devon District Council and on land owned by East Devon District Council.

Planning permission is sought to install a 30 metre section of steel railings along the cliff top edge to the south of Connaught Gardens to replace a previous stone wall which was demolished in 2014 after it had become structurally unsound and unsafe.

The proposal is considered to be acceptable as it will provide a permanent fencing solution that will provide public benefits in form of a safe and enhanced viewing/pedestrian area for visitors to Connaught Gardens. In addition, the proposal will not harm the character, appearance or setting of Connaught Gardens, adjacent listed buildings, or the Sidmouth 'A' Town Centre Conservation Area.

CONSULTATIONS

Local Consultations

Parish/Town Council
Support

Technical Consultations

Conservation

CONSULTATION REPLY TO PLANNING CENTRAL
PLANNING APPLICATION AFFECTING LISTED BUILDING CONSERVATION
AREA

ADDRESS: Connaught Gardens Peak Hill Road, Sidmouth

GRADE: Adj II APPLICATION NO: 15/1560/FUL

CONSERVATION AREA: Town Centre & Seafront

REGISTERED PARK & GARDEN: II

PROPOSAL: Construction of 30 m length of steel railings along cliff top edge

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

There are numerous photos of the wall prior to demolition on EMap 2 under Clock Tower, Connaught Gardens. Looking at the photographs dating back to the 1930's the wall appears to have been altered and relocated several times. The Clock Tower was listed in 1951 and there are no records relating to any previous listed building consent approvals for works to the walls. It might be argued that the walls are curtilage to the Clock Tower, but they do not necessarily fulfil all of the criteria ie. Same ownership at time of listing, ancillary use and pre 1948. The walls have been relocated, rebuilt and the design changed and therefore it is considered that the proposed works do not require LBC but could be controlled through the submission of a planning application.

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

This application relates to approximately 30m of wall which was demolished in 2014, see detailed supporting report produced by Esther Harbour. The wall had some large cracks that were widening, see photos and following continual monitoring had become a significant danger. It was therefore agreed that the wall could be carefully taken down prior to agreeing options for its replacement.

Whilst a new wall would certainly be more aesthetically pleasing, it is appreciated that there are other considerations relating to the structure of the cliffs and their ability for load bearing, views both from and to the cliffs, cost, future maintenance and construction methods etc. The proposed new railings will match that already in place at the far end of the walkway and will follow a similar line to the original wall. No objections.

PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

Historic England
Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Garden History Society

Thank you for consulting the Garden History Society on the above application. The Devon Gardens Trust works in partnership with The Garden History Society in responding to consultations. On the basis of the information received we do not wish to comment. We would emphasise that this does not in any way signify either our approval or disapproval of the proposals.

County Highway Authority

Does not wish to comment

Other Representations

No representations were received at the time of writing this report.

PLANNING HISTORY

There have been a number of applications in relation to Connaught Gardens and for the rebuilding of walls in the area but none are directly relevant to the current application.

POLICIES

New East Devon Local Plan Policies

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

EN9 (Development Affecting a Designated Heritage Asset or Loss of a Building or Structure that makes a Positive Contribution to a Conservation Area)

EN10 (Preservation and Enhancement of Conservation Areas)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest)

EN11 (Preservation and Enhancement of Conservation Areas)

EN13 (Development Affecting Parks and Gardens of Special Historic Interest)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Site Location

The site is located at the south-eastern end of Connaught Gardens on a coastal headland approximately 700 metres west of the centre of Sidmouth. Connaught Gardens are to the south of Peak Hill Road and are bound by Clifton Cottage to the east, Chit Rocks to the south, and Jacob's Ladder to the west.

The gardens are Grade II listed for their special historic interest under Historic England's Register of Historic Parks and Gardens. The eastern part of the gardens and the application site is located within the Sidmouth Area 'A' Town Centre Conservation Area.

The site of the proposed railings is an elevated platform adjacent to a cliff edge to the south of the gardens. It is a popular viewing point with benches for seating providing panoramic views of Sidmouth and out to sea across Lyme Bay. Directly below the site is a well-used pedestrian footpath which connects the Millennium Walkway to Jacob's Ladder to the south-west.

Proposed Development

The proposal is to install a 30 metre section of steel railings along the cliff top edge to replace a previous stone wall which was demolished in 2014 after it had become structurally unsound and unsafe.

The railings will be painted black and will match those that currently exist to the north-east of the site. The railing panels will each be 1.83 metres wide and 1.15 metres high above a concrete plinth.

Consideration and Assessment

Background

The Supporting Statement submitted with the application highlights that the cliff top wall was demolished as emergency works in March 2014.

Consultants working on behalf of EDDC had been monitoring cracks and movement in the wall as part of their annual cliff inspections. A 2014 inspection revealed significant deterioration in the structural integrity of the wall and that major failure was likely. The inspection identified loss of mortar and masonry, and that several cracks had widened markedly which in places penetrated the wall thickness.

The wall was demolished and temporary safety fencing installed to protect the safety of users of the gardens and to ensure the footpath below could remain open.

Impact on Connaught Gardens, adjacent listed buildings and the conservation area

Connaught Gardens are Grade II listed under Historic England's Register of Parks and Gardens of Historical Interest. The site of the proposed railings is in close proximity to other Grade II listed heritage assets, namely the Clock Tower, and Clifton Cottage and its garden wall. It is also within the Sidmouth Area 'A' Town Centre Conservation Area. Therefore the impact of the proposal on these heritage

assets and the conservation area is a material consideration for this application that special regard must be given to.

The National Planning Policy Framework advises that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

The Council's historic photos of Connaught Gardens show that the wall has been altered and relocated a number of times. The demolished wall is not considered to be curtilage listed.

The Supporting Statement highlights that railings are preferred to a new wall because they would:

- be a lighter load-bearing option on the sandstone cliff and masonry wall structure below;
- improve the visual aspect from the gardens looking out to sea;
- improve the visual aspect from the beach looking up towards the garden;
- remove a solid man-made structure;
- have require low levels of maintenance; and
- require less importation of construction materials.

It is agreed that a new stone wall would be more aesthetically pleasing, however, the reasons given for installing railings instead of a new wall are understood and accepted and the proposed railings in themselves are acceptable, will be coloured black and will match existing railings in this location.

The temporary fencing installed at the site is essential to ensure the safety of users of the gardens and the footpath below, however, it is unattractive and in a very elevated location at the top of the cliff edge, which is well-used by visitors to Connaught Gardens and connects to the Millennium Walkway and Jacob's Ladder. The proposed development would remove the current temporary fencing and replace it with a permanent solution.

It is considered that the proposed development will not harm the character, appearance or setting of Connaught Gardens or their special historic interest. The proposal will also enhance the character and appearance of the conservation area as well as preserving the special architectural and historic interest of adjacent listed buildings and their settings.

The proposed development will also sustain and enhance Connaught Gardens as a popular visitor attraction as well as making a positive contribution to the local character and its distinctiveness.

Conclusion

The proposal is considered to be acceptable as it will provide a permanent fencing solution that will provide public benefits in form of a safe and enhanced viewing/pedestrian area for visitors to Connaught Gardens. In addition, the proposal will not harm the character, appearance or setting of Connaught Gardens, adjacent listed buildings, or the Sidmouth A Town Centre Conservation Area in accordance with policies D1, EN9, EN11 and EN13 of the Adopted East Devon Local Plan, Strategy 49 and policies D1, EN9 and EN10 of the emerging East Devon Local Plan, and paragraphs 129, 131 and 132 of the National Planning Policy Framework.

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.)

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:

Proposed Site Plan	08.07.15
Other Plans	08.07.15
Location Plan	08.07.15
Proposed Site Plan	10.07.15
Other Plans	08.07.15
Sections	08.07.15

List of Background Papers

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

Ward Whimble

Reference 15/0643/MFUL

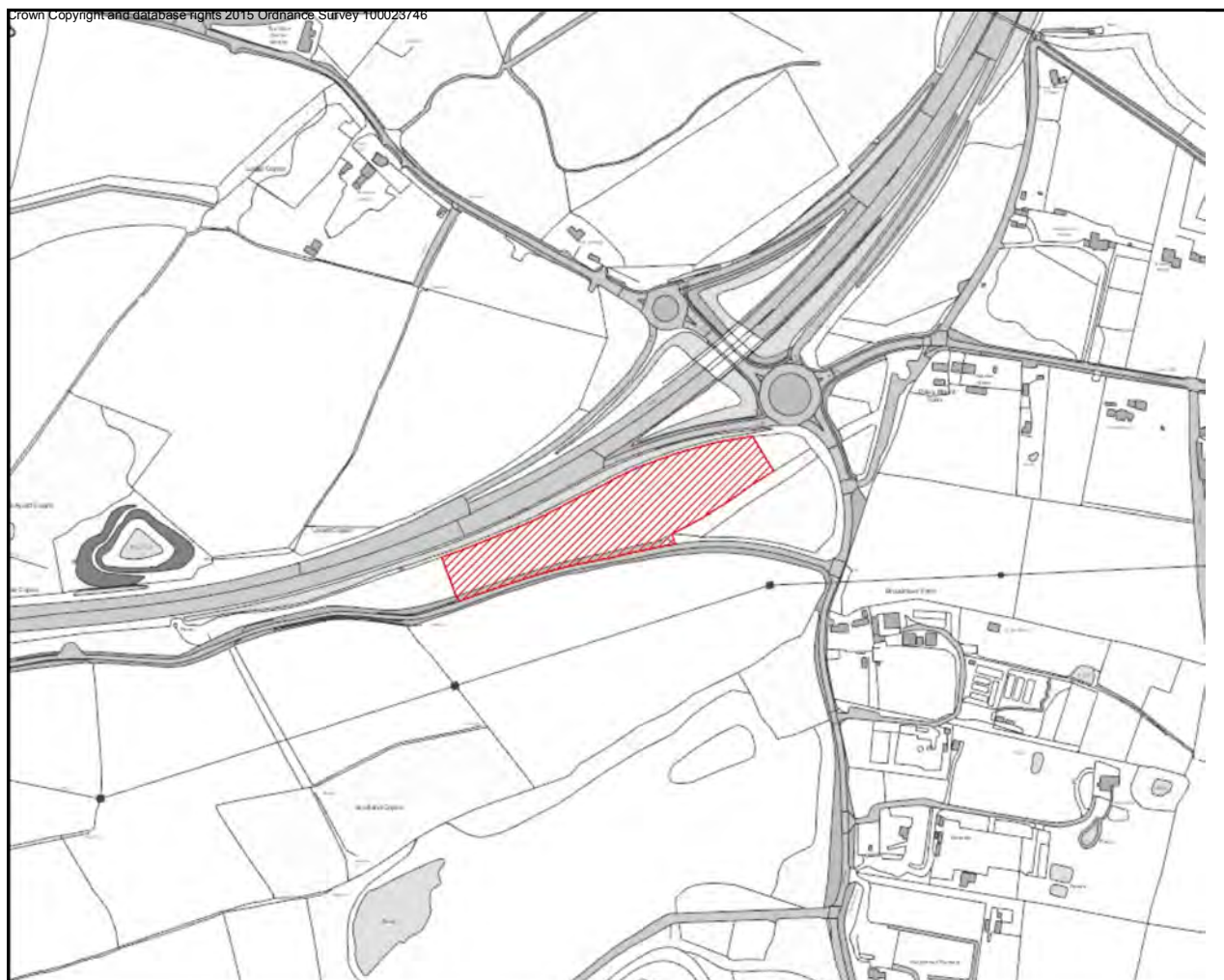
Applicant Mr P Halse

Location Land Off Brickyard Road Exeter
Road Whimble

Proposal Construction of 3 agricultural
storage buildings, two agricultural
machinery workshops providing 10
workshop spaces, offices, welfare
facilities and storage plus
manoeuvring areas, loading areas
and parking with access off
Brickyard Road



RECOMMENDATION: Approval with conditions



		Committee Date: 08.09.2015
Whimble (WHIMPLE)	15/0643/MFUL	Target Date: 22.06.2015
Applicant:	Mr P Halse	
Location:	Land Off Brickyard Road Exeter Road	
Proposal:	Construction of 3 agricultural storage buildings, two agricultural machinery workshops providing 10 workshop spaces, offices, welfare facilities and storage plus manoeuvring areas, loading areas and parking with access off Brickyard Road	

RECOMMENDATION: Approval With Conditions

EXECUTIVE SUMMARY

This proposal is before Members as it represents a departure from the Local Plan. It should also be noted that Peter Halse, father of the applicant and founding member of the business, is an ex-councillor and has been made an honorary alderman of this Council.

The application seeks planning consent for the relocation of an existing agricultural machinery business known as 'Halse of Honiton', located at sites in Honiton and Awliscombe. This entails the erection of a number of large buildings, hardstanding and associated landscaping with access from Brickyard Road, to a site in the countryside close to the A30 'Daisymount' junction.

As the application is a departure from the local plan and uses of this type and scale are directed to within existing built-up area boundaries and business parks, the applicant has been asked to provide justification for the need to move from their current employment premises in Honiton (and storage facilities in Awliscombe) and why there are no sequentially preferable sites available in or at the edge of settlements of business parks in the district. The applicant has provided strong justification of the need to move from their current facilities in the heart of Honiton that has poor access and is adjoined by residential properties. In addition the applicant details an alternative site search that has considered a number of alternative locations to relocate the business to and provided reasons why these are not suitable or available given their needs and business model.

It is considered that the justification provided is sufficient and that the location of the site represents an acceptable option given the specialist nature and

circumstances of the business and its relationship to agriculture and the countryside and its customers.

The buildings would have the appearance of large agricultural buildings and workshops, and incorporate a number of measures which would make the buildings energy efficient and provide for sustainable drainage within the site including the use of green roofs. The buildings would be adequately screened from the road network, would not have significant adverse impact on nearby residential properties and benefit from a suitable access.

It is considered that the scheme is acceptable subject to a number of conditions and will provide the opportunity for an established business to expand within the area without detriment to the local environment. As such the benefits from the proposal outweigh any harm from its location in the countryside.

CONSULTATIONS

Local Consultations

Parish Council (Whimble)

No objections. This will provide good employment opportunities and is within the employment area for Whimble village. Parish Council supports the important continuation of agricultural business. Site well-suited for this type of business as it is set away from residential buildings.

Whimble - Cllr P Bowden

I understand that this application is progressing and nearing time to determine. I am mindful of the various pros and cons but given the huge advantages inherent in releasing a site in Honiton Town to an agricultural based enterprise within East Devon I am inclined to support this application. However I must wait the outcome of the officer's report before arriving at a decision. This note serves to indicate my tacit support for the application and, should we differ, my expectation that this application be determined by Development Management Committee.

Technical Consultations

Environment Agency

We have no objections to this proposal.

The summary and recommendations of the submitted flood risk assessment (ref. R70057V001/B, dated March 2015 - Pell Frischmann) are supported by the Environment Agency.

The Environment Agency would be keen to ensure that the SUDS scheme employs an 'open' pond feature for the above ground storage, as opposed to a sealed tank system, as this will provide additional water quality and biodiversity benefits.

The viability and specific location for the discharge from the SUDS storage should be considered as part of the planning approval, along with ownership and future maintenance responsibility of the SUDS scheme as a whole.

I believe it is intended to dispose of the foul drainage via a cesspit, there are no Environment Agency permits required for this type of installation. Building Control will be able to advise further.

Environmental Health

I have considered this application and feel that this is an ideal site for this type of business, however I would like to recommend the following condition is attached to any permission granted as this is a new site:

A lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable.

Reason: To comply with Policy EN15 for the avoidance of light pollution.

Natural England

Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

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 our 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 is needed (which is the developer's responsibility) or 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.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Impact Risk Zones for Sites of Special Scientific Interest

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

Highways England

The development in question relates to a relocation of the Halse of Honiton agricultural machinery business from Honiton to consolidate all operations, including storage of machinery, on a single site rather than a major expansion of business operations. The existing nature of the operation has made it possible to present a

detailed picture of the vehicle-related trips associated with the business, both of employees, customers and deliveries. These trips are already on the network and the predicted number of vehicle movements daily (132 two-way trips) is unlikely to have any material effect on the operation of the A30. We therefore have no objection to the development as proposed, and a Formal Recommendation is enclosed to that effect.

However, Highways England has a landscaping plot to the north of the development site, along the boundary of the A30 and the Daisymount westbound onslip. It is important that the developer ensures that our landscaping plot is not disturbed either during the construction phase or during any subsequent maintenance activities.

County Highway Authority

The proposed development will be located near to good access to the A30(T) via the B3180 and connection to the M5 and also is slightly closer to the majority of the clientele and suppliers attracted to the business. The proposed relocation of the business from its current location in Honiton will consolidate all operations onto a purpose-built single site, out of town.

The existing business and the nature of the kind of traffic generation it attracts has been informative in the likely numbers of movements that will be attracted at the new site. It is accepted that most of these traffic movements would already be on the local infrastructure and the predicted increase in movements at the new site is unlikely to have any material effect on the county highway network or the wider network.

The applicant has supplied suitable vehicle overlay plans to show that there will be adequate access, egress and on-site turning for the types of vehicles that will be attracted to the site. Travel Planning has been identified in the Transport Statement and outline proposals have been put forward for its implementation.

In essence the CHA does not object to the proposed development.

Recommendation:

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

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the

development and the frequency of their visits;

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

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

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

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

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

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

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

2. Turning areas, parking space and garage/hardstanding and access drives shall be laid out and maintained for those purposes in accordance with the attached diagram 9264-ATR-01 Revision B.

REASON: To ensure the provision of adequate facilities within the site for the traffic generated by the development

3. The development hereby approved shall prior to being brought into its intended use provide a Travel Plan to the satisfaction in writing of the Local Planning Authority in conjunction with The Local Highway Authority once agreed the Travel Plan shall be implemented and developed overtime.

REASON: To promote sustainable modes of travel and reduce the number of car trips to the site.

Economic Development

Existing site constraints:

It is clear that the operation of Halse of Honiton is critically constrained in its current location.

Highways access is poor and although this is clearly a sustainable employment site close to the town centre, the growth of *this* business and its particular nature presents a clear requirement for larger premises with good access. Specifically their business involves HGV deliveries of sizable farming machinery (estimated at 120 HGV movements in and out of their central Honiton site each week) and storage of particularly large scale agricultural equipment.

The adverse impact on both their existing operation as well as the further growth of the business was evident on site inspection. For context, it is worth noting that since the applicant took over the management, the business has seen staff levels triple and turnover increase four-fold over 20yrs.

Proposed site:

We have reviewed the submitted plans and are familiar with the proposed site close to Daisymount on the A30. The overall view of ED is that this site, with satisfactory screening from the established trees, would not be detrimental to the tourism economy or damage the wider area's overall appeal. Visitor numbers to, and duration of stay within the district are unlikely to be effected.

Secondly, the site in question is not of a sufficient scale or agricultural land quality to represent significant detriment to local farming productivity or agricultural employment base.

We note the lack of objection from the County Highway Authority and observation that the proposed site has good access to the A30 (T) via the B3180.

Having discussed the businesses base and operation with the applicant we also confirm the benefits of the proposed site in respect of proximity to both customers and suppliers.

Employment growth:

The proposed site is of a sufficient scale to allow the business to consolidate all operations onto a purpose-built single site with room for the future growth of this expanding family business. Currently operations are spread over two separate sites with 2.5 acres being used as storage at Kains Park, Awliscombe in addition to their 1.7 acre site in Honiton. The inefficiencies and additional costs that this segregation introduces to their business are significant.

The aspiration articulated by the applicant is for an increase in employment from 27 FTE and 3 PTE to more than 40 FTE staff. This represents a significant level of economic growth associated with this business expansion and it's worth noting that the comparatively high skill and wage level of Halse employees has positive implications for local GVA.

Also of significance is the support provided by the Parish Council to this application. They highlight good employment opportunities within the employment area for Whimble village and a lack of conflict with existing residential properties.

Furthermore, the comments of Cllr P Bowden (12.06.15) are also of particular note since the release of such a highly sustainable and attractive site for permitted employment use so close to Honiton town centre is indeed a fundamental economic benefit of this proposed relocation.

Conclusion:

From an economic perspective, it is held that the proposal will:

- facilitate the evidenced expansion of a growing family business and major employer resulting in new local jobs coming forward
- allow their existing central site to be used for permitted employment use by other growing businesses in Honiton, with implications for further local employment
- cause no demonstrable local economic harm in the relocation of the business to the proposed site

There is no objection from ED to the proposed application.

Other Representations

Three representations have been received, one in support, one stating no objection and one objection.

The letter in support mentions that the application is by a local firm employing local people.

The letter of objection states that the proposed development would be on a green field site not designated for development, is on a designated cycle route and is popular with walkers and riders and is the only safe route from Daisymount to hack a horse. Brickyard Lane is a beautiful lane lined with very mature oak trees.

POLICIES

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)
Strategy 23 (Development at Honiton)
D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
E5 (Small Scale Economic Development in Rural Areas)
E19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)
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
D1 Design and Local Distinctiveness
D2 Sustainable Construction
D4 Landscape requirements
D5 Trees on development Sites
E1 Provision of Employment Land
E6 Small Scale Employment Development in Rural Areas
TA1 Accessibility of New Development
TA3 Transport Assessment
TA7 Adequacy of Road Network and site access

Government Planning Documents

NPPF (National Planning Policy Framework 2012)
NPPG (National Planning Practice Guidance)

Site Location and Description

The application site is a 1.74 hectare site situated just off the A30 dual carriageway, at the 'Daisymount' junction. Brickyard Road has an access from the B3180 Exmouth Road. Past the site it becomes a single track road serving a number of farms.

The site itself comprises a single large field, designated as Grade 4 Agricultural land. There is a single gated access from Brickyard Road into the site. There is a section of woodland at its eastern end, a line of mature trees to the South and a more recent screening belt between the site and the A30 and its slip road to the north.

Proposed Development

It is proposed to construct new buildings and external hard standing/ circulation areas for the relocation of 'Halse of Honiton', an established agricultural machinery business currently located at two sites elsewhere in the District. The applicant has stated that he has outgrown his current site and it is required to find a modern, accessible site which would enable his business to thrive and grow.

The development comprises:

Three open sided agricultural machinery storage sheds for new and used agricultural machinery with solar panels and roof lights with a combined area of 3,090m².

Two agricultural machinery workshop buildings providing ten separate workshop spaces for the maintenance of agricultural machinery with a combined total of 1266m². These would be linked to an office, welfare and parts store building, and small trade counter, with a total area of 1115m² split over two floors

Parking, loading, security fencing and hardstanding areas to enable manoeuvring of machinery and also provided off the access.

The three agricultural storage buildings are typically agricultural in design with concrete walls, vertical timber cladding and corrugated roofs.

The workshops and office buildings are more industrial in appearance with timber cladding and the use of a green roof system and powder coated doors and windows.

The application proposes the retention of the boundary tree and hedge planting.

ANALYSIS

The main issues for consideration are whether the development is acceptable in principle in this location, the visual impact on the countryside, the design and sustainability of the buildings and suitability of the access.

Principle of Development

For the purposes of decision-making, the site is located outside of any built-up area boundary and is therefore classified as countryside. Policy S5 of the Adopted Plan states that development in the countryside will only be permitted where in accordance with a specific policy that permits such development and where it would not harm the distinctive landscape, amenity and environmental land. Weighed against this is the stated requirement in the NPPF to support sustainable economic development to deliver the homes, business and industrial units that the country needs, and to support economic growth in rural areas by taking a positive approach to sustainable new development. The site is not within an Area of Outstanding Natural Beauty, or within an area of high quality agricultural land or subject to any other national or local designations.

Whilst the Council has policies which relate to small scale economic development in rural areas, it is not considered that the proposal represents small scale development. As such, there is no policy support within the adopted or emerging local plans for large scale economic development within the countryside. The local plan directs this type of development to within existing built-up area boundaries and to business parks and industrial estates in particular as such sites are designated to cater for these uses and the sporadic location of large businesses within the countryside detached from customers, staff, services and public transport is unsustainable. The size of these developments is not defined however we would consider this proposal to be of a scale that would fall outside of this policy.

In light of this policy situation, officers have asked the applicant to provide evidence on the need to relocate from their existing premises, and to consider alternative sites in preference to this site in the Countryside. The alternative sites should be either within built-up area boundaries, or are allocated employment sites to which the local plan directs such development.

The applicant has advised that they have carried out such a search that has led to this application and has advised the following in relation to the need to relocate from their current site in Honiton and their storage site in Awliscombe:

- That the business needs a minimum of 3-4 acres and ideally 5-6 acres to accommodate the move from both sites and cater for future growth and expansion;
- The Honiton site has poor access either directly off the main High Street or via narrow streets to the rear that is no longer suitable for the scale of the business and large deliveries by HGV's;
- With the business operating increasingly long hours, this is having a detrimental impact on the local environment, with potential to cause nuisance to adjoining residential properties and detrimental impact upon the environment through increased noise and poor air quality;
- The business is handling larger and larger pieces of agricultural equipment and the access, size of site and layout cannot cope with the delivery and storage of all of the equipment. This results in numerous trips between the Honiton and Awliscombe sites that is unsustainable and uneconomic for the business;

- The existing buildings are now old and largely unsuited for the business and coming to the end of their economic life;
- The customer base is continuing to expand geographically and there is a need to be closer to the motorway.

It is clear from a visit to the site in Honiton that the business is very successful and constantly expanding. It currently employs in excess of 30 staff and has taken on two additional staff since the submission of this application.

Officers are in no doubt that the existing site in Honiton is too constrained for the business and is no longer fit for purpose. The access is poor for the scale of the business and size of delivery vehicles and the site is too small for the business with storage on every part of the site and operating in close proximity to neighbouring residents. Officers are therefore in full agreement with the need for the applicant to move to larger and newer premises to sustain the existing business and to allow it to grow in the future. This view is supported by the Economic Development Manager.

With regard to searching for alternative sites within or at the edge of built-up area boundaries or within existing business parks or employment allocations, the applicant has provided the following as part of a sequential site search:

- The customer base is expanding and needs to be close to the motorway and main trunk road network as the business operates on the basis of holding a large amount of stock so that machinery can be delivered immediately as and when agricultural machinery needs repairing or replacing. Part of the success of the business has been its ability to hold lots of stock and therefore provide the immediate replacement of machinery to an industry that cannot wait long periods of time for new or replacement machinery. This rules out sites to the east of Honiton and the southern edge of the District.
- The business would like to stay fairly close to Honiton given its links to the area and 'Halse of Honiton' name. It would also like to stay fairly close to Honiton to retain its staff.
- Two sites on Heathpark, Honiton have been considered but neither site is of a suitable size with one of the sites not on the market.
- The employment allocation in the emerging New Local Plan near the airport is unserviced at present, not on the market and has a very poor and narrow access.
- Skypark is not seeking to attract any more significant B8 uses and does not benefit from planning permission that would cater for the proposed use. The development is branded to attract high quality modern office or industrial businesses and the applicants business and operations do not fit with this.
- The Intermodal Freight Terminal is 29 acres and as such too large with other interest expressed in the site.
- Hill Barton and Greendale Business Parks have sites of approximately 2 and 2.1 acres remaining but these sites are not large enough and too far from the A30.
- Exeter Science Park is protected for R&D businesses and therefore discounted.

In addition to the above the applicant was asked to consider the employment allocation at Heathpark in the emerging New Local Plan.

In response the applicant has advised that the timescale for bringing forward this allocation would be a couple of years and the applicant needs to find premises and move quicker than this. It is recognised that the allocation will take time to come forward in terms of providing the junction improvements to the Turks Head junction, securing planning permission and providing the services to enable the site to become available. From a visit to the applicant's current premises it is understood that waiting a further 2 or 3 years to move is likely to impact upon their ability to expand and operate with continued inefficiency and environmental impacts.

The applicant has advised that they need to move within the next 12 months for reasons of efficiency, provide a suitable working environment for staff and as no further growth can take place due to Health and Safety constraints. In addition, the business needs to move quickly to ensure that it can continue to provide the goods and engineers to customers quickly, the foundation of the business being based on its large stock and engineers being available instantly. Failure to move in the next 12 month would result in lost business.

If all of the above is accepted then it is agreed that there are no suitable sites available in the next 12 months in Honiton or on existing business parks to meet the applicant's needs. This is not a reflection of a lack of employment land but lack of a site of a suitable size in a suitable location to meet this applicants needs and circumstances.

Once it is accepted that the applicant requires a site in the countryside, the suitability of the application site requires consideration.

The application site itself has been chosen as it meets all the businesses requirements. It is close enough to Honiton to serve its existing local customers and staff, is very well located off the A30 with good links to the M5, is well screened by existing landscaping, has a suitable access, and is large enough for their needs and to enable the business to grow, and is in a good location to retain its existing staff.

The benefits of the site to the applicant are appreciated and it is recognised that the nature of the business supplying agricultural machinery and the repair of agricultural machinery does not necessarily need to be located within a town given that the vast majority of the customers are farmers in the rural parts of the district and from further afield. It is also appreciated that the site is well located in the centre of the district to serve local customers whilst being well located directly off the A30 and close to the M5 to serve its growing customer base outside of East Devon. The site is also large enough to combine the existing sites in Honiton and Awliscombe onto one site with capacity for the business to grow into the future. Consideration of the suitability of the site in terms of its visual impact, design of buildings and access are considered separately below.

Whilst it is disappointing that there is not a site available within an existing settlement or business park that would be better served by public transport and would be less isolated from other services and facilities, the unique nature of the business, lack of

passing trade, and specific needs of the applicant are noted and a case can be made as to why this business is unique and different from any other office, general industrial or storage and distribution use to justify a rural location.

On balance, it is considered that the applicant has demonstrated a lack of suitable alternative sites at this time to accept a departure from local plan policies. In addition, the nature of the business does provide some limited justification for a rural location although any permission should be restricted to the sale and repair of agricultural machinery. This is a sui-generis use which does not fall into any use class. As a result there is no permitted change to an alternative use and permission would be required for any change of use. The Council would therefore have sufficient control over the future use of the site.

Finally, it is considered that the provision of a travel plan which would include such measures as on-site cycle parking, encouragement of car sharing will be required given the relatively small numbers of staff that currently benefit from the site location within Honiton. These measures can be made the subject of a planning condition in the event that permission is granted.

Appearance and Layout

The proposal is to access the site from Brickyard Road, with open fronted machinery storage buildings to the left (west), workshops to the right (east) and the office, parts and welfare facilities being centrally located.

Machinery storage buildings:

These would be seen as a series of three buildings either side of a centre hardstanding area. 12 metres deep, with a total of 43 bays, each around 5.7m wide. They are open ended with an eaves height of 5 metres to allow storage of machinery.

These buildings are designed with a steel portal frame and a corrugated cement sheet roof, with a concrete wall up to 2 metres and hit and miss vertical cladding over. The roof would be formed from grey fibre cement corrugated roof sheets with extensive roof lights and solar photovoltaic (PV) panels.

These building would appear as agricultural storage buildings and are of an appropriate design for this rural location partly screened by the existing boundary treatment that can be supplemented by new planting secured through a condition.

Workshops:

These are proposed to be split into two with five large bays and five small bays, linked by an entrance. The workshops would be 8.5 and 7.7 metres high, utilising the natural slope to ensure that the height above ground level is the same. They would be single storey timber clad elevations with a monopitch 'green' roof. The overhead doors to the bays would be part-glazed, of blue and yellow colours, to allow for diffused natural light to enter the building, whilst staff work on the repair of machinery. Above these doors translucent elements of cladding are proposed, with

powder coated aluminium soffits and fascias to the roof. The link between the buildings would again be formed from powder coated aluminium.

These buildings would have a more industrial appearance to them but are considered to be well designed with the green roofs and existing and proposed planting ensuring that they would be adequately screened with their visual impact adequately softened.

Office and parts building:

This would be a two storey building comprising the sales and workshop managers' offices, reception area, parts store and trade counter on the ground floor, with offices, meeting rooms, welfare facilities and showers on the first floor. The building is proposed to be timber clad which is shown on the plans as broken up by glazed screens and natural coloured render. It would have a green roof, which is to be interrupted by 'wind catcher terminals' which allow natural ventilation. The building would be 5.5 metres to the eaves and 9.5 metres high in total.

This building would be prominently located within the centre of the site but is again well designed and is proposed to be adequately screened by existing and new planting.

Parking for staff will be on hardstanding to the front of the workshop. There is a separate area of hardstanding for a wash-down area which includes a silt trap and interceptor.

To the west of the buildings a proposed storm water attenuation area to assist with drainage and help to increase biodiversity is proposed.

It is concluded that the buildings would have the appearance of general industrial/ office and agricultural buildings. The buildings would be screened from the A30 by existing vegetation that can be supplemented by new planting secured via condition. It is beneficial to the scheme that the workshops and offices would have green roofs, mitigating views of these buildings from the wider area and softening their visual impact and scale.

Highways and access

There is one access proposed, directly from Brickyard Road which is 150 metres from the B3180, and a further 200 metres from the A30 Daisymount junction. It is anticipated that the majority of all vehicles will come from this route. Highways England have commented that they are satisfied that the amount of movements can be accommodated on the road network and from the junction. The County Highway Authority has also confirmed that the information provided would amount to an overall improvement and have no objections to the scheme. The access to the site and internal configuration means that adequate visibility and turning can be provided. There are 20 staff parking spaces, and 9 for visitors, including one disabled space and a covered cycle parking area. It is noted that there are fewer spaces than members of staff proposed at the site but a number of staff work off-site and there is adequate alternative space indicated within the site for additional parking.

Landscaping and ecology

There are significant tree specimens surrounding the site. The northern section along the A30 consists of new planting outside of the site. The southern section is a line of prominent trees, mainly oaks. There are other wooded areas to the east and west, but outside of the site. There are no trees which are the subject of a tree preservation order and no trees within the centre of the site that is laid to grass.

It is proposed to remove 5 trees, all within the Southern section. The removal of two of these are necessary in order to provide adequate visibility at the access, the remainder are to be removed to enable the survival of adjacent species. All are category 'C and 'U' trees and therefore of a relatively poor quality. Additional landscape of the site can be secured by condition.

With the majority of the site being semi-improved grassland and the majority of the boundary features to be retained, the proposal is not considered to have any detrimental impact upon protected species.

Sustainable Construction and Drainage

The buildings have a number of features which incorporate sustainability measures, designed for energy and water efficiency. Overall, the buildings have been designed to meet BREEAM 'Very Good' standard, and are proposed to be constructed with green roofs above the workshops and office building, with Solar PV panels above the storage buildings and with part-glazed doors to allow natural light to enter the buildings. In addition, the attenuation area provides for sustainable drainage within the site.

The Environment Agency has commented on the proposal that the foul water will require a cesspit. Because this is not shown on the plan it is suggested that details of the location and specification of this feature should be provided.

Provided that the development is carried out in accordance with the Flood Risk Assessment, there are no flood risk or drainage concerns.

CONCLUSION

The application proposes commercial development in the open countryside, where development other than for agricultural purposes is not normally permitted. In this instance the applicant seeks to relocate from two sites which are unsuitable for further expansion and move into purpose-built accommodation. A search for premises has been unable to find suitable brownfield or previously developed locations within the District which are available now and appropriate for the relocation.

Whilst it is acknowledged that the proposed site is not allocated for such a purpose, it has few constraints and many locational advantages which support this particular use and the business. It is considered that providing sufficient safeguards are put in place, the advantages to the business and employment generation in the district

outweigh the policy objection to the proposal, particularly given the benefits and need to move from their current sites and the lack of alternative sites of a site size and location to meet the businesses needs.

RECOMMENDATION

Approval subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
4. The premises shall be used solely for workshops, stores and offices by a firm engaged in the sale and repair of agricultural machinery and for no other purpose.
(Reason - The site lies within the open countryside where there is normally a presumption against development other than for agricultural use. The occupation of the units by a business without a direct link to the Sale and repair of agricultural machinery would represent an unsustainable form of development contrary to Policy S5 of the Adopted Local Plan, Strategy 7 of the emerging Local Plan and the guidance within the NPPF.)
5. A lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable.
(Reason: To comply with Policy EN15 for the avoidance of light pollution.)
6. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- (Reason: In the interest of the amenity of the area and highway safety in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the Adopted Local Plan 2006 and Policy TC7 (Adequacy of Road Network and Site Access) of the emerging New Local Plan.)

7. Turning areas, parking space and garage/hardstanding and access drives shall be laid out and maintained for those purposes in accordance with the attached diagram 9264-ATR-01 Revision B.
(Reason: To ensure the provision of adequate facilities within the site for the traffic generated by the development in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the Adopted Local Plan 2006 and Policy TC7 (Adequacy of Road Network and Site Access) of the emerging New Local Plan.)
8. The development hereby approved shall prior to being brought into its intended use provide a Travel Plan to the satisfaction in writing of the Local Planning Authority in conjunction with The Local Highway Authority once agreed the Travel Plan shall be implemented and developed overtime.
(Reason: To promote sustainable modes of travel and reduce the number of car trips to the site in accordance with Policy TA1 (Accessibility of New Development) of the Adopted Local Plan 2006 and Policy TC2 (Accessibility

of New Development) of the emerging New Local Plan and in accordance with the NPPF.)

9. Details of a package sewage treatment plant, including location, connections and specification, shall be approved by the local planning authority prior to commencement of the development and once agreed shall be installed prior to first occupation of the units.
(Reason: To ensure foul drainage from the development can be satisfactorily contained within the site in accordance with Policy EN15 (Control of Pollution) of the Adopted Local Plan 2006 and Policy EN15 (Control of Pollution) of the emerging New Local Plan and in accordance with the NPPF).
10. The development shall be carried out in accordance the Ecological Appraisal conducted by Crossman Associates, received by the Local Planning Authority on 17th March 2015. The development shall be carried out in accordance with the agreed scheme.
(Reason: In the interest of safeguarding protected species and wildlife in accordance with policy EN6 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan and Policy NE6 (Wildlife Habitats and Features) of the emerging New Local Plan and in accordance with the NPPF.)
11. Tree protection shall be carried out in accordance with the Arboricultural Survey conducted by Advanced Arboriculture, dated 27th February 2015. No trees shall be lopped or felled other than recommended within this report.
(Reason- In the interest of preserving the character of the area and to ensure adequate screening of the development).
12. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason – To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the Adopted East Devon Local Plan 2006 and Policies D1 – Design and Local Distinctiveness and D2 – Landscape Requirements of the New East Devon Local Plan.)
13. The development hereby approved shall be carried out in full accordance with the submitted Flood Risk Assessment.
(Reason: In the interests of protecting the areas from flooding in accordance with the guidance ion the NPPF).

Plans relating to this application:

1-0001	Location Plan	17.03.15
	Arboriculturist Report	17.03.15
	Flood Risk Assessment	17.03.15
SEWERAGE CAPACITY ASSESSMENT	General Correspondence	17.03.15
	Traffic Assessment	17.03.15
GEO- ENVIRONMENTAL DESK STUDY	General Correspondence	17.03.15
GROUND SURE GEOINSIGHT	General Correspondence	17.03.15
	Ecological Assessment	17.03.15
	Planning Support Statement	17.03.15
	Design and Access Statement	17.03.15
1-0003 REV D	Proposed Site Plan	17.03.15
1-0002	Existing Site Plan	17.03.15
1-0004	Proposed Combined Plans	17.03.15
1-0005	Proposed roof plans	17.03.15
1-0006	Proposed Combined Plans	17.03.15
1-0007	Proposed Combined Plans	17.03.15
2-0001	Proposed Elevation	17.03.15
2-0002	Proposed Elevation	17.03.15

2-0003	Proposed Elevation	17.03.15
9264-ATR-01	Other Plans	08.04.15

List of Background Papers

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