

Agenda for Strategic Planning Committee

Tuesday, 24 July 2018, 2pm



[Members of the Strategic Planning Committee](#)

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

[View directions](#)

Contact: Tabitha Whitcombe, 01395 517542 (or group number 01395 517546): Issued 13 July 2018

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- 1 [Public speaking](#)
- 2 Minutes of the Strategic Planning Committee meeting held on 26 June 2018 (pages 3-7)
- 3 Apologies
- 4 Declarations of interest - Guidance is available online to Councillors and co-opted members on making [declarations of interest](#).
- 5 [Matters of urgency](#) – none identified
- 6 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.

Matters for Debate

- 7 **Review of the East Devon Area of Special Control of Advertisements** (pages 8-40)
This report outlines the need for a review of the East Devon Area of Special Control of Advertisements and sets out guiding principles and an action plan for the review.
- 8 **Baxter's Farm, Musbury, Development Brief** (pages 41-69)
This report outlines clear guidance for the development Baxter's Farm, Musbury.
- 9 **Brownfield Land Register Review 2018** (pages 70-74)
This report provides details of the East Devon Brownfield Land Register review to 31st March 2018, information on proposed changes to the National Planning Policy Framework in relation to Brownfield Land and proposed changes to the EDDC website to invite submissions of suitable Brownfield sites for the register.
- 10 **Community Infrastructure Levy Working Party minutes** (pages 75-78)
The Committee are asked to consider the recommendations from the Community Infrastructure Levy Working Party meeting held on 29 June 2018.

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[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Strategic Planning Committee held at Knowle, Sidmouth on 26 June 2018

Attendance list at end of document

The meeting started at 9am and ended at 10.10am.

***1 Public speaking**

The Chairman welcomed everyone present to the meeting. There were no members of the public present who wished to address the Committee.

***2 Minutes**

The minutes of the Strategic Planning Committee meeting held on 24 April 2018 were confirmed and signed as a true record.

In response to a question from Cllr Jung regarding minute 42, the Service Lead for Planning Strategy and Development Management advised the committee that a series of meetings for the Advisory Reference Forum would begin in September 2018 and run to the summer of 2019.

In response to a question from Cllr Bond regarding minute 42, the Chief Executive advised the committee that members of the Principal Officers Group and the Growth and Development Board met last week. There are no substantial updates at present, only that there is a need to work with Exeter City Council to promote the desirability of development in the city. Exeter City Council will be undertaking a branding campaign to promote this and it is key to the progression of the GESP outside of the city.

***3 Declarations of interest**

None

4 East Devon Villages Plan – Inspector’s Report and Proposed Plan Adoption

The report presented to the committee outlined the Inspector’s final report into the East Devon Villages Plan (EDVP). This concludes that, with the ‘main modifications’ (MM) set out in an Appendix to the report, the plan meets the legal requirements and is ‘sound’.

The Villages Plan has been prepared in line with the East Devon Local Plan, which set out that it would define development boundaries around certain villages, include any policies that may be applicable for villages and prepare inset maps for Greendale and Hill Barton Business Parks.

Since the adoption of the Local Plan, several rounds of consultation have been undertaken to guide the development of the Villages Plan and it was formally submitted for consideration by the Secretary of State on 28 June 2017. The Inspector held formal hearing sessions in November 2017 and a consultation on proposed modifications ended on 2 February 2018. The Inspector considered all comments that were submitted during this consultation period. However, paragraph 36 of the Inspector’s report highlights that amendments to the two main modifications relating to the policies for Greendale Business Park and Hill Barton Business Park, as suggested by this committee, were not adopted.

RESOLVED: that the receipt of the final report from the Planning Inspector be noted.

RECOMMENDED that Council:

- 1. approve the incorporation of the proposed main modifications into the Villages Plan,**
- 2. approve the minor changes to detailed wording of the Sidbury Chapter and the Greendale inset map be incorporated into the Villages Plan,**
- 3. adopt the Villages Plan on 26th July 2018.**

***5 New Local Development Scheme for East Devon**

The report presented to the committee introduced the new Local Development Scheme (LDS), which sets out a programme and timetable for production of future planning policy documents. The previous LDS dates from July 2017 and requires an update.

The LDS advises of production of four Development Plan Documents (DPDs) which comprise the Villages Plan, Cranbrook Plan, Gypsy and Traveller Plan and the Greater Exeter Strategic Plan.

There are a number of Supplementary Planning Policy Documents set out in the report. However, the Council is restricted in progressing a select few ahead of the GESP. A project plan for the GESP is being created which includes engaging with the Strategic Planning Committee.

Discussion covered:

- The need to include the development of supported housing due to current pressure on sheltered housing. In response, the committee were advised that there is a draft scoping document that has been sent to key housing officers for review. As part of the review of the draft scope, officer's will consider how to address issues of delivering affordable sheltered housing.
- The need to work with other partners involved in the Greater Exeter Strategic Plan (GESP) on self-build. In response, the committee were advised that communications have taken place with the Right to Build Task Force which is a body currently working with Teignbridge District Council on Self Build. The Service Lead for Planning Strategy and Development Management advised that this Council is already working in partnership with the Right to Build Task Force in the Cranbrook area. As part of the commission the task force are to make a presentation to Members on self and custom build and how the council could help to bring forward sites.
- Concerns around viability issues and the lack of affordable housing development. In response, the committee were advised that the Government are finally acknowledging these issues and the fundamental problem of high land value. The Service Lead for Planning Strategy and Development Management also advised that changes in the National Planning Policy Framework (NPPF) could mean that viability assessments would be undertaken much earlier in the application process.
- Concerns that high value single property developments (self build houses) are exempt from the Community Infrastructure Levy; this needs to be addressed.
- Concerns over the imminent changes to the NPPF and whether this allows enough time for possible changes to be made to the East Devon Local Plan. In

response, the committee were advised that transitional arrangements would be made if the East Devon Local Plan needed be altered although it is unlikely that the changes would lead to the plan being out of conformity with the NPPF.

- Clarification on whether Supplementary Planning Guidance (SPG) documents automatically become Supplementary Planning Documents (SPD), whether there are any undergoing this process and the weighting that they hold. In response, the committee were advised that an SPG will not automatically become a SPD. The lack of current resources will not allow for older SPGs to be translated into SPDs however, they are still endorsed and hold a weight in decision making.
- Concerns that the GESP is not going to incorporate small scale industrial sites. In response, the committee were advised that the GESP only looks at larger strategic sites and that the smaller scale industrial sites will be reviewed through the East Devon Local Plan Review which will follow the GESP.

RESOLVED: that the new Local Development Scheme be approved with effect from 2 July 2018.

***6 Updated Statement of Community Involvement (SCI)**

The report presented to the committee outlined the updated Statement of Community Involvement (SCI). The SCI is a document that Local Planning Authorities are required to produce, setting out how the Council will consult the local community and other interested parties on Planning Policy documents (including Local Plans, Supplementary Planning Documents and other guidance), Neighbourhood Plans and Planning Applications.

From 6 April 2018, local planning authorities must review Statements of Community Involvement at least once every five years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. The last East Devon SCI was produced in 2013, at a time when major changes to the planning system were being introduced. Since then, further changes have occurred and it is timely to update it again.

From 31st July 2018, authorities are expected to set out in their Statement of Community Involvement how they will engage communities on the preliminary stages of plan making, specifically the survey stage and local development scheme.

The report also reflects the need for, and actively encourages, Developers to undertake consultation with Town and Parish Councils and the community prior to submission.

The Statement of Community Involvement will need to undergo a six-week consultation period before it is presented to this committee in September 2018.

Discussion covered:

- The need to ensure planning officers receive the updated ward boundaries to guarantee that ward members are consulted on relevant planning applications. In response, the committee were assured that the system will be updated.
- Whether businesses will be consulted directly regarding development. In response, the committee were advised that businesses are not specifically targeted but consultations would be advertised widely locally.

- It was noted that the section on Neighbourhood Plans and Neighbourhood Development Orders was very clear.
- Request for clarification on Neighbourhood Planning Orders. In response, the committee were advised that it is an involved process and requires an agreement with the relevant landowner. This will bypass the normal planning process.

RESOLVED: that Members agree that the Statement of Community Involvement be updated and that consultation be undertaken to commence the process.

***7 Planning Appeals Status Report**

The Service Lead – Strategic Planning and Development Management presented the report and provided an update on the current situation regarding planning appeal decisions and an overview of the results of planning appeals from 1 April 2017 to 31 March 2018. It was highlighted that the Council had achieved an appeal success rate close to the national average; the figures for the last twelve months represented a drop in the number of appeals dismissed when compared to the Council's performance over the past three years, where the success rate had been consistently above the national average.

The Service Lead – Strategic Planning and Development Management highlighted that although planning decisions taken on larger developments have been in tune with the Inspector's view, it has been identified that the Inspector is taking an increasingly flexible view on smaller infill developments and extensions. The Inspectorate is less concerned with these types of developments when historically they would have taken a more critical view. In response to this, a shift in approach is needed to ensure the right decisions are made whilst being mindful of public resources.

Discussion covered:

- The need to ensure Town and Parish Councils are kept informed of the trend in planning appeals and the Inspector's view. In response, the committee were advised that a possible Planning Newsletter could be put together and disseminated to Town and Parish Councils.
- Concern over the appeal relating to equestrian development. In response, the committee were advised that there was a miss communication between the Council and the Inspector regarding specifics of the application. Furthermore, the Council does not have a specific Equestrian Planning Policy, only a guidance document from the AONB team.

(Councillor Mike Howe left the chamber for this item)

RESOLVED: that the Planning Appeals Status report be noted.

Attendance list

Committee Members:

Councillors:

Paul Diviani - Chairman

Mike Allen – Vice Chairman

Susie Bond

Colin Brown

Jill Elson
Graham Godbeer
Ian Hall
Mike Howe
Geoff Jung
Rob Longhurst
Philip Skinner
Mark Williamson

Also present (present for all or part of the meeting):

Councillors:
David Barratt
Alan Dent
Bruce de Saram
Tom Wright

Officers present (present for all or part of the meeting):

Mark Williams, Chief Executive
Ed Freeman, Service Lead – Planning Strategy and Development Management
Chris Rose, Development Manager
Shirley Shaw, Planning Barrister
Tabitha Whitcombe, Democratic Services Officer

Apologies:

Councillors
Stuart Hughes
Geoff Pook
Ian Thomas

Chairman Date.....

Report to: **Strategic Planning Committee**

Date of Meeting: Tuesday 24th July 2018

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: 7

Subject: **Review of the East Devon Area of Special Control of Advertisements**

Purpose of report: To explain the need for a review of the East Devon Area of Special Control of Advertisements and set out guiding principles and an action plan for the review.

Recommendation:

- 1 That a review of the Area of Special Control of Advertisements is undertaken following the process and the guidelines set out in the attached briefing paper;**
- 2 That revised plans are prepared to show any modifications to the Area of Special Control of Advertisements that are found to be necessary; and**
- 3 That this Committee considers any modifications to the ASCA prior to public consultation.**

Reason for recommendation: To agree the scope of the review and establish guiding principles before detailed work on revising the Area of Special Control of Advertisements commences.

Officer: Linda Renshaw, Senior Planning Policy Officer

Email: lrenshaw@eastdevon.gov.uk

Tel: 01395 571683

Financial implications: No significant financial implications at this stage.

Legal implications: There are no legal implications other than as set out in the report.

Equalities impact: Low Impact

The review of the Area of Special Control of Advertisements will not have specific equalities impacts.

Risk: Low Risk

There is a risk that if the Area of Special Control of Advertisements is not reviewed in accordance with legal requirements then its legitimacy could be challenged.

Links to background information: • All links are given at the appropriate place in the briefing paper.

Link to Council Plan: Encouraging communities to be outstanding.

Report in full

1. Purpose and Extent of the Area of Special Control of Advertisements

- 1.1 In an Area of Special Control of Advertisements (ASCA) there are stricter controls than in other areas on the type, size and height of advertisements that may be displayed without applying for consent. ASCA are designated for their special scenic, historic, architectural or cultural features.
- 1.2 The vast majority of East Devon is designated as an ASCA, with only Exmouth and small areas of Axminster, Beer, Budleigh Salterton, Honiton, Ottery St. Mary, Seaton and Sidmouth being excluded.
- 1.3 A Briefing Paper is attached to this report that includes plans of the areas designated as the East Devon ASCA. It also explains the need to review the extent of the ASCA, sets out guiding principles for the review and details how the review should be organised.

2. Reasons for Reviewing the Area of Special Advertisement Control

- 2.1 The ASCA was originally designated by Devon County Council in 1964 and was modified in 1986 and 2002. Significant changes have occurred since 2002 that could affect the ASCA including the continued growth of the towns, the development of Cranbrook and the designation of the Enterprise Zone.
- 2.2 There is a legal requirement to review an ASCA at least every five years to see if it should be revoked or modified so a review now needs to be undertaken as a matter of priority.

3. Guiding Principles

- 3.1 The review only needs to reflect changes since designation, since the reasons for the original designation will still be valid unless there have been significant changes in circumstance. There are differences in the extent to which the main towns and the village of Beer are currently excluded from the ASCA. For example, the whole of the main built up area of Exmouth outside of the AONB is excluded from the ASCA, but just the main retail streets of Beer and Ottery St. Mary. A more consistent approach should be sought through the review.
- 3.2 In the interest of consistency it would be sensible to consider excluding the main built up areas of the seven main towns from the ASCA, with the exception of any land within the AONB. In the case of Beer, an extension to the area outside of the ASCA is not considered to be justified because of the small scale of the village. The commercial centre of Colyton should be considered for removal from the ASCA because Colyton has a similar planning status to Beer (they both have a town centre and shopping area defined in the Villages Plan).
- 3.3 The main existing built up area of Cranbrook should be considered for exclusion in a similar way to the other main towns, but further thought will need to be given to the extent to which potential expansion areas could be excluded in this review, given the uncertainty as to exactly where and when new development will occur.

3.4 The additional restrictions imposed by the ASCA is incompatible with the purpose of designating the Enterprise Zone so consideration should be given to excluding these areas.

4. Process for Reviewing the Area of Special Control of Advertisements

4.1 Plans will be produced by policy officers showing a revised ASCA boundary following the guiding principles set out in the briefing paper. These will be considered by this Committee prior to consultation. The Government expects local trade and amenity organisations to be consulted and in addition the views of Parish Councils, some of which determine applications for advertisement consent on behalf of this Council, will be sought.

4.2 Following consultation, responses will be considered before the revised boundary is put forward for consideration by this Committee and Full Council.

4.3 Confirmation of the revised ASCA would then need to go through set legal procedures that include submission of the proposals to the Secretary of State. It may then be necessary for the changes to be considered by an Inspector at an inquiry and further consultation may also be necessary.



East Devon Planning Policy Briefing Paper East Devon Area of Special Control of Advertisements Review 2018



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Purpose of Briefing Paper

To set out the background information and action plan that will guide a review of the geographical extent of the East Devon Area of Special Control of Advertisements. Outside of Areas of Special Advertisement Control, many advertisements can be displayed without the need to make an application to the Local Planning Authority: the need to make an application depends on factors such as the type and size of advert and location in which it will be displayed. Within an Area of Special Control of Advertisements (ASCA) there are stricter controls on the type, size and height of advertisements that may be displayed without making an application and some types of advertisement may not be displayed at all. ASCA's are designated for their special scenic, historical, architectural or cultural features and should only apply to rural areas or other areas requiring special protection on the grounds of amenity. Most of East Devon has been defined as an ASCA since the 1960's and a review of the boundary is needed to reflect changes that have occurred, particularly the growth of the main towns, the development of the new town of Cranbrook and the designation of the Exeter and East Devon Enterprise Zone. Any review needs to be based on public consultation and must follow specific legal steps, including consideration of the revised order by the Secretary of State. The review should be completed by the end of 2019, although this timetable could be affected by the need for additional consultation and/or public inquiry.

NB the plans on pages 18 to 27 need to be viewed in colour.

Key Points

(The numbers in brackets refer to the paragraph numbers in the briefing paper where there are more detail is available)

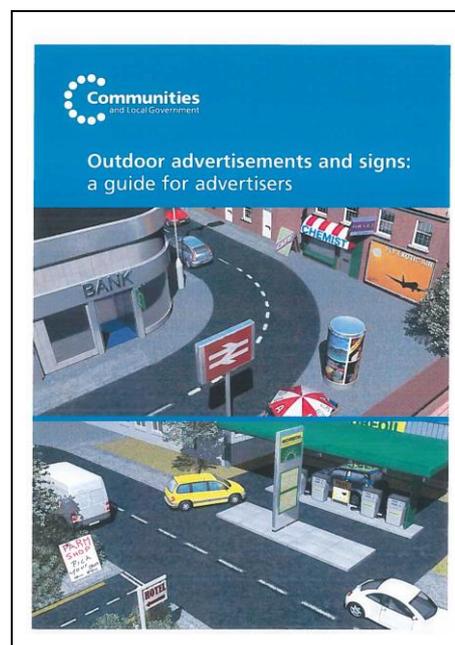
- Outside of Areas of Special Advertisement Control, many advertisements can be displayed without the need to make an application to the Local Planning Authority (para. 1.5);
- Within an Area of Special Control of Advertisements (ASCA) there are stricter controls on the type, size and height of advertisements that may be displayed without making an application and some types of advertisement may not be displayed at all (para. 1.7);
- The East Devon ASCA was designated in 1964 and became operative in 1966 (para. 3.1);
- The East Devon ASCA is very extensive and only Exmouth and small parts of other settlements are excluded from it (para 3.1);
- In 1986 additional parts of the main urban areas of Exmouth outside of the AONB were excluded from the ASCA (para. 3.1);
- In 2002 the order was modified to exclude most of Ottery St. Mary town centre from the ASCA (para. 3.1);
- Local Planning Authorities should review any ASCA every 5 years (paras 4.1 and 5.3);
- A comprehensive review is now required (para. 4.2);
- Initial work on the review will be informed by a set of guiding principles (para. 6.10)
- The proposed review process will involve public consultation before making an order and submitting to the Secretary of State (paras 5.4 and 7.2);
- Consultation on proposed amendments to the ASCA will focus on Town and Parish Councils, amenity bodies, local trade groups and outdoor advertising interests (para 7.2);
- The proposed timetable is to produce revised plans of the ASCA for consultation in early 2019. There would be a 6 week period for consultation and any comments would be considered by the Strategic Planning Committee and Full Council prior to submitting the proposed revisions to the Secretary of State in 2019 (para 7.3);
- The proposed review will focus on whether additional areas should be excluding from the ASAC, including more of the built-up areas of the settlements already excluded, Cranbrook, Colyton and the Exeter and East Devon Enterprise Zone (paras 6.5 and 6.8).

1. How are Advertisements Regulated?

- 1.1 What is an advertisement?** The definition of an advertisement is included in the Town and Country Planning Act 1990¹ and means ‘any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction...’. It does not include ‘anything employed wholly as a memorial or as a railway signal or a placard or other object borne by an individual or an animal’. In practice advertisements include a very wide range of devices such as: posters; boards; fascia and projecting signs; directional signs; estate agents’ boards; static balloons; flags; price displays; traffic signs and village name signs.



- 1.2 What legislation regulates the control of advertisements?** The system for controlling the display of outdoor advertisements in England is set out in ‘The Town and Country Planning (Control of Advertisements) (England) Regulations 2007’². A Government guide for advertisers³ provides a very useful explanation of the advertisement control system and the section relating to Areas of Special Control of Advertisements is included as Appendix 1 to this briefing paper.



- 1.3 Is advertisement control the same as planning permission?** The advertisement control system is very complex and detailed and is entirely separate from the processes that control the use and development of land through planning permissions and similar processes.

- 1.4 Who is responsible for the control of advertisements?** The day-to-day operation of the advertisement control system is the responsibility of local planning authorities, but if consent for an advertisement is refused there is a right of appeal to the Secretary of State. However, many groups of advertisement are excluded from the planning authority’s direct

¹ [Town and Country Planning Act 1990](#)

² [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#)

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11499/326679.pdf

control and no permissions are needed for their display. In East Devon certain town and parish councils determine applications for advertisement consent on behalf of the District Council.

- 1.5 What are the different types of advertisement?** There are three different groups of advertisement; those excluded from the planning authorities direct control; those granted 'deemed consent' provided the advertisement is within the rules set; and those for which the LPA's 'express approval' is always required (for which it is necessary to make a formal application to the LPA for advertisement consent). However, all planning authorities have three special powers which enable them to achieve a stricter control over advertisements: defining an Area of Special Control of Advertisements; removing a particular site from the benefit of 'deemed consent'; and requiring an advertisement to be 'discontinued'.
- 1.6 What is an Area of Special Control of Advertisements?** There are stricter controls on the size and type of advertisement that may be displayed in an ASCA than is the case outside of the ASCA. In any Area of Special Control of Advertisements only public notices, advertisements inside a building and advertisements for which there is deemed consent are permitted. In addition the LPA may give specific consent to: notices about local events or activities; advance signs or directional signs which are 'reasonably required' in order to direct people to the place identified by the sign; an advertisement required for public safety reasons; and an advertisement in any of the deemed consent classes if it is considered reasonable for the normal limits on that class to be exceeded.
- 1.7 What are the implications of being within an Area of Special Control of Advertisements?** The main consequence for the display of advertisements in an ASCA is that there are stricter limits on permitted height and size of the advertisement than elsewhere. These limits are explained in relation to each class of deemed consent, but in some cases the granting of consent for certain adverts is prohibited. This means that, even if we wished to grant consent for some classes of illuminated advertisement, we would not be able to do so in an ASCA.
- 1.8 Are there additional restrictions in Areas of Outstanding Natural Beauty or Conservation Areas?** Yes, the provisions to display adverts with 'deemed' consent do not apply in these areas for the following classes of advertisement: illuminated advertisements on business premises; flags; hoardings; balloons; and advertisements on telephone kiosks. This means that applications for 'express' consent must be made so that the impact on the special characteristics of either the Area of Outstanding Natural Beauty and/or conservation area can be taken into account.

2. What Government guidance applies to the definition of Areas of Special Control of Advertisements?

2.1 The National Planning Guidance (NPG)⁴ advises that it may be appropriate to designate an area of special control in locations where the local planning authority considers additional restrictions are necessary, such as in rural areas or other areas which appear to the Secretary of State to require special protection on the grounds of amenity.

2.2 The Governments guide for advertisers⁵ advises that “An Area of Special Control of Advertisements is an area specifically defined by the planning authority because they consider that its scenic, historical, architectural or cultural features are so significant that a stricter degree of advertisement control is justified in order to conserve visual amenity within that area”. The guide notes that in practice the extent of ASCA vary widely, with large parts of Devon being included whereas in York just the Cathedral precinct is designated as an ASCA. It also gives the example that ‘moderately sized towns’ may not be included. This suggests that it is reasonable to include smaller towns and villages in the ASCA and also urban areas that are of exceptional conservation value (such as York Cathedral precinct – shown in images below).

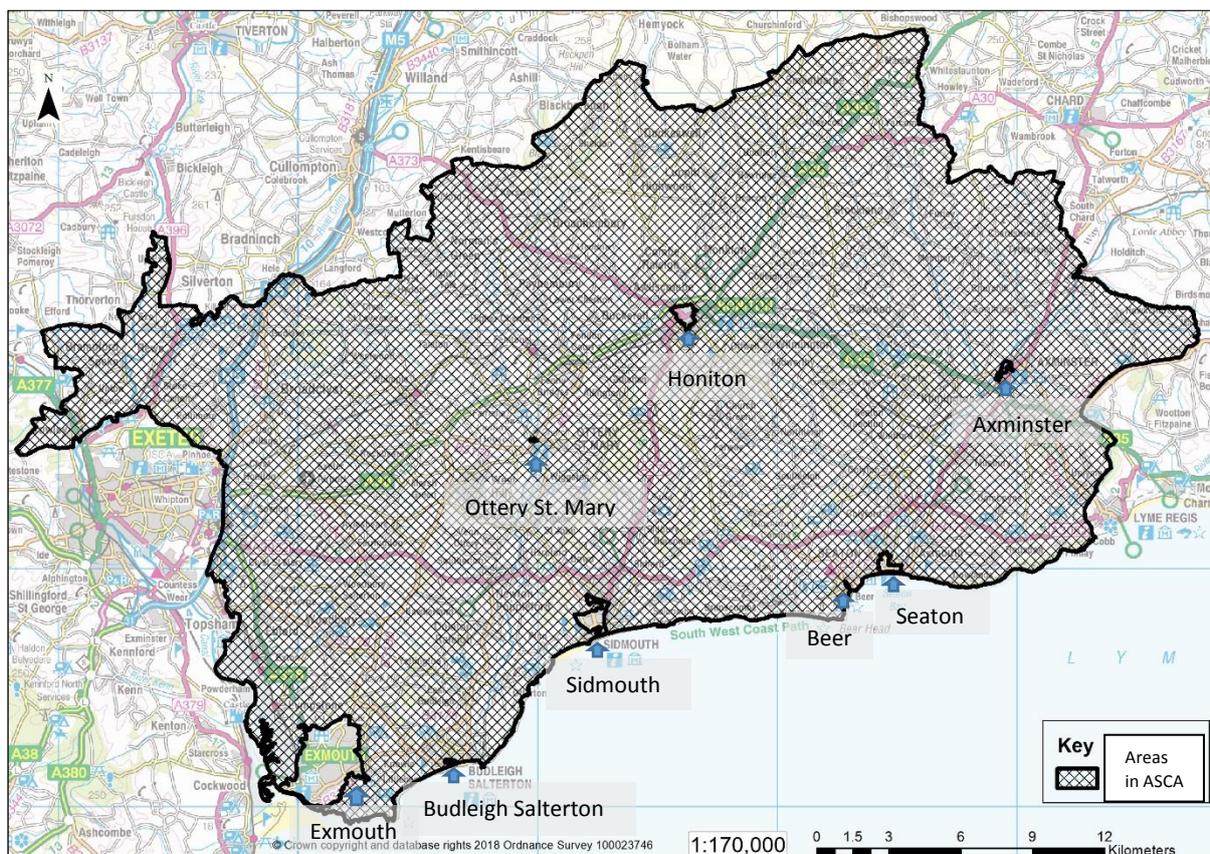


⁴ [Advertisements - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11499/326679.pdf)

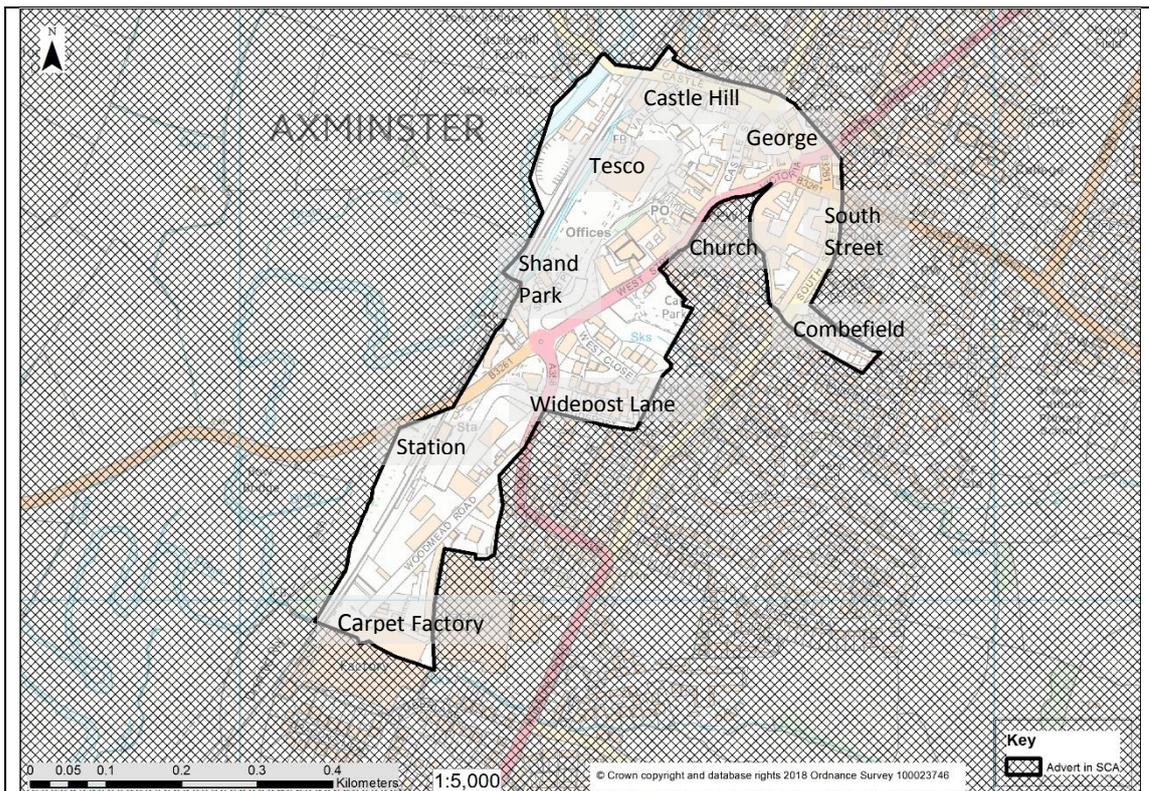
⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11499/326679.pdf

3. Which parts of East Devon are defined as Areas of Special Control of Advertisements?

3.1 Most of East Devon is covered by an Area of Special Control of Advertisements (ASCA) that was designated by Devon County Council in 1964 and came into force on 1st April 1966. Appendix 2 shows a copy of the original schedule and maps. The area covered by the ASCA was modified to exclude a wider area of Exmouth in 1986 (see Appendix 3). A further modification, to exclude Ottery St. Mary town centre, was made in 2002 (Appendix 4). Map 1 below shows the current extent of the ASCA (all of the diamond hatched area is within the ASCA). More detailed maps of the excluded areas follow.



Map 1 – Extent of Areas of Special Control of Advertisements in East Devon



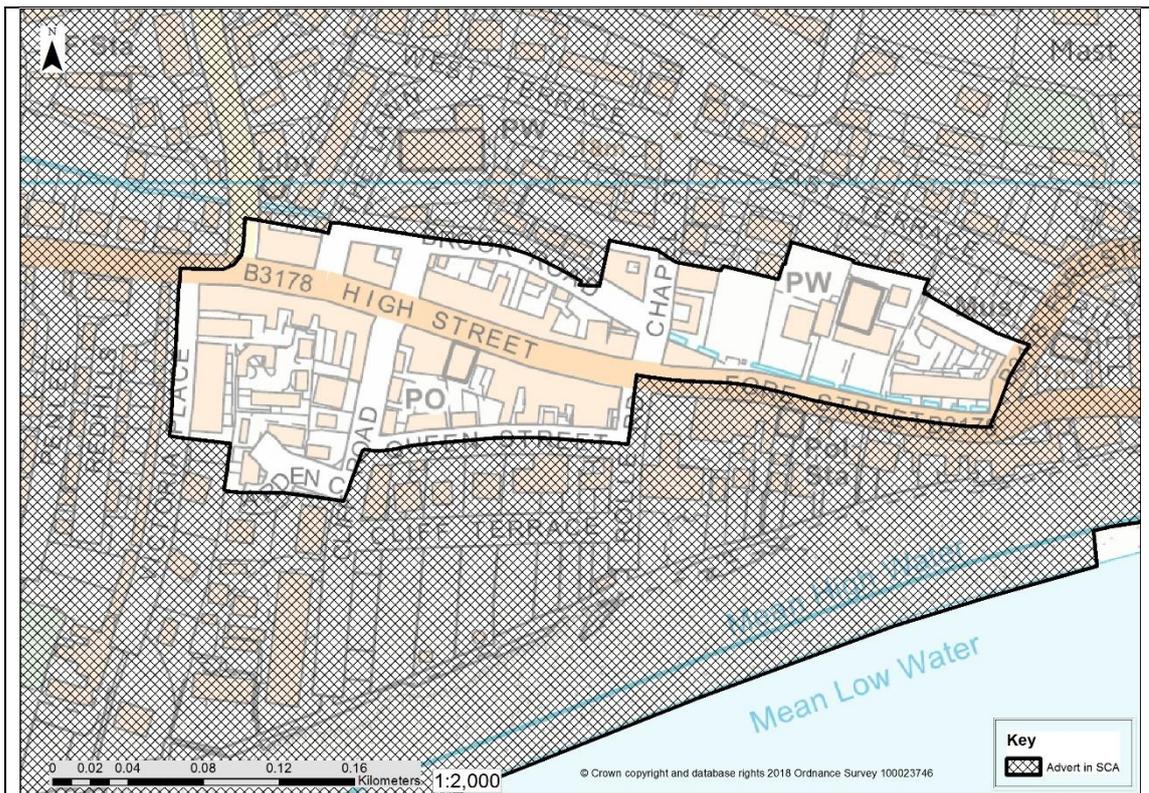
Map 2 Axminster

The majority of the town centre, including Tesco, the train station and some industrial units are excluded from the ASCA. A small part of the carpet factory and the car park for the Co-op supermarket are also excluded, but the majority of the carpet factory and the Co-op store itself are included in the ASCA.



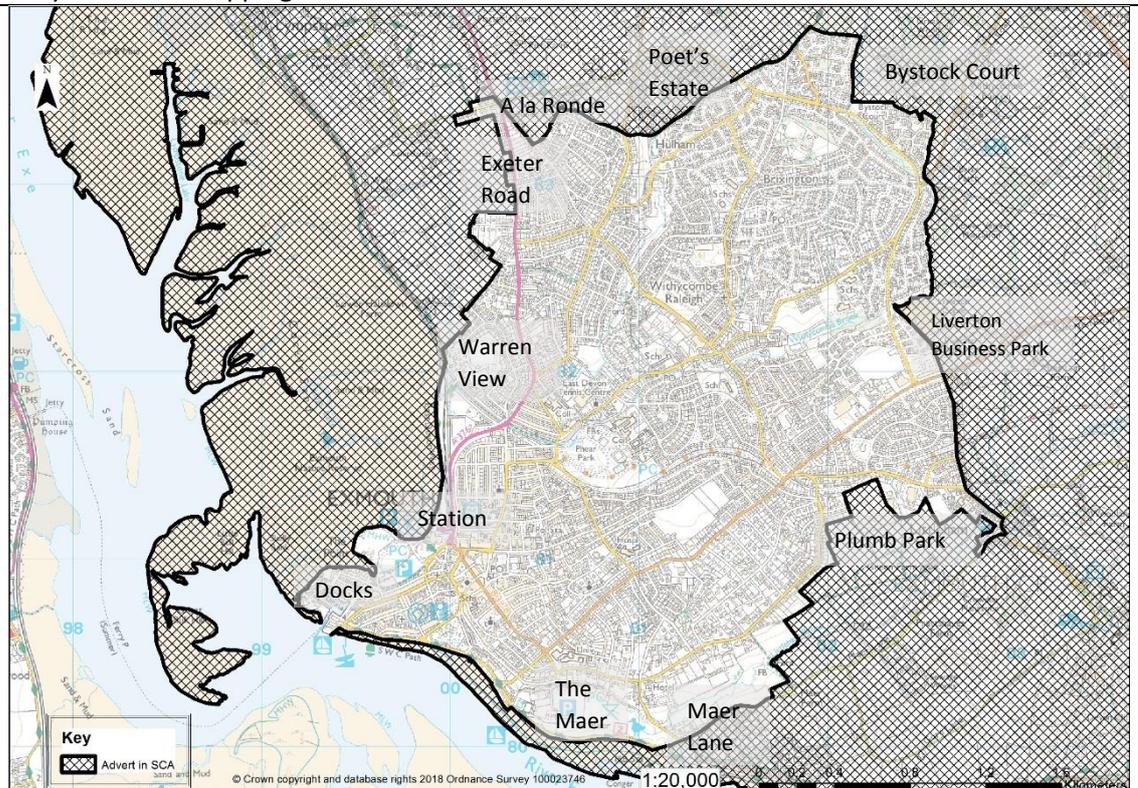
Map 3 Beer

Only the main shopping street is excluded from the ASCA.



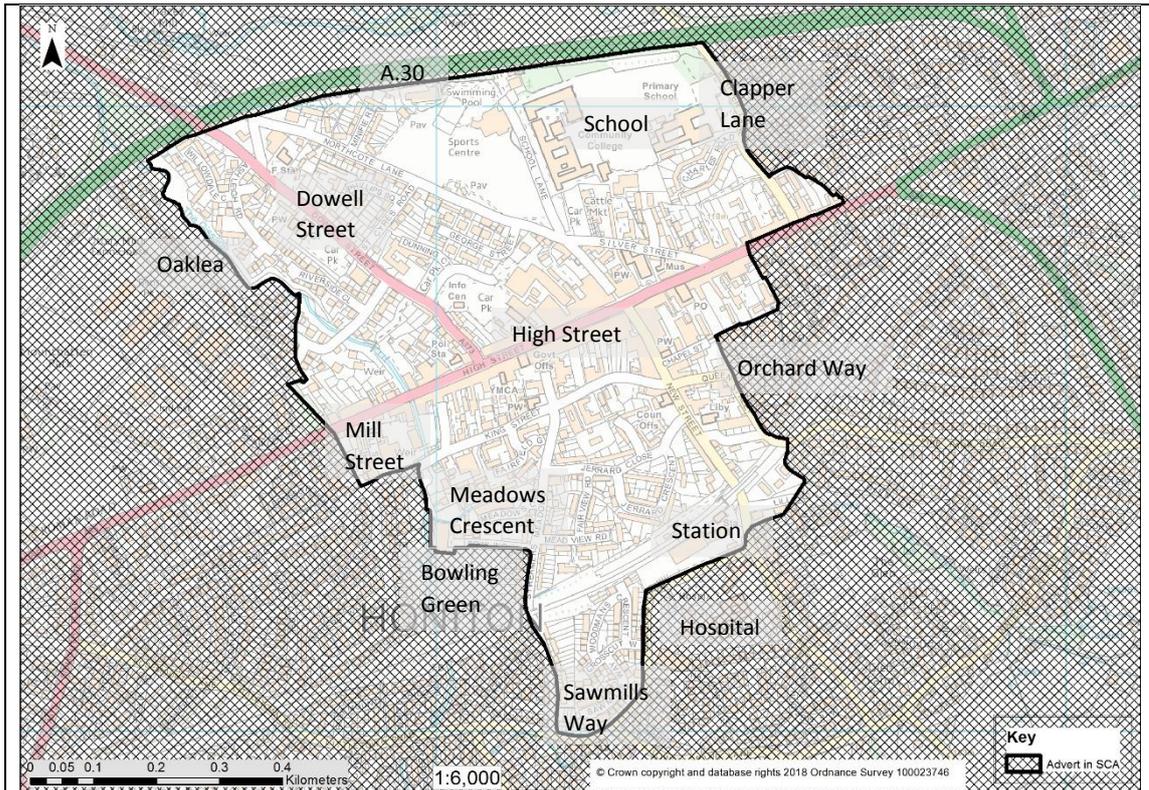
Map 4 Budleigh Salterton

Only the main shopping areas are excluded from the ASCA.



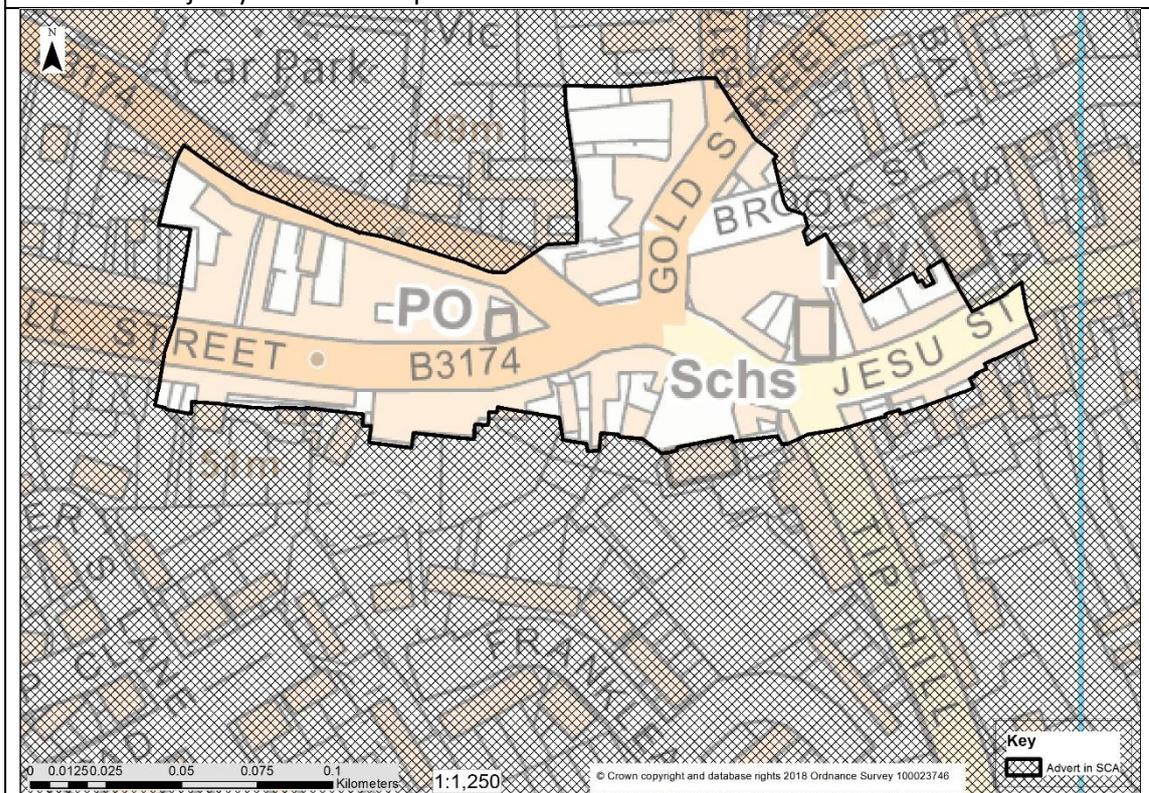
Map 5 Exmouth

The majority of the built-up area is excluded from the ASCA, but the Liverton Business Park the new development at Plumb Park and Poet's Estate are included.



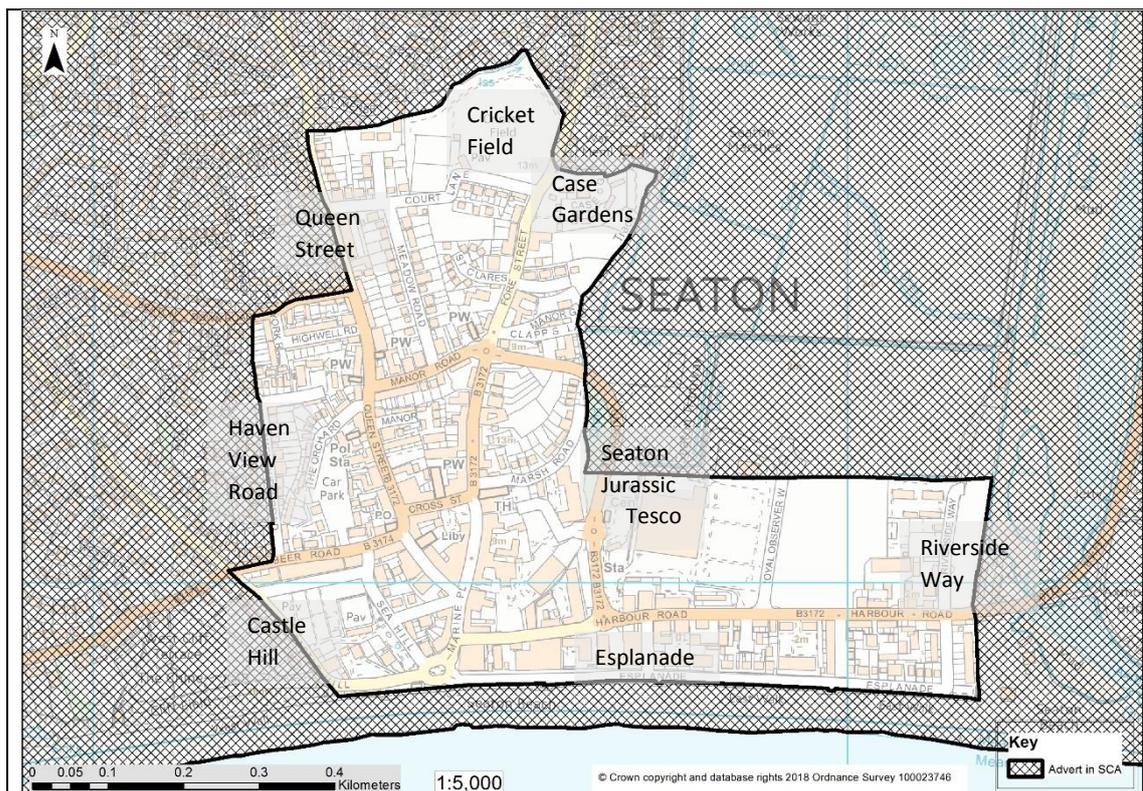
Map 6 Honiton

Excluded from the ASCA are the town centre, school and leisure centre and some housing areas. The majority of the built-up area is included in the ASCA.



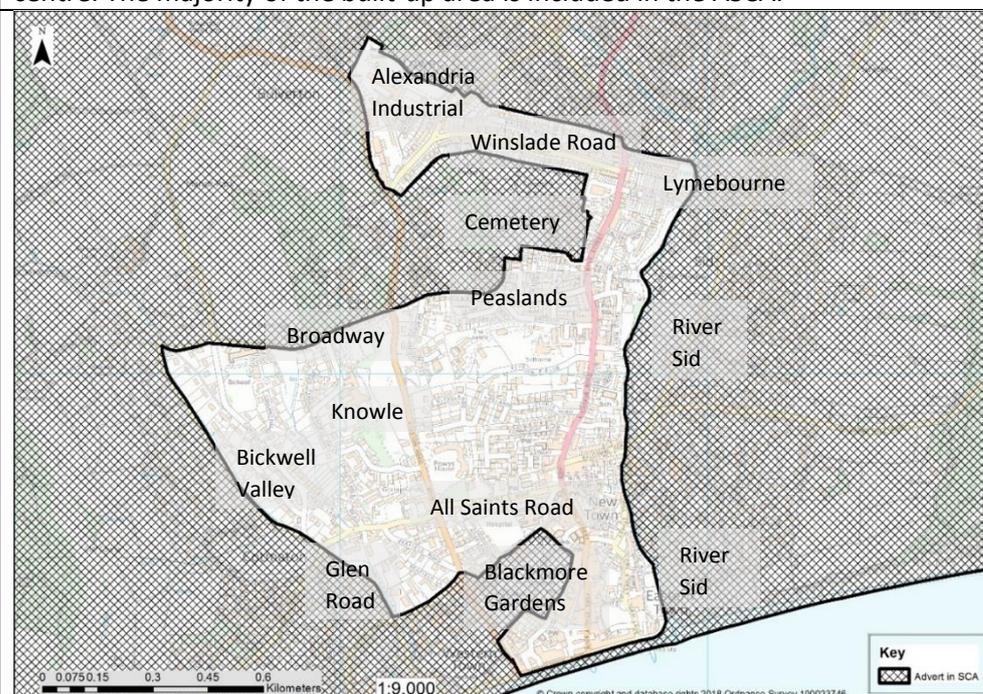
Map 7 Ottery St. Mary

Only the main town centre is excluded from the ASCA.



Map 8 Seaton

The town centre, Tesco and commercial uses near the river are excluded, together with housing along the seafront and some residential areas to the north and west of the town centre. The majority of the built-up area is included in the ASCA.



Map 9 Sidmouth

The excluded area comprises the town centre (excluding Blackmore Gardens) and areas extending along Temple Street and up Winslade Road to the Alexandria Road Industrial Estate. To the East the boundary of the excluded area runs along the River Sid. The excluded area also extends towards Bickwell Valley and south of Broadway. Much of the built-up area is included in the ASCA

4. Why do we need to review the East Devon Area of Special Control of Advertisements?

- 4.1 The National Planning Guidance (NPG)⁶** states that: “Where an area of special control order is in force, a local planning authority shall consider at least once in every 5 years whether it should be revoked or modified. It is important to ensure that the standards adopted in first making the order are consistently maintained throughout the whole area of special control whilst it remains in effect. Local planning authorities are encouraged to consider the desirability of applying to add further areas to an existing order, and of applying to remove areas in which stricter control is no longer appropriate, whenever they review an order.”
- 4.2** The last modification to the ASAC was in Ottery St. Mary in 2002. The significant changes that have occurred since, including the growth of our towns, the building of Cranbrook and the designation of an Enterprise Zone mean that a review should now be undertaken as a matter of priority.

⁶ [Advertisements - GOV.UK](#)

5. What is the process for reviewing the Area of Special Control of Advertisements?

- 5.1** The National Planning Guidance⁷ states that ‘before making an order and applying for approval from the Secretary of State, local planning authorities are expected to consult local trade and amenity organisations about the proposal’.
- 5.2** The Town and Country Planning (Control of Advertisement) (England) Regulations⁸ set out the legal provisions relating to the review of ASCA’s.
- 5.3** Section 20 of the Regulations⁹ requires LPA’s to review an ASCA at least every five years to see if it should be revoked or modified.
- 5.4** Schedule 5 of the Regulations¹⁰ sets out the legal procedures for designating or modifying an ASCA. In summary it requires that, as soon as possible after making an ASCA, the LPA submit it to the Secretary of State with a full statement of reasons. The order must then be advertised in the London Gazette and at least one local newspaper and if objections are made, the Secretary of State may require an inquiry or hearing before an Inspector. The Secretary of State may modify an order, in which case a further round of consultation and possibly formal hearings may be undertaken before an order is approved and a final notice included in the London Gazette and a local newspaper.

⁷ [Advertisements - GOV.UK](#)

⁸ [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#) (whole document)

⁹ [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#) (S.20)

¹⁰ [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#) (Schedule 5)

6. Which areas should be considered for removal from the ASCA?

6.1 Legislation and Government guidance.

The Town and Country Planning Act 1990¹¹ (Section 221₍₃₎) sets out two criteria for the designation of an ASCA: that it is a rural area; or an area which appears to the Secretary of State to require special protection on grounds of amenity. These criteria are repeated without embellishment in Government guidance as set out in paragraphs 2.1 and 2.2 of this briefing paper.

6.2 Examples of reviews in other areas

Examples of other Authorities undertaking reviews are limited: in 2011 a review of the 1963 North Kesteven ASCA was agreed that excluded the built up areas of villages from the ASCA¹²; in 2016 Dartford removed land within the remit of the Ebbsfleet Development Corporation (for a new settlement)¹³; and in 2017 Maldon reviewed their ASCA and concluded that the scale of development since the last review was not significant enough to warrant modification of the order¹⁴. The Maldon review placed emphasis on considering recent large industrial and commercial development only, commenting that residential development is 'not readily associated with advertisements'.

6.3 Reasons for original designation.

It is such a long time since the East Devon ASCA was originally designated that limited records exist and it is not clear what methodology was followed when the original area was designated by Devon County Council. It seems likely that, as the largest town in East Devon, the whole of the built-up area of Exmouth was excluded from the ASCA but only the more commercial areas of the other towns were excluded.

6.4 Reasons for previous amendments to the ASCA.

When the ASCA around Exmouth was reviewed in the 1980's, any developed or allocated land (as defined in the emerging local plan at the time) was excluded from the ASCA, with the exception of land within the AONB, which remained in the ASCA. In 2002 Ottery St. Mary town centre was excluded from the ASCA to remove any anomaly created as similar town centres in Devon did not have ASCA status and because the commercial heart of the town did not require protection on the grounds of amenity.

6.5 Which changes need to be reflected in the ASCA review?

The fact that the existing East Devon ASCA met the tests for designation implies that the scope of the review should be limited to reflecting significant changes in circumstance. The most obvious changes that need to be considered are the outward expansion of the main towns, the development of the new town of Cranbrook and the designation of the Exeter and East Devon Enterprise Zone. Consideration could be given to whether wholly residential areas of the towns should be excluded from the review (as discussed in paragraph 6.2 for Maldon). This could have the benefit of retaining stricter controls outside of the commercial areas, but it would result in a more complex situation that could cause confusion and would not be compatible with the Exmouth approach. For example, if this rationale was applied to

¹¹ [Town and Country Planning Act 1990](#)

¹² [Area of Special Control of Advertisements Review | North Kesteven District Council](#)

¹³ [Dartford \(Control of Advertisements\) Area of Special Control](#)

¹⁴

<https://democracy.maldon.gov.uk/documents/s7922/9%20Area%20of%20Special%20Control%20for%20Advertisements.pdf>

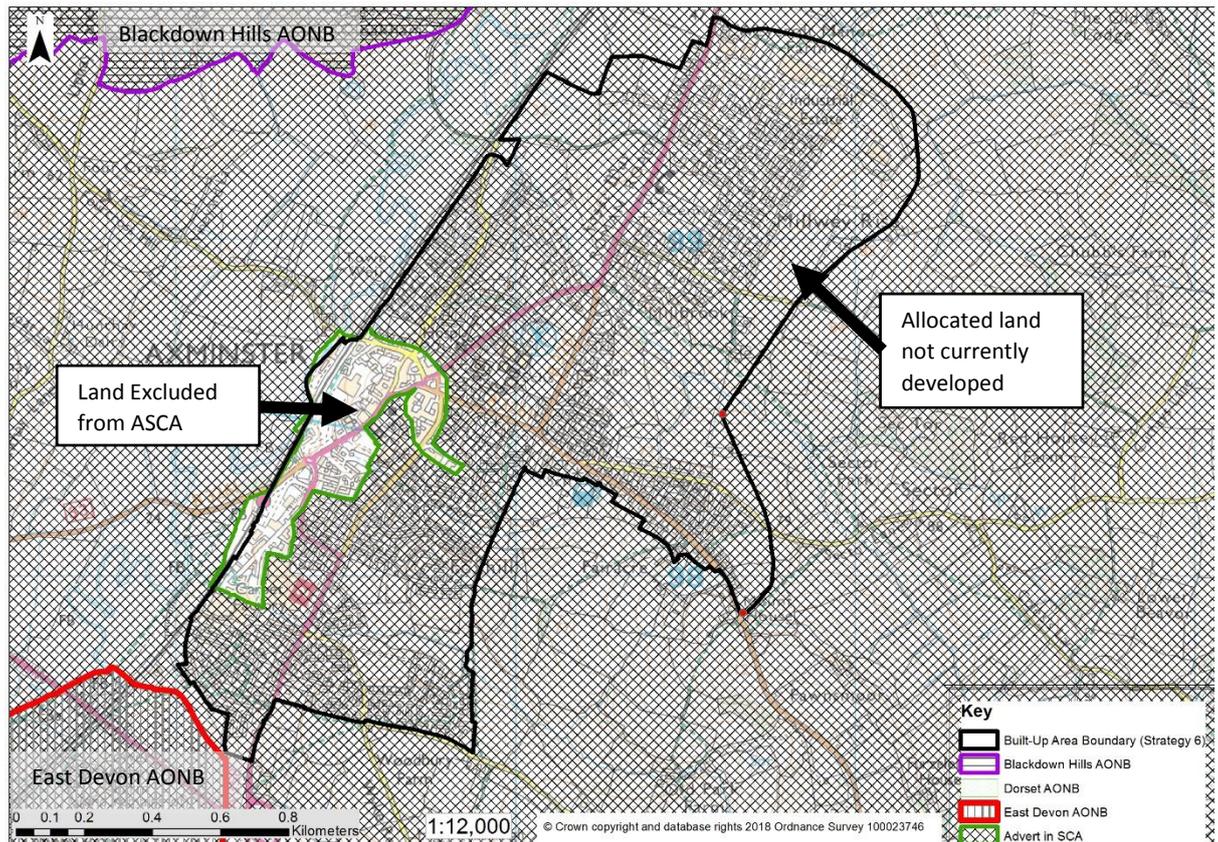
Honiton, the industrial and commercial development around Heath Park would be excluded together with Tesco and the industrial land at Ottery Moor Lane (part of which has planning permission for residential development). There are primarily residential areas (such as Oaklea) that are currently excluded from the ASCA, but would be included if the logic of this approach was applied. Rather than trying to distinguish those parts of the towns that are commercial/industrial in character from the residential areas the focus of this review should be to exclude from the ASCA the main built-up areas.

6.6 How should the ASCA boundaries be reviewed around towns already excluded?

Although they were defined for different reasons, a good starting point for the review of the ASCA is the Built-up Area Boundaries (BUAB's) defined in the East Devon Local Plan (and in the case of Beer the East Devon Villages Plan). These generally reflect the outer extent of the main built-up form of the settlements, although there are anomalies as highlighted in the maps that follow. The main potential reason for not excluding these areas from the ASCA is where parts of the East Devon or Blackdown Hills AONB's are within the BUAB's. Areas of Outstanding Natural Beauty (AONB's) are protected to conserve and enhance their natural beauty and their continued inclusion in the ASCA can be justified as they clearly require 'special protection on the grounds of amenity'. Conservation areas are designated to help protect their architectural or historic interest, but tend to focus on the commercial centres of our towns and villages, which is where most advertisements are displayed. Whilst it is possible to designate outstanding parts of conservation areas (like the Cathedral precinct in York) as an ASCA, it is not considered to be justified in an East Devon Context.

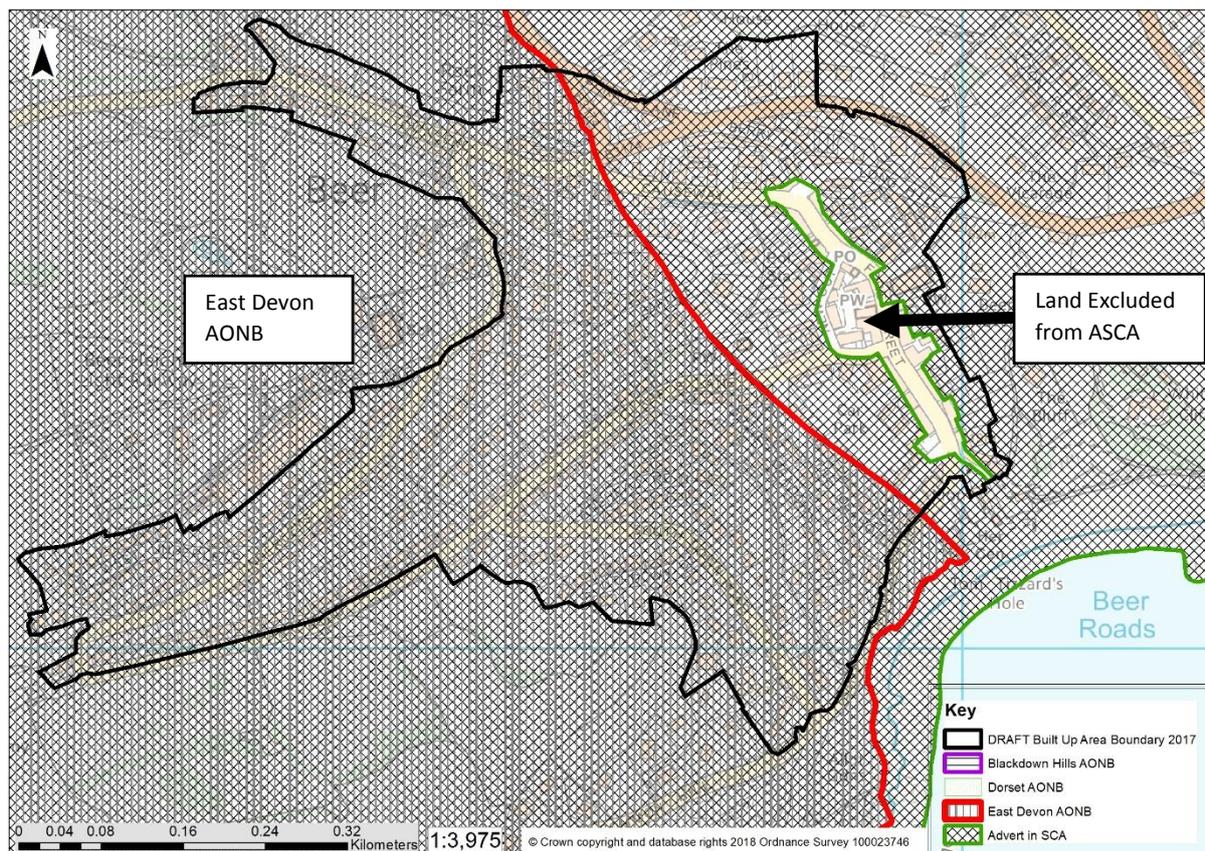
6.7 Town by town key issues

In the case of Exmouth, a review to include land within the BUAB but outside of the East Devon AONB would involve minimal alterations to the boundary of the ASCA. For Honiton, Seaton and Sidmouth this approach would consider the inclusion of a larger proportion of the built-up area for exclusion from the ASCA. The BUAB's defined in the adopted East Devon Local Plan could be used as a starting point for this review, but there are cases in Sidmouth and Honiton where the AONB is included within the BUAB. Additionally, in Honiton, the new housing being built in Gittisham parish west of Hayne Lane is excluded from the BUAB. Budleigh Salterton is wholly within the East Devon AONB and it is not therefore considered appropriate to include it in the review. The village of Beer is not a 'moderately sized town' and so it is not appropriate to consider extending the area that is excluded from the ASCA. The following maps show the Built-up Area Boundaries for these settlements and AONB boundaries and highlight issues that will need to be considered in the review.



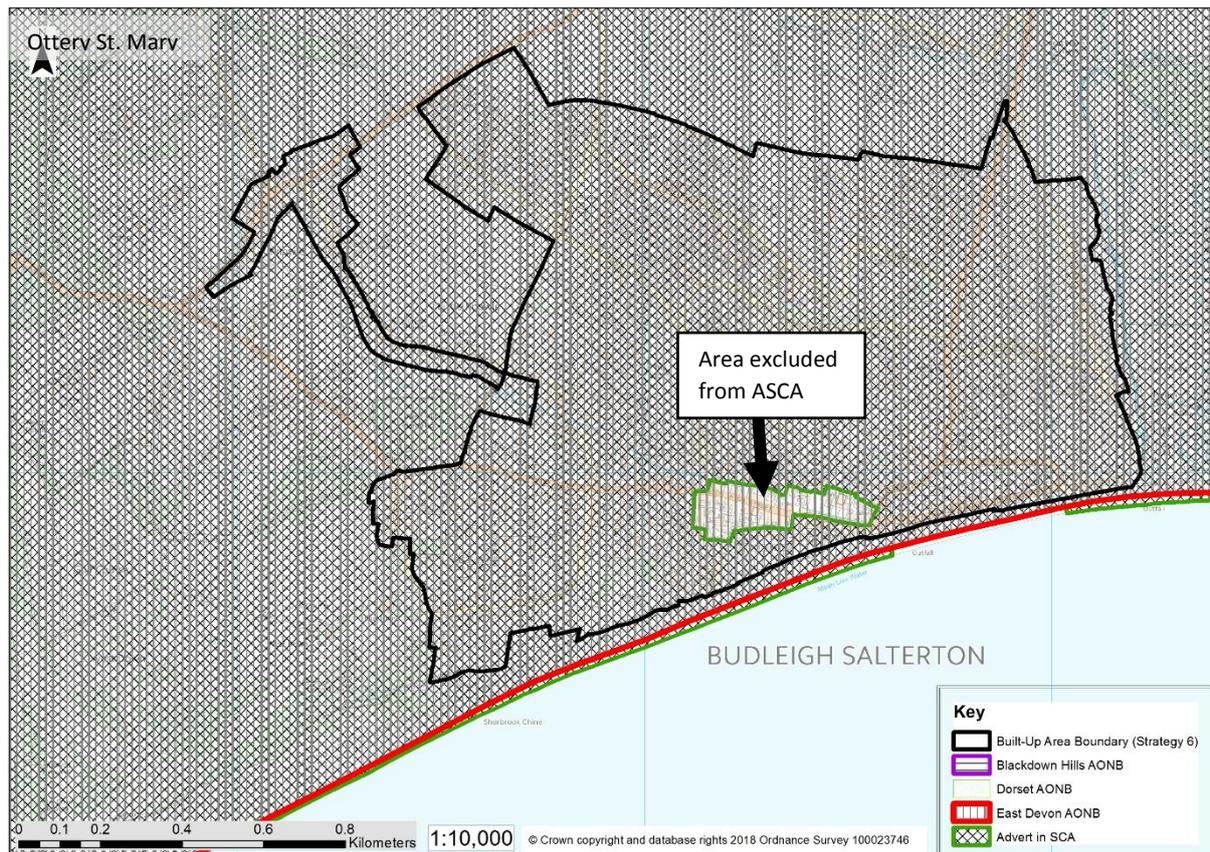
Map 10 Axminster Key Points

- None of the land included in the AONB is within the BUAB
- The land currently excluded from the ASCA comprises a small proportion of the land within the BUAB
- The BUAB includes land currently undeveloped, but allocated for mixed uses in the adopted local plan



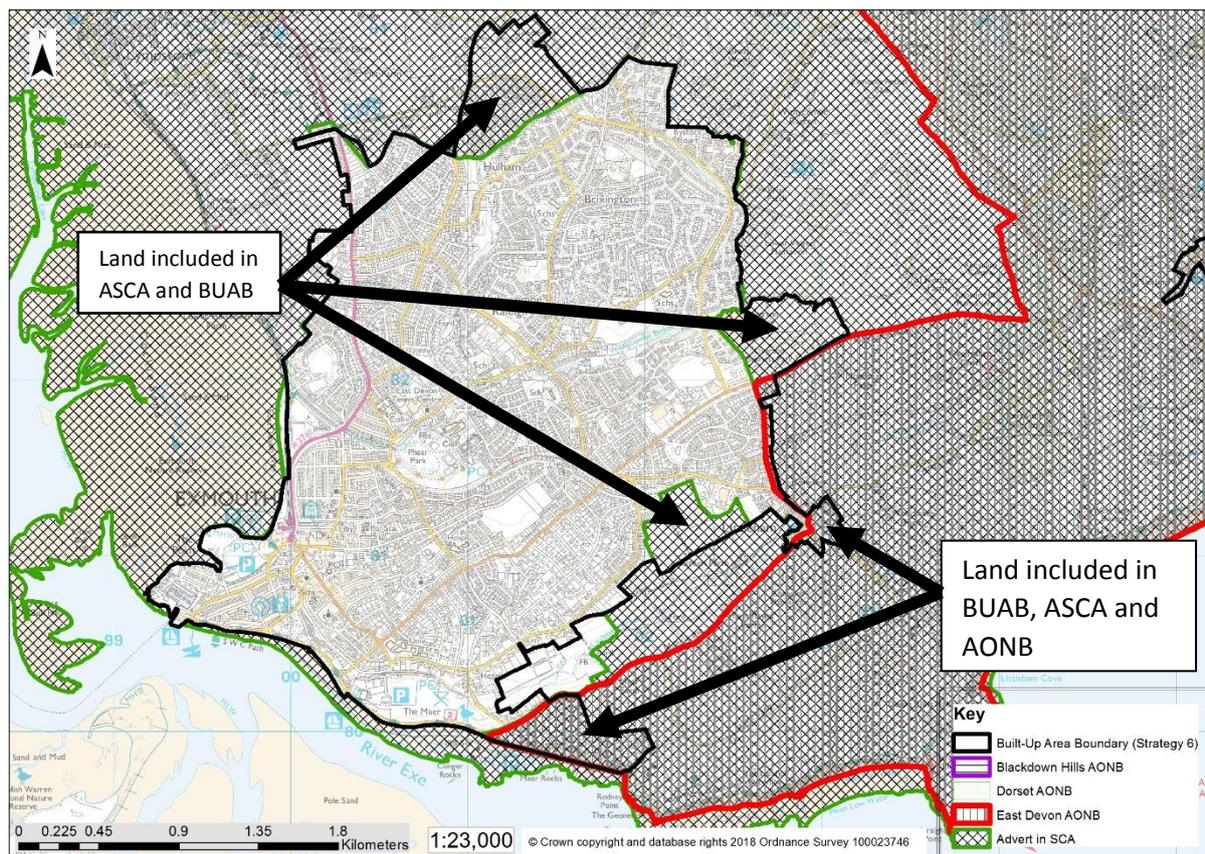
Map 11 Beer Key Points

- Beer is a village and is not one of the seven main towns identified as a focal point for development in the adopted local plan (Strategy 1 – Spatial Strategy for Development in East Devon)
- The western half of the village lies within the East Devon AONB
- The majority of the village is included in the ASCA, with only the main shopping street being excluded
- The BUAB shown is that proposed in the East Devon Villages Plan
- The Beer Neighbourhood Plan is at an advanced stage of preparation and the BUAB is proposed to be extended to include a proposed housing allocation at 'Short Furlong'.



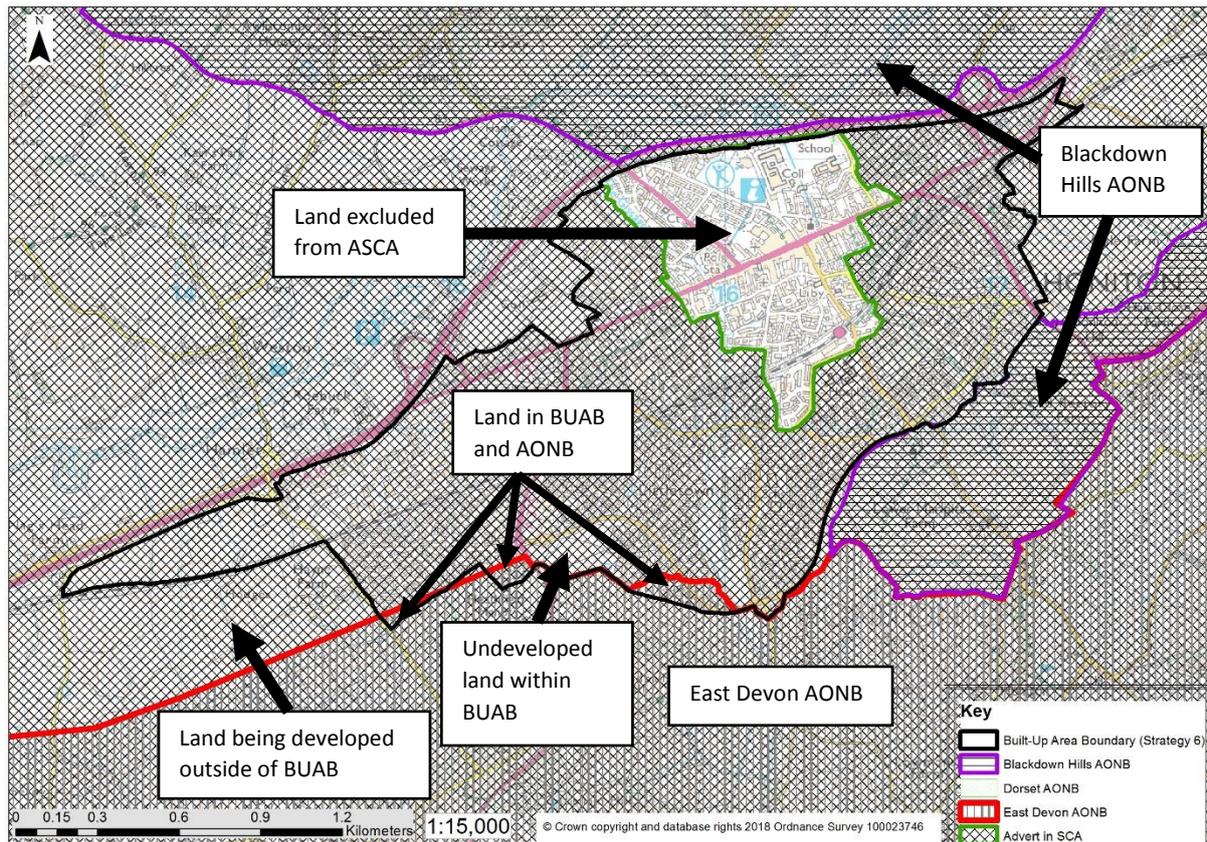
Map 12 Budleigh Salterton Key Points

- The whole of Budleigh Salterton is within the East Devon AONB
- The area of land included in the BUAB is much larger than the area excluded from the ASCA, which is focused on the main shopping street



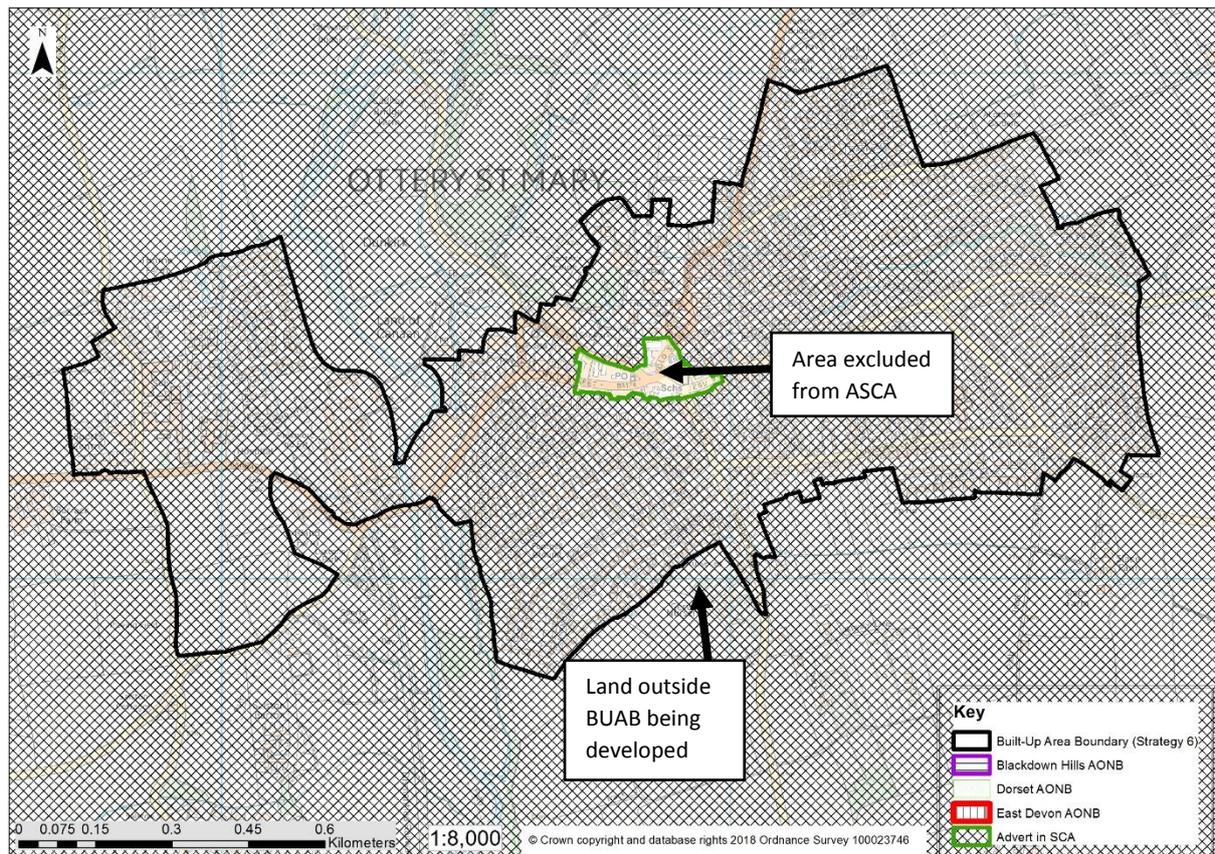
Map 13 Exmouth Key Points

- There are two small areas of land to the south and east that are within both the BUAB and the AONB
- The ASCA includes two areas of land that are included within the BUAB



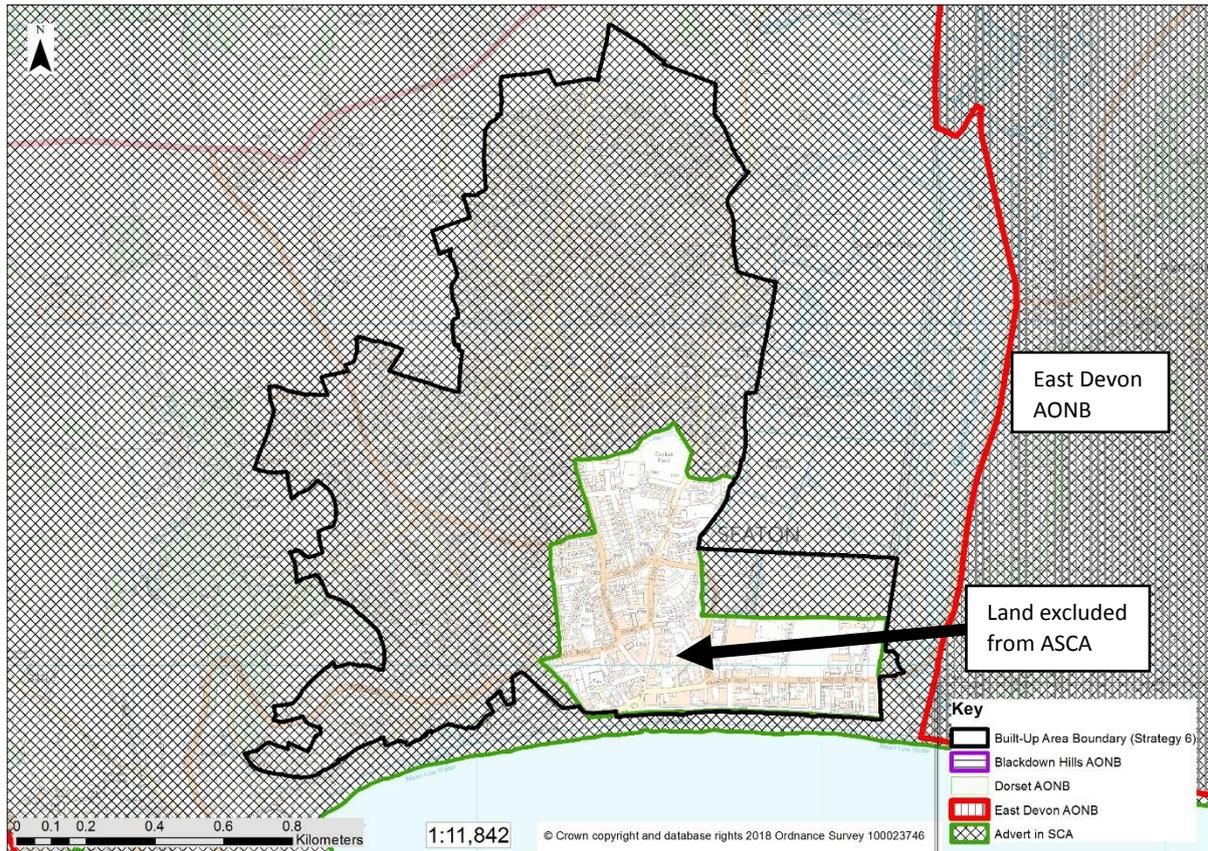
Map 14 Honiton Key Points

- Small area in the south of the BUAB are within the East Devon AONB
- There is undeveloped land to the south of Honiton within the BUAB
- There is land currently being developed to the south west of Honiton that is outside of the BUAB
- There are large areas of land within the BUAB that are excluded from the ASCA



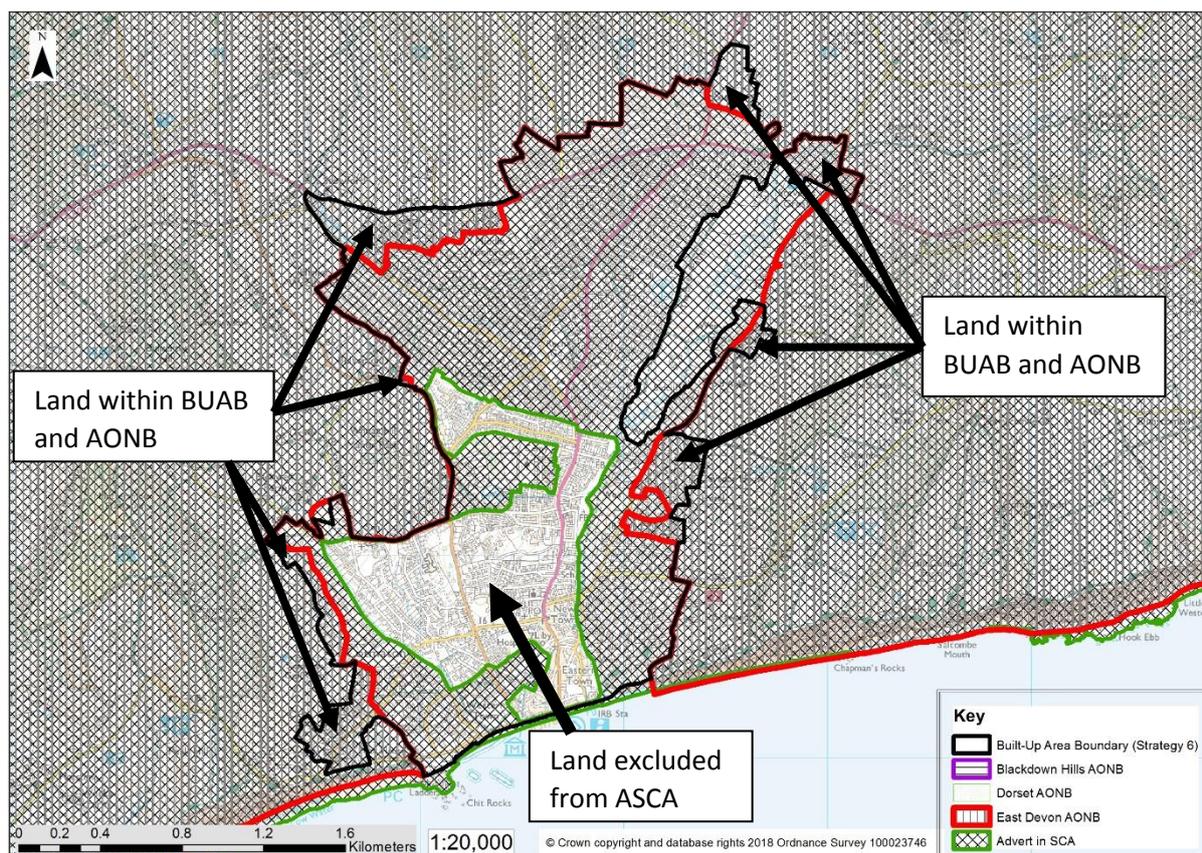
Map 15 Ottery St. Mary Key Points

- There are no AONB's close to the BUAB of Ottery St. Mary
- The area excluded from the ASCA is very small in relation to the area within the BUAB
- Land to the south of Ottery St. Mary that is outside of the BUAB is being developed



Map 16 Seaton Key Points

- None of the land within the BUAB is within the AONB
- Much of the land within the BUAB is also included in the ASCA

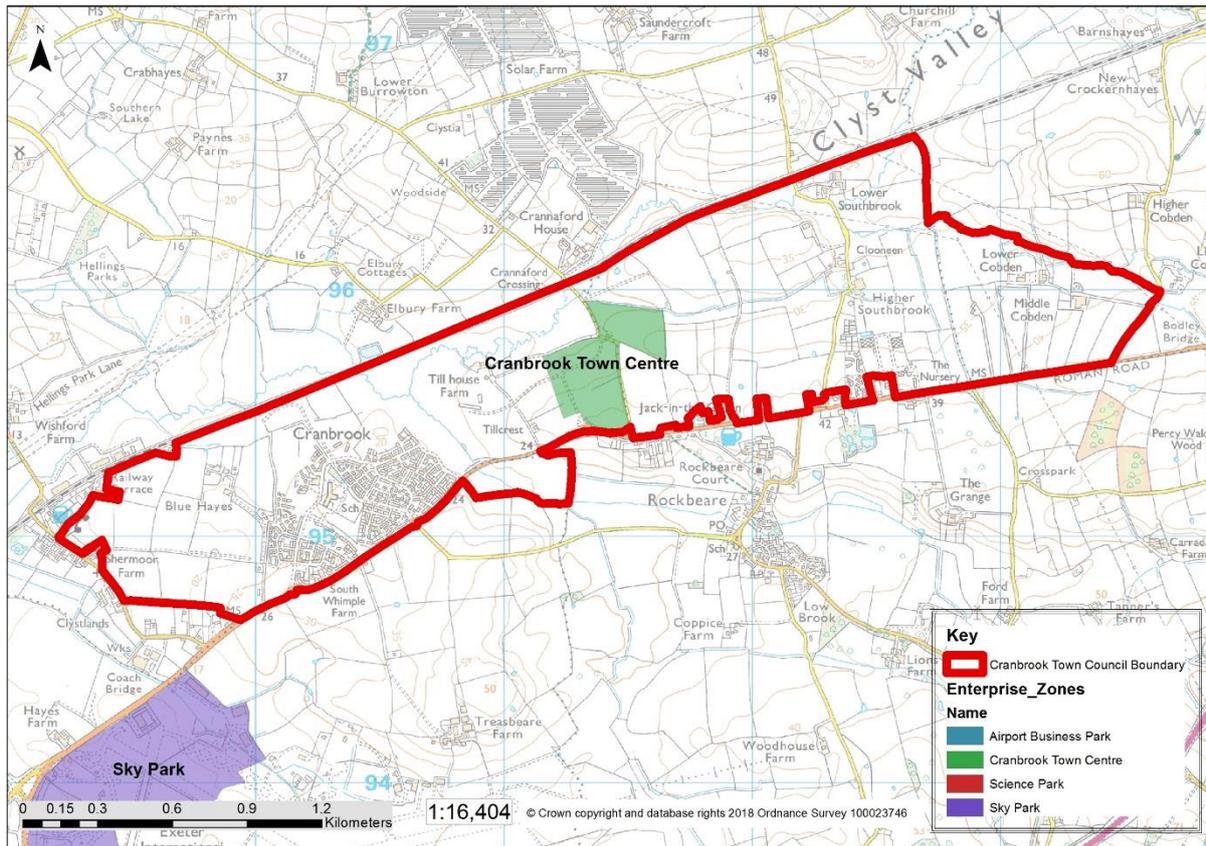


Map 17 Sidmouth Key Points

- Several areas included in the BUAB are also within the East Devon AONB
- A significant part of the land within the BUAB is excluded from the ASCA, but much of the urban area is included

6.8 Additional towns to consider for exclusion from ASCA.

In addition to the review of the boundary of the areas already excluded from the ASCA, the review will need to consider additional areas for exclusion, including the new town of Cranbrook. The town centre of Colyton, although significantly smaller than Beer, should be considered for removal from the ASAC because it has a similar planning status to Beer (they both have a town centre and shopping area defined in the Villages Plan).



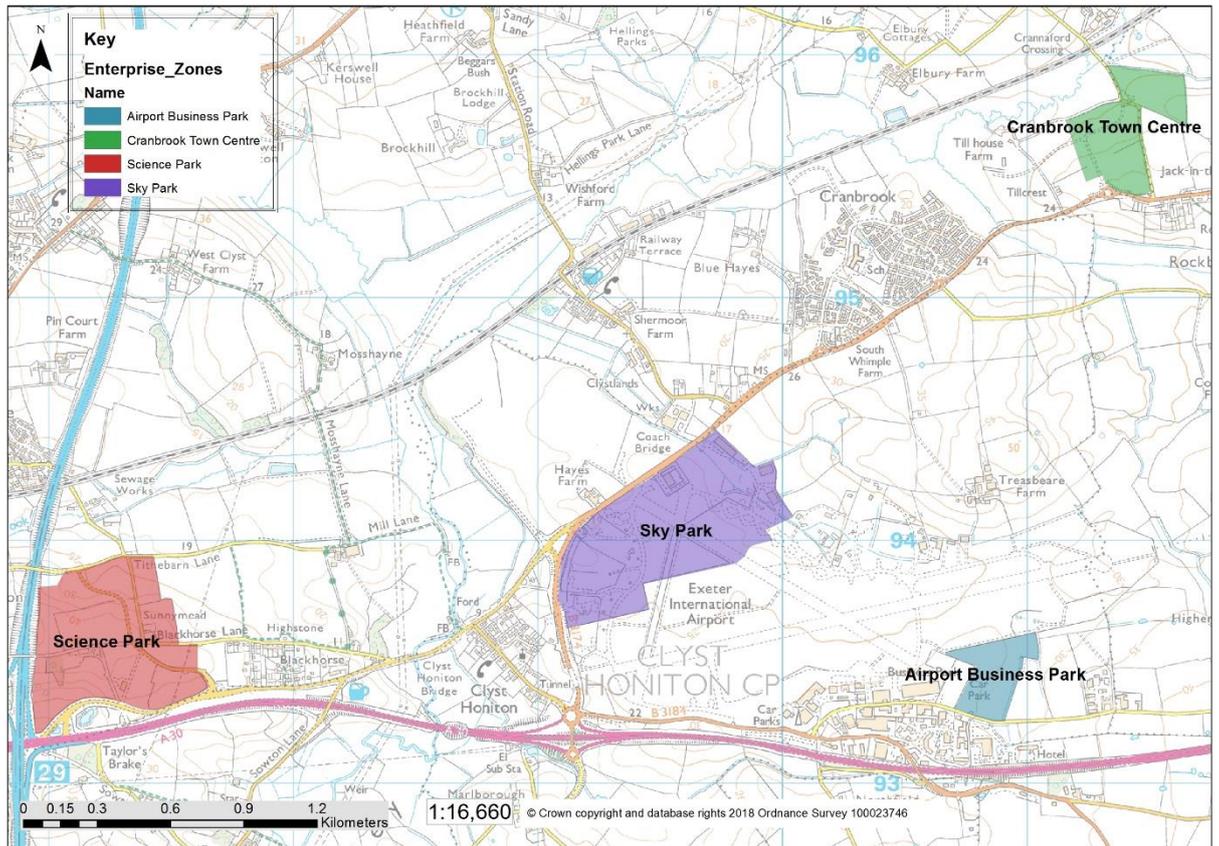
Map 18 Cranbrook Key Points

- Map 18 shows the Cranbrook Town Council boundary only – the final built form will be determined through the Cranbrook Plan, which is still being developed
- The town is unlikely to be 'built out' until after 2031 so it may be premature to remove all of the planned urban area from the ASCA

6.9 Exeter and East Devon Enterprise Zone

The designation of an ASCA is incompatible with the simplified planning regime of the Enterprise Zone and the review should therefore consider excluding these areas at Cranbrook Town Centre, the Airport Business Park, Skypark and Exeter Science Park.

East Devon District Council planning policy team briefing paper to inform a review of the East Devon Area of Special Control of Advertisements July 2018



Map 19 Exeter and East Devon Enterprise Zone Key Points

- The Enterprise Zone comprises four geographically distinct sites as indicated on the map
- All of the sites lie within the ASCA
- Inclusion in the ASCA is incompatible with the simplified planning regime of the enterprise zone

6.10 Summary of guiding principles for ASCA review

- A consistent approach will be taken to areas of the seven main towns to be removed from the ASCA that will comprise:
 - Land within the Built-up Area Boundary defined in the East Devon Local Plan will be excluded from the ASCA unless it is also within an AONB;
 - In Budleigh Salterton, which is 'washed over' by the East Devon AONB the land that is currently excluded (the town centre) will remain excluded from the ASCA; and
 - Consideration will be given to whether any large scale development on the edge of the towns that is not within the BUAB should also be excluded from the ASCA on a case by case basis.
- Consideration will be given to whether the town centre of Colyton should be removed by comparing it with the land already excluded from the ASCA in Beer.
- In Cranbrook all of the areas with planning permission for development will be excluded from the ASCA and consideration will be given to removing the expansion areas based on the expected timescales for development.
- Land within the Exeter and East Devon Enterprise Zone will be excluded from the ASCA.

7. How will the review be organised?

7.1 How will the proposed changes be identified?

Initially the planning policy team will conduct a desk based review of the ASCA focussing on the issues identified in this briefing paper and the guiding principle set out above. Site visits will be undertaken as necessary to check the conclusions of the desk based work and a report and maps produced to identify proposed alterations to the ASCA boundary. This will then be considered by the East Devon Strategic Planning Committee and the Full Council of the District Council to agree the changes for public consultation.

7.2 Who will be consulted and how?

The National Planning Guidance recommends that local trade and amenity organisations are consulted before an ASCA is made and submitted to the Secretary of State for consideration. The Council has a 'Statement of Community Involvement'¹⁵ (SCI) to guide consultation on planning matters. This covers:

- Planning Policy documents (including the Local Plan and other Development Plan Documents (DPD's), Supplementary Planning Documents (SPD's) and other guidance)
- Neighbourhood Plans
- Planning Applications

Whilst the review of the ASCA is not specifically included in the SCI, the principles set out for consulting on other documents will guide the review. This provides for planning documents to be made available at the Council's reception and on the web site for a minimum of six weeks. A press notice to advertise the consultation is also required together with specific notifications to Parish Councils, District Councillors, neighbouring authorities and specific groups with an interest in the document. In this case these groups would include local amenity groups (like the Sid Vale Association), the Campaign for the Protection of Rural England (CPRE), local chambers of commerce and the Advertising Association.

7.3 What is the timescale for the review?

Prepare draft proposals for consultation for consideration by the Strategic Planning Committee meeting on 26th November 2017 and subsequent Full Council meeting. Allow six weeks for consultation in January and February 2019. Prepare amendment to the Order during Spring 2019 and submit for consideration by the Secretary of State in summer 2019. Subsequent timescales will depend on whether a public inquiry is held, but it is hoped that the revised order will be in place by the end of 2019.

¹⁵ [Work programme and consultations - Statement of community involvement - East Devon](#)

Appendix 1 Extract from Outdoor advertisements and signs: a guide for advertisers

Appendix: Special Controls

Power to take away the benefit of deemed consent

The rules enable the planning authority to invite the Secretary of State to order that, in any particular area, or on any particular site, an advertisement which would normally benefit from deemed consent is not to be displayed without the planning authority's specific consent. Before making any such order, the Secretary of State must ensure that the planning authority's representations to her are publicised, so that local people and interested organisations may have an opportunity to make whatever representations they wish about the merits of the proposed withdrawal of deemed consent. She must take account of any objections to the order; and, if she does decide to make it she must give her reasons in writing for doing so.

Because the withdrawal of a deemed consent may adversely affect people's livelihoods, it will be confined to those few circumstances where it is clear to the Secretary of State that one or more of the deemed consent provisions have had such adverse effects on the environment that there is no prospect of an improvement in the quality of advertising in the locality unless the planning authority are enabled to control that particular type of advertising. Once such an order has been made by the Secretary of State, the class of deemed consent to which the order relates is no longer available to advertisers after a specified date.

What is an Area of Special Control of Advertisements?

An Area of Special Control of Advertisements is an area specifically defined by the planning authority because they consider that its scenic, historical, architectural or cultural features are so significant that a stricter degree of advertisement control is justified in order to conserve visual amenity within that area. Legislation requires that Areas of Special Control are to be:

- _ rural areas; or
- _ other areas which appear to the Secretary of State to require 'special protection on grounds of amenity'.

Before any Area of Special Control defined by a local planning authority can be effective, the Secretary of State must approve it. This approval procedure ensures that nationally applicable standards are used in determining what areas are to have stricter advertisement control.

In practice, Areas of Special Control vary considerably in their extent.

For example, large areas of the Lake District and the Peak District and of the counties of North Yorkshire, Norfolk, Devon and Cornwall are Areas of Special Control, as are, at the other extreme, the cathedral precinct in York, parts of Westminster and small areas in the city of Leeds. The boundary of any Area of Special Control must always be defined precisely, by reference to an Ordnance Survey base-map, so that it is possible to ascertain whether particular premises are within special control or not.

For this reason, it may be worth checking exactly where the boundary is because there may be small enclaves (such as a moderately sized town) where the stricter provisions do not apply.

In any Area of Special Control of Advertisements three main categories of outdoor advertising are permitted. They are:

- _ public notices
- _ advertisements inside a building
- _ advertisements for which there is deemed consent.
- _ Additionally, the planning authority may give their specific consent in an Area of Special Control for:
 - _ notices about local events or activities;
 - _ advance signs or directional signs which are 'reasonably required' in order to direct people to the place identified by the sign;
 - _ an advertisement required for public safety reasons; and
 - _ an advertisement in any of the deemed consent classes if it is considered reasonable for the normal limits on that class to be exceeded.

The main consequence for advertisements which can be displayed with deemed consent in an Area of Special Control is that there are stricter limits on permitted height and size of the advertisement than elsewhere.

These limits are explained in relation to each class of deemed consent.

Report to: **Strategic Planning Committee**

Date of Meeting: Tuesday 24 July 2018

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: 8

Subject: **Baxter's Farm, Musbury, Development Brief**

Purpose of report: To seek Members agreement to commence consultation on the Baxter's Farm Development Brief.

Recommendation: **That Members agree to commence a 6 week consultation on the Baxter's Farm Development Brief.**

Reason for recommendation: To ensure that Baxter's Farm is developed in an appropriate and historically sensitive way and that the design takes full account of the character and location of the site.

To provide developers with clear guidance in order to produce a high quality scheme

Officer: Claire Rodway, Senior Planning Policy Officer

Email: crodway@eastdevon.gov.uk

Tel: 01395 571543

Financial implications: No specific financial considerations at this stage

Legal implications: there are no legal implications other than as set out in the report

Equalities impact: Low Impact

The production of the development brief will not have specific equalities impacts.

Risk: Medium Risk

There is a risk that, without appropriate guidance, the site could be developed in a manner which does not reflect the historically sensitive character of the site and historic material could be lost and the setting of the conservation area and nearby listed buildings harmed.

Links to background information:

- Click here to enter links to background information; appendices online; and previous reports. These must

link to an electronic document. Do not include any confidential or exempt information.

Link to Council Plan:

Encouraging communities to be outstanding.

Report in full

1. Purpose of the Baxter's Farm Development Brief

- 1.1 The aim of this development brief is to provide clear guidance for the development of the site and any future planning application should have regard to the development brief.
- 1.2 The development brief will inform any development proposals for Baxter's Farm that may be put forward following its inclusion within the Built-Up Area Boundary for Musbury. Although the site is not allocated for development in the Villages Plan or the East Devon Local Plan (2013-2031), inclusion within the boundary raises the likelihood that development will come forward, particularly in view of the local support for redevelopment of the site for residential use. A need for smaller, more affordable houses and the possibility of a community orchard have been suggested as priorities for the village and this site presents an opportunity to deliver these aspirations.
- 1.3 The need for a development brief was identified during the preparation of the Villages Plan when the potential heritage impacts of redevelopment were assessed. As Baxter's Farm is partly within the Musbury conservation area and there are a number of listed buildings near to the site, a Heritage Impact Review of the likely effects of redevelopment was carried out. This identified the potential for new buildings to harmfully affect the character and appearance of the conservation area as well as the setting of listed buildings. The purpose of this development brief is to act as a guide so that the heritage assets (both designated listed buildings and non-designated buildings of historic importance within the site) are not harmed by redevelopment and to identify opportunities for enhancements to the character and appearance of the area by the removal of existing modern farm buildings.

2. Importance of the site

- 2.1 Baxter's Farm is located on the edge of the Musbury Conservation area, within the AONB and close to several listed buildings. It has been owned by Devon County Council for many years but they are now seeking to dispose of the farmhouse, (modern and traditional stone) buildings and a small orchard, following the current tenant's retirement. The remaining farmland will become part of a nearby County Council farm.
- 2.2 The Farmhouse and historic farm buildings are worthy of retention due to their historic importance and the contribution they make to the conservation area and the wider streetscene. It is felt that there is potential to retain and convert these buildings as part of a comprehensive scheme on the site, whilst the modern agricultural barns would be demolished. The scheme could include terraced housing to the centre and west of the site (reflecting traditional building patterns in the village centre) and several detached

houses on the southern periphery where development could be 'softened' by landscaping so that there is a gradual transition to the countryside beyond.

3. Viability Considerations

- 3.1 As established by best practice (and required in the emerging NPPF), viability should be taken into consideration when producing a Development Brief to ensure that its requirements have a realistic likelihood of being implemented. If a scheme isn't viable, a Developer can argue that financial obligations required by Local Plan policy should be reduced. This includes provision of affordable housing and public open space.
- 3.2 The Development Brief makes it clear that CIL (Community Infrastructure Levy) will be required on this site and is non-negotiable. It also lists the likely planning obligations which will be sought, whilst recognizing that actual provision will depend on the specific scheme and the number and size of dwellings proposed. Unforeseen costs could also result from detailed technical reports produced as part of the application process. Because the detail won't be established until an application is submitted, it isn't possible to produce a detailed viability assessment at this stage, however a broad overview, based on estimated land values and development costs, suggests that a residential scheme on this site is likely to be viable.
- 3.3 A further consideration is that the consultation Brief suggests that, as well as housing on the site within the Built-up Area Boundary, there may be potential for other uses on the orchard land adjacent, including expansion of the village hall and car park, Traveller pitches and a community orchard. Comments on the acceptability/desirability of these uses are invited in the Brief. These uses could impact upon the viability of a residential scheme. Once consultation has been carried out, the mix of uses will be more clearly established and the brief will be revised and further consultation carried out.
- 3.4 If an otherwise acceptable scheme is proven to be unviable, there may be potential to negotiate, for example by providing the orchard as a community orchard/open space in lieu of a financial open space contribution or providing affordable housing as an off-site contribution.

4. Status of the Development Brief

- 4.1 The Development Brief constitutes a 'Supplementary Planning Document' (SPD) and will follow the production and adoption process for this type of guidance. This can be viewed here <http://eastdevon.gov.uk/media/2443645/spd-protocol-adopted-by-spc-20-march-18.pdf>
- 4.2 If Members agree, consultation will commence as soon as possible on the attached draft brief. At the time of writing the report an enhanced visual, demonstrating a possible scheme on the site, is being produced. It is proposed to include this drawing to accompany the indicative site layout plan in the brief and the picture will be available prior to the meeting. Consultation

will last 6 weeks and will be advertised on our website, by email to interested parties/statutory consultees and through a press release. The brief will then be revised and consulted on again in light of any comments received. Members will then have the opportunity to consider the final document and decide whether it should be adopted.

Baxter's Farm, Musbury Development Brief

Draft for Consultation

Xxxx 2018 – xxxxx 2018



Contact details

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Knowle, Sidmouth, EX10 8HL

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Email: planningpolicy@eastdevon.gov.uk

www.eastdevon.gov.uk/planning/planning-policy/
[@eastdevon](mailto:planningpolicy@eastdevon.gov.uk)

To request this information in an alternative format or language please phone 01395 516551 or email csc@eastdevon.gov.uk

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Consultation Details

This consultation seeks your views on the draft of the Baxter's Farm, Musbury Development Brief. Following this consultation the document will be revised and a further consultation will be undertaken. The Development Brief constitutes a 'Supplementary Planning Document' (SPD) and will follow the production and adoption process¹ for this type of guidance.

At this stage we want to hear what you think about what is being proposed for inclusion in SPD. Questions you might wish to consider in your response include:

- Does the scope and content of the Development Brief address the planning needs of the site?
- Will new development meet local aspirations for more affordable dwellings?
- Will new development be in keeping with the character of Musbury?
- Will the important historic setting of the site be respected?
- Is there anything else that you think the Development Brief should cover?
- Does the Development Brief propose anything that you think should not be included?
- Are there any other specific areas of concern of which we should be aware?

This draft document is published for public consultation. The period for you to submit your comments runs from xxxxxxxxxxxxxxxxxxxxxxxxx. Comments can be submitted via email to planningpolicy@eastdevon.gov.uk or by post to:

Planning Policy Team
East Devon District Council
Station Road
Sidmouth
EX10 8HL

All representations must be received by 5pm on xxxxxxxxxxxxxxxxxxxxx or they may not be considered.

¹ <http://eastdevon.gov.uk/media/2443645/spd-protocol-adopted-by-spc-20-march-18.pdf>

Glossary of Terms

Taken from Annex 2: Glossary, [National Planning Policy Framework](#), Department for Communities and Local Government, 2012 unless otherwise stated

Archaeological interest

There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.

Conservation area

An area "of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance"

[s69\(1\)\(a\) Planning \(Listed Building and Conservation Areas\) Act 1990](#)

Designated heritage asset

A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

Heritage asset (including both designated and non-designated assets)

A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

Local planning authorities may identify non-designated heritage assets. These are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally [designated heritage assets](#). In some areas, local authorities identify some non-designated heritage assets as 'locally listed'.

Historic environment

All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.

Historic environment record

Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.

Listed Building

"...means a building which is for the time being included in a list compiled or approved by the Secretary of State under this section; and for the purposes of this Act -

(a) any object or structure fixed to the building;

(b) any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948,

shall subject to subsection (5A)(a) be treated as part of the building."

[s1\(5\) Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)

Setting of a heritage asset

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Significance (for heritage policy)

The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

Affordable housing

Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as "low cost market" housing, may not be considered as affordable housing for planning purposes.

Development plan

This includes adopted Local Plans, neighbourhood plans and the London Plan, and is defined in section 38 of the Planning and Compulsory Purchase Act 2004. (Regional strategies remain part of the development plan until they are abolished by Order using powers taken in the Localism Act. It is the government's clear policy intention to revoke the regional strategies outside of London, subject to the outcome of the environmental assessments that are currently being undertaken.)

Local Plan

The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current core strategies or other planning policies, which under the regulations would be considered to be development plan documents, form part of the Local Plan. The term includes old policies which have been saved under the 2004 Act.

Neighbourhood plans

A plan prepared by a Parish Council or Neighbourhood Forum for a particular neighbourhood area (made under the Planning and Compulsory Purchase Act 2004).

Planning condition

A condition imposed on a grant of planning permission (in accordance with the Town and Country Planning Act 1990) or a condition included in a Local Development Order or Neighbourhood Development Order.

Planning obligation

A legally enforceable obligation entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal

Supplementary planning documents

Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design.

Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

1.Introduction

- 1.1 This development brief will inform any development proposals for Baxter's Farm that may be put forward following its inclusion within the Built-Up Area Boundary for Musbury. Although the site is not allocated for development in the Villages Plan² or the East Devon Local Plan (2013-2031)³, inclusion within the boundary raises the likelihood that development will come forward, particularly in view of the local support for redevelopment of the site for residential use. A need for smaller, more affordable houses and the possibility of a community orchard have been suggested as priorities for the village and this site presents an opportunity to deliver these aspirations.
- 1.2 The need for a development brief was identified during the preparation of the Villages Plan when the potential heritage impacts of redevelopment were assessed. As Baxter's Farm is partly within the Musbury conservation area and there are a number of listed buildings near to the site, a Heritage Impact Review of the likely effects of redevelopment was carried out. This identified the potential for new buildings to harmfully affect the character and appearance of the conservation area as well as the setting of listed buildings. The purpose of this development brief is to act as a guide to future development proposals. There are opportunities to enhance the character and appearance of the conservation area and wider village by the removal of existing modern farm buildings whilst affording protection to the listed and non-designated buildings of historic importance.
- 1.3 The aim of this development brief is to provide clear guidance for the development of the site and any future planning application should have regard to the development brief.

² <http://eastdevon.gov.uk/planning/planning-policy/villages-plan/villages-plan-2017/>

³ <http://eastdevon.gov.uk/planning/planning-policy/local-plan-2013-2031/>

2.Planning Policy Context

- 2.1 This is a site in a village-edge location, close to a range of everyday facilities and services, including a bus service, shop, garage, village hall, public house, Church and school. Developing in 'sustainable' locations like this one, where residents are not reliant on private cars to meet their basic needs, is the fundamental principle of the National Planning Policy Framework (NPPF)⁴. In East Devon, the settlements which comply with this principle, and offer a range of services and facilities as well as regular public transport, are identified by the designation of a Built-up Area Boundary in the Local Plan. Those parts of the site located within the Musbury Built-up Area Boundary are coloured yellow on Site Plan 1. Development within the boundary is subject to the provisions of Strategy 6 (Development Within Built-up Area Boundaries) of the Local Plan and is generally supported. Development outside the boundary is subject to the provisions of Strategy 7 (Development in the Countryside) and is only supported if it is in accordance with another policy in the Local Plan.
- 2.2 In principle, the Local Plan supports the redevelopment of the land within the Built-Up Area Boundary for a range of uses, including tourism, residential and employment. Outside the Built-Up Area the range of acceptable uses is more limited but would include community uses such as open space provision or community buildings or Gypsy and Traveller pitches.
- 2.3 In the case of residential development, an affordable housing contribution in the form of provision of housing on-site or a financial contribution towards off-site provision would be required for certain scales of development In accordance with Strategy 34 District Wide Affordable Housing Provision Targets of the East Devon Local Plan. This is discussed in more detail later in the brief.
- 2.4 Conserving heritage assets in a manner appropriate to their significance is also a core planning principle in the NPPF and, within conservation areas, legislation⁵ requires the character or appearance of the area to be preserved or enhanced. The Local Plan reflects these important requirements in Strategy 49 and Policies EN8, EN9 and EN10. The Brief is written in the context of avoiding harm to heritage assets (particularly the Musbury conservation area, nearby listed buildings and buildings of historic and aesthetic importance within the site), ensuring their

⁴ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

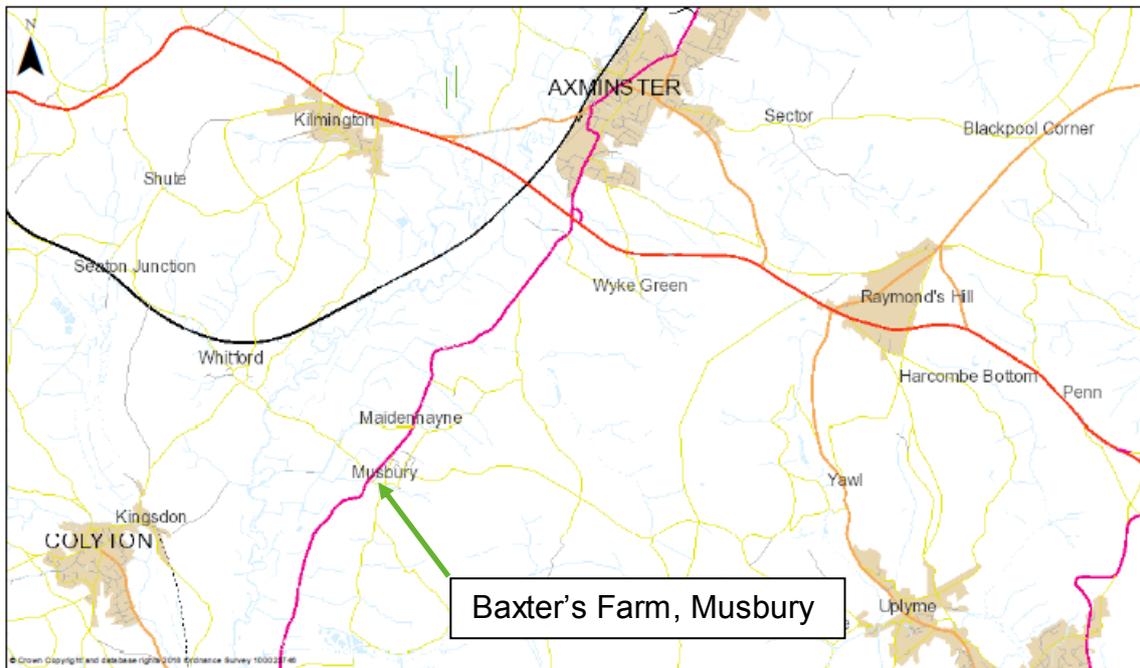
⁵ <https://www.legislation.gov.uk/ukpga/1990/9/contents>

preservation and achieving enhancement of the assets themselves as well as their setting.

2.5 The whole of Musbury is located within the East Devon Area of Outstanding Natural Beauty and the importance of conserving the landscape is set out in Strategy 46 of the Local Plan. Sensitive redevelopment of the site offers the opportunity to remove large modern agricultural buildings which detract from the appearance of the village and the wider landscape, and replace them with less obtrusive development and landscaping.

2.6 In addition to these policies there are a number of other Development Management policies which deal with detailed matters such as parking provision, drainage and amenity.

Location Plan- Not to Scale

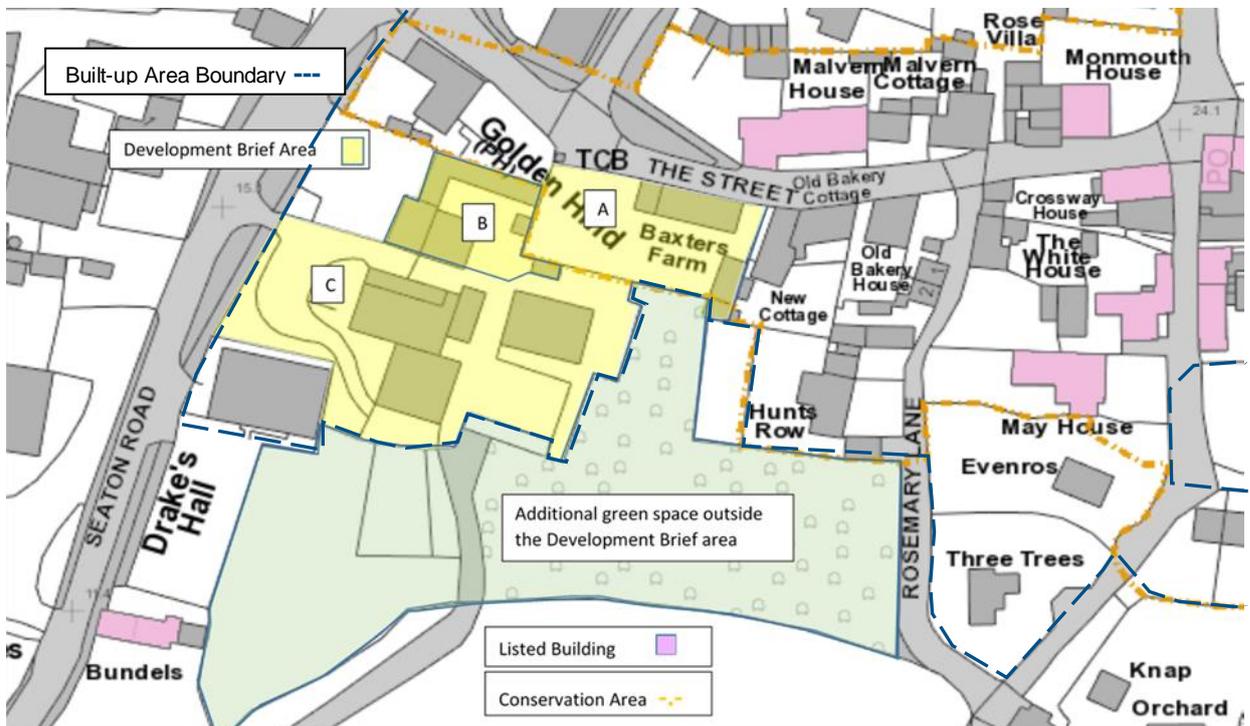


3.Site and Surroundings

Aerial photograph of the site- not to scale



Site Plan 1- The extent of the Development Brief area - not to scale



A, B, C indicate the areas discussed in the following section.

Site composition

- 3.1 The site is owned by Devon County Council and has operated as a County Farm until recently. It is currently being prepared for sale. The fields will continue to be farmed and do not comprise part of this development brief. The area covered by the Brief and coloured yellow on Plan 1 lies within the Built-up Area Boundary and amounts to about 0.4ha in area. The Brief area comprises three main elements as identified on Site Plan 1:
- A Baxter's Farmhouse and garden, to the north of the site, which are located within the Conservation Area along with an outbuilding to the south east (most of which is in the Conservation Area). The farmhouse is believed to be constructed of random flint rubble, rendered, under a thatched roof which is now covered with corrugated iron sheets.
 - B The range of domestic scale outbuildings to the west of the site. These buildings are believed to be the original farm buildings due to their courtyard layout and obvious age. They comprise an 'L' shaped barn, which is two-storey to the south with the remainder being single storey, and two small detached buildings. A corrugated iron 'pole barn' is attached to the east of the two storey section but it is envisaged that this will be removed. The buildings are predominantly stone built, under thatched roofs overlaid with corrugated iron (the detached 'pig sty' is clay tiled). Some of the original roof trusses and purlins are visible but in the northern single storey building the roof is lined with timber boards. The original compacted soil floors have all been overlaid with concrete which has raised the ground level within them so that most of the roof joists are now less than 2metres above ground level. The northern wall of the outbuildings forms the southern boundary of the Conservation Area.
 - C A range of large span modern concrete and metal farm buildings of no aesthetic value spread through the remainder of the site. These are not worthy of retention. They are surrounded by a considerable area of concrete including a slurry pit.
- 3.2 The owners advise that the buildings are likely be sold with a further area of (former, although some trees remain) orchard to the east and a small grassed area to the south (under which are the septic tank and dirty water processing facility for the former famyard), however this is not guaranteed. This additional land which is not proposed for development, coloured green on Site Plan 1, lies outside the Brief area and Built-Up Area Boundary and is about 0.6ha in area.

Topography and Landscape

- 3.3 The site is located on the lower periphery of a wide, flat bottomed valley, just outside the floodplain. The whole area is designated as an Area of Outstanding Natural Beauty. The site is visible in the wider landscape, especially when viewed from the south west, although buildings will be seen in the context of existing village development. The site slopes upwards from west to east, a rise of approximately 5m across the development brief area. Although the majority of the brief area appears level, the incline becomes more pronounced on moving eastwards through it, and the (former) orchard beyond rises a further 10m, meaning any development on it will be visible in longer range views .
- 3.4 It is particularly important that views from the Conservation Area to the north of the site, looking south and east across it, are retained and, if possible, enhanced by the removal of existing agricultural buildings and the careful siting of new development.

Access

- 3.5 Access will be taken through the existing main farm entrance onto the A358 which adjoins the western boundary of the site. Baxter's Farmhouse is located on 'The Street' and has its own vehicular access to a rear parking area and garden. This access also leads into the farm yard via a track across the garden.
- 3.6 It is envisaged that a new access road will run west-east through the site to serve most of the development, with an access retained to enable the land beyond the Development Brief area to be accessed and maintained.
- 3.7 To enable pedestrians to easily access village facilities on foot, it is proposed that an entrance onto 'The Street' be reinstated by removing a small section of the northern boundary wall where an opening has previously been blocked up. This will also provide glimpsed views of the wider AONB to the east and south of the site from the Conservation Area.

Ecology

- 3.8 The site is not subject to any specific designations but the presence of historic buildings means that bats and barn owls are likely to be present. Any redevelopment of these buildings will require a bat and barn owl survey and any mitigation which arises from it will need to be undertaken before the new dwellings are occupied. Irrespective of the findings of the study, bat boxes should be incorporated into the scheme due to the proximity of the site to the bat feeding grounds across the Coly Valley.

Historical Context

3.9 Baxter's Farm lies within the historic core of the village in the area which is now partly designated as a Conservation Area. On the 1840 Tithe Map the village has a linear form extending along 'The Street' and 'Church Hill' from Drakes Farm in the west and past Baxters Farm to the Church at the eastern end. Later development extended the village northwards and, to a lesser extent, southwards. This was partly facilitated by the creation of a bypass on the west side of the village in the early twentieth century which led to infill development.

3.10 Baxter's Farm, including the farmhouse and the farm buildings to the west, has historic origins and appears on the Tithe map of 1840. Baxter's Farmhouse is considered by the Local Planning Authority (LPA) to be a (non-designated) heritage asset due to its historic and aesthetic value and the contribution it makes to the conservation area. The house and buildings also appear on subsequent Ordnance Survey maps dating from the late 19th century onwards. The 1905 Ordnance Survey map shows them particularly clearly. Modern buildings have extended the farm complex to the south partly into the orchards which appear on early maps, of which some remnants survive.

3.11 Musbury village has lost many of its original farmsteads and the outbuildings associated with Baxter's Farm are unusually unspoilt and have retained a large amount of original material. As such they are also historically and aesthetically



significant and considered by the LPA to be similarly worthy of preservation as non-designated heritage assets. Their form, height and layout contribute significantly to the setting of the Conservation Area and the north and western walls of the 'L-shaped' buildings form the Conservation Area boundary at this point.

C 1905 Ordnance Survey Second Edition- Not to Scale

Baxter's Farm, the outbuildings to the west and the orchards to the south can all be clearly identified

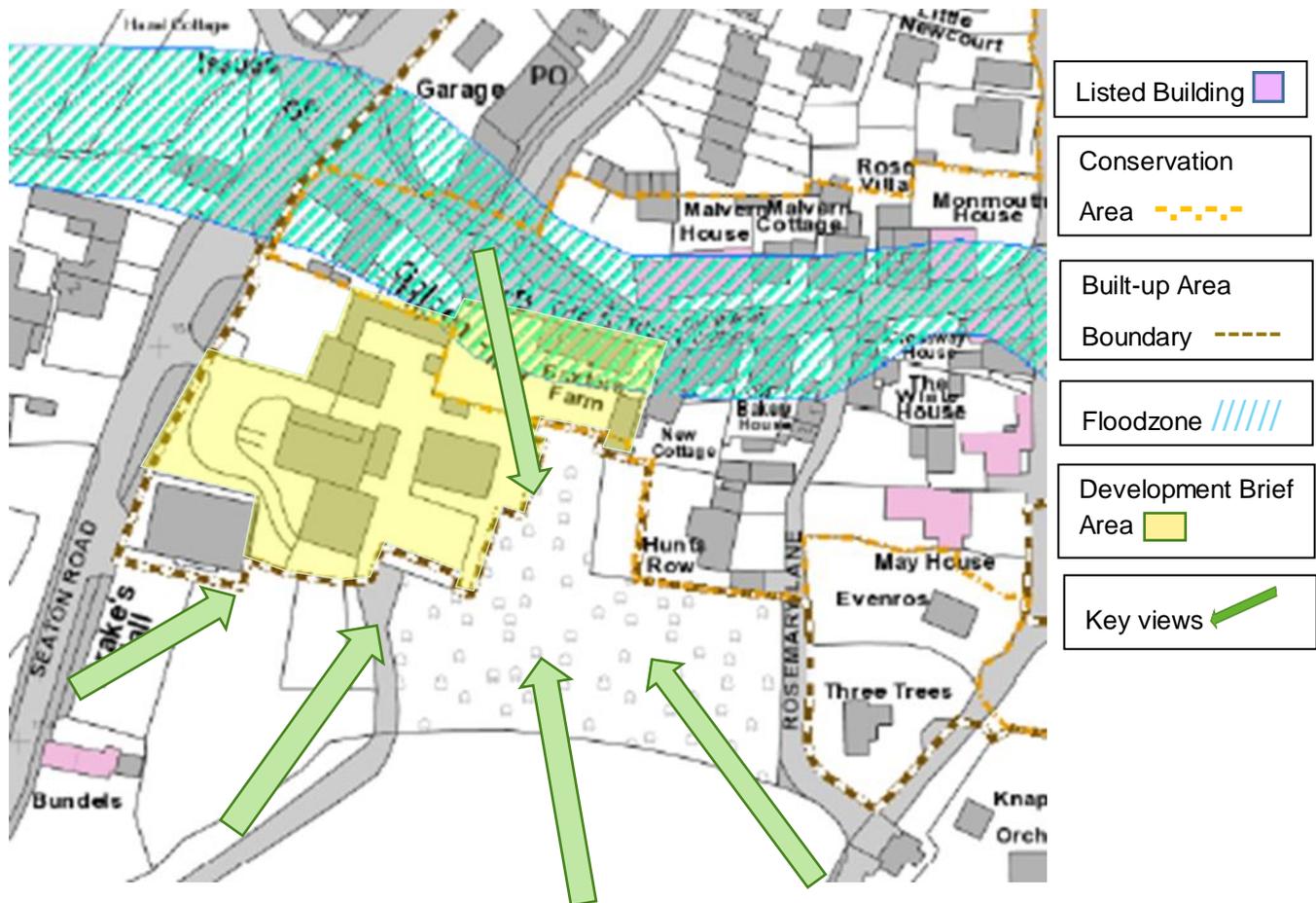
The character areas identified as 'A' and 'B' on Site plan 1 are highlighted yellow on the plan and show the buildings to be retained in the redevelopment scheme

4.Future Development of the Site

Possible Uses

- 4.1 The site is suitable for a range of uses in accordance with the policies of the East Devon Local Plan 2013-2031. However, this development brief mainly addresses housing development as both an appropriate use and the most likely form of development to come forward. On a site of this size there would be no expectation of a mixed use development but provision for home working is encouraged.
- 4.2 Additionally, the site presents an opportunity to provide a much needed Traveller site and such provision would be in accordance with Policy H7 of the Local Plan.
- 4.3 Owing to the constrained plot on which the village hall is located, options for expansion of the hall or its car park are limited. It is not envisaged that land will be safeguarded within the Brief site for expansion, although land to the south of the Brief site could potentially be used for additional community purposes in the future.

Site Plan 2- Key constraints to future development- not to scale



Development Principles

The key principles for development of this site are that:

- Development is undertaken in a way that doesn't harm the historic or natural environment, preserves the heritage assets within and around the site and enhances the site and its surroundings.

To achieve this:

- The historic buildings are retained and sympathetically converted/modernised whilst the modern buildings are removed
- Development does not extend the existing height, shape or form of the historic buildings
- All development contributes positively to the Conservation Area and the wider AONB landscape
- New development is concentrated along the access road and closer to existing buildings- a pattern typical of traditional village centre housing in Musbury
- New development, and retained buildings are oriented east-west and north-south reflecting the traditional settlement pattern in the village
- The housing density decreases to the south and east of the site, so that large gardens and planting soften the transition from development to the adjacent countryside
- A pedestrian link is provided through the site, accessing The Street, the community orchard and the new development
- Views through the site, particularly from the Conservation Area, are retained

4.4 In order to ensure that development of Baxter's Farm addresses the additional community and infrastructure needs and mitigates the social, economic and environmental impacts which arise from it, the developer will be required to make a financial payment and enter into planning obligations. The amount of money to be paid, and the precise nature of the obligations, will depend on the amount and type of development proposed. Based on the guidance in this document, Community Infrastructure Levy will be payable and the most likely planning obligation requirements are listed in the table below.

Community Infrastructure Levy

4.5 CIL is a non-negotiable tariff in the form of a standard charge on particular types of development, which in East Devon is set by the District Council to help the funding of infrastructure. The principle behind CIL is that most development has some impact on infrastructure and should contribute to the cost of providing or improving infrastructure. The Regulation 123 List <http://eastdevon.gov.uk/planning/planning-services/planningdevelopment-management/community-infrastructure-levy-cil/> sets out the infrastructure which money raised through CIL will be used to fund in whole or in part.

4.6 CIL applies to new floor space and charges are based on the size, type and location of the new development. It is triggered by the commencement of development. Applications for the creation of new dwellings (including those arising from a conversion of an existing building), holiday lets and applications for extensions of 100 square metres or more to existing dwellings are among the types of new development on which CIL is charged.

4.7 CIL liable applications will be charged in accordance with the rates set out in the CIL Charging Schedule. This, and the different charging zones across the District, can be viewed at <http://eastdevon.gov.uk/planning/planning-services/planning-developmentmanagement/community-infrastructure-levy-cil/how-much-will-i-pay/#article-content> . CIL liable applications will require a CIL Information form to be valid.

4.8 Some types of development may be eligible for Relief, including affordable housing, charitable development and self-build housing. Conditions apply to exemptions and if they are not complied with, the CIL that would have been due will be clawed back.

Planning Obligations

4.9 The summary table below provides an indication on the types of planning obligations most likely to be required at Baxter's Farm if such matters cannot be addressed through planning conditions. The table is purely a guide and does not include strategic infrastructure. Unless otherwise stated, policy references are to Policies and/or Strategies of the East Devon Local Plan.

Obligations	Requirement
On-site* Affordable Housing (designation, definition and prescription of) and/or off-site contributions	<p>In accordance with Strategy 34 of the Local Plan, 50% on-site housing (as a proportion of the total number of units built/created) should be affordable. As this is a rural site, Government guidance currently allows a commuted sum to be paid on sites of 6-10 and requires on-site provision on sites of 11 or more dwellings.</p> <p>There is a tenure split target of 70% social or affordable rent and 30% intermediate affordable dwellings.</p>
On-site Open Space	<p>On-site formal and informal Open Space (including play areas and allotments) will be sought through S106 Agreements in line with Strategy 43 of the Local Plan. Developments will be expected to provide open space on-site through S106 Agreements in line with the following thresholds:</p> <ul style="list-style-type: none"> • 9 dwellings or less will not be required to provide any specific open space typologies on-site, however developers may choose to make such provision. • 10 – 49 dwellings will be required to provide amenity open space on-site as per the open space standards. <p>It may be necessary or desirable to provide more of certain typologies and subsequently less of others depending on site specifics and an appropriate layout and arrangement will be considered during the planning application process. Where a developer considers an alternative mix is more appropriate evidence should be submitted with an application to demonstrate the justification for an alternative approach.</p> <p>In the case of Baxter's Farm, there is potential to provide a community orchard on land to the south and east and this may contribute towards open space requirements if appropriate management arrangements can be implemented to ensure community use in perpetuity.</p>
Site specific roads, car parking,	Site specific highway and transport requirements are determined on a case-by-case basis. Obligations include traffic orders

Obligations	Requirement
footways and cycle paths, junction improvements, etc	(around £3,000), highway and junction improvements, and walking and cycling facilities. At Baxter’s Farm a pedestrian link to the Street will be required and vehicular access should be provided through the site and to the land to the south of the site. Vehicular access should be able to accommodate refuse collection vehicles and the emergency services.
On-site drainage, sewerage and water management and/or off-site contributions	This includes the maintenance and management of sustainable drainage. These are defined on a case-by-case basis, reflecting the site and scheme characteristics. Sustainable Drainage Systems should be an integral part of the design of the new development.
Accessible and adaptable homes	All affordable and, on schemes of 10 or more dwellings, 20% of market homes to meet part M4(2) of the Building Regulations, Category 2 accessible and adaptable dwellings (or any comparable updated nationally set standard (Strategy 36).
Overage where viability considerations deem it appropriate	Overage clauses will be required in all cases where viability assessments have been provided on an open book basis and clearly demonstrate the scheme is currently unable to provide the required affordable housing contributions. This will be capped at the amount required to deliver a policy compliant scheme.
Management Companies	These are defined on a case-by-case basis, reflecting the site and scheme characteristics. Developers are expected to forward fund management arrangements to ensure there are sufficient funds to maintain them in the future.
Education Contributions	The County Council will require contributions from developers where pupils arising from the development cannot be accommodated within existing capacity. Additional facilities will either be provided through the expansion of an existing school or through the development of a new school – this will be determined by the circumstances of the nearest schools and the scale of the development on a case by case basis.

*On-site refers to anywhere within the red line on the map accompanying the planning application/Unilateral Undertaking/S106 Agreement. Off-site refers to anywhere outside of this line.”

Baxter's Farmhouse and Garden



- 4.10 The existing farmhouse, stone outbuilding and garden must be retained. The house and outbuilding are considered by the LPA to be non-designated Heritage Assets due their historic and aesthetic value and their importance within the streetscene and conservation area. Although there is scope for subdivision of the property, extension to facilitate subdivision would not be acceptable owing to its position in a flood zone, see Site Plan 2. Similarly, the provision of a dwelling or dwellings in the garden would only be acceptable in the south west corner, adjacent to the historic farm buildings, owing to the risk of flooding, the harm to the conservation area resulting from the loss of open space and the need to retain views from the Conservation area to the wider landscape south and east of the site.
- 4.11 To increase the likelihood of residents walking to local facilities the pedestrian access to the northwest of the garden should be reinstated. This will also enable the wider community to access the community orchard. The wall is identified as an important local feature in the Conservation Area Appraisal, however the entrance existed previously and has been blocked up, so sympathetic reinstatement is acceptable. This will also provide glimpsed views of the countryside beyond the site.

Historic Outbuildings



4.12 The 19th century barns to the west of the farmhouse, forming an 'L-shape' should be retained and converted to 2-3 dwellings. The smaller, detached buildings could be used as garaging or outbuildings to them. These buildings are considered by the LPA to be non-designated Heritage Assets due to their historical and aesthetic value, particularly because, as a group they represent one of the few surviving local farmsteads in the Parish and are unusually well preserved and unchanged. Some fundamental principles will apply to these building conversions:

- The existing height and rooflines of the buildings should be retained. It is unlikely that the roofing materials can be salvaged but slate would be an acceptable alternative.
- The stone walls which form part of the buildings, and those throughout and bounding the site should be retained
- Any extension to these buildings should be avoided if possible, otherwise must be subordinate to them and must not detract from the 'courtyard' layout
- The 'courtyard' around which the buildings are sited should retain an open character. Any subdivision, should retain views across the courtyard

Modern Buildings and associated land



- 4.13 The remainder of the land within the Built-Up Area Boundary amounts to around 0.25ha and could accommodate 8-9 dwellings at a density of 30-35 dwellings per hectare, based on the density of other housing outside the village Conservation Area. In accordance with Strategy 34 there would be a requirement to provide affordable housing (based on the number of additional residential dwellings on the site, including the converted barns and subdivided farmhouse).
- 4.14 To ensure that housing meets local aspirations, reflects the character of other housing in the village centre and provides a mix of sizes and house types, it is proposed that housing to the north and west of the site should achieve a pattern and density reflective of the village centre, this could be achieved through terraced housing, and density decreases to the south and east, providing a 'softer' edge where development meets the countryside.
- 4.15 Housing should form a strong western boundary to the A358 and complement the existing courtyard layout within the site. Boundaries to the western edge of the Brief area should be natural flint stone reflecting the predominance of this as walling to the farmstead opposite, the adjoining pub in the Conservation area and the listed building to the south. The indicative plans at Appendix 1 show one option to achieve these requirements, with two short terraces of 3 houses, which would also provide

more affordable, market housing for local people. This scheme is indicative and is not intended to form the basis of a planning application or be binding on the Council in any way.

- 4.16 Moving through the site, to the south and east, it is envisaged that housing will consist of 2-3 detached houses with larger gardens. Boundaries to the southern and eastern edges of the Brief area should be natural, native species to reduce the visibility of the new development in distant views, for example a Devon bank.
- 4.17 The local topography means that particular attention should be paid to roof heights across the site, and the scale and massing of development on the sites southern periphery to ensure that development does not dominate the landscape.

Community Benefits

- 4.18 The land beyond the Development Brief area to the south and east offers an opportunity to provide a community green space as requested by the Parish Council on behalf of residents. This could be laid out as a community orchard, reflecting the historic use of the land and helping to maintain the heritage and traditions associated with cider and apple growing in the parish.
- 4.19 The land to the west of the site slopes and has limited amenity value but could facilitate a future expansion of the Village Hall or provide an outdoor area for use by Hall users.
- 4.20 There is an identified need for Traveller pitches in the local area due to the impending closure of a long-term tolerated local site. Land to the south of the Brief area could potentially accommodate around 2-4 families.

Supporting Documents

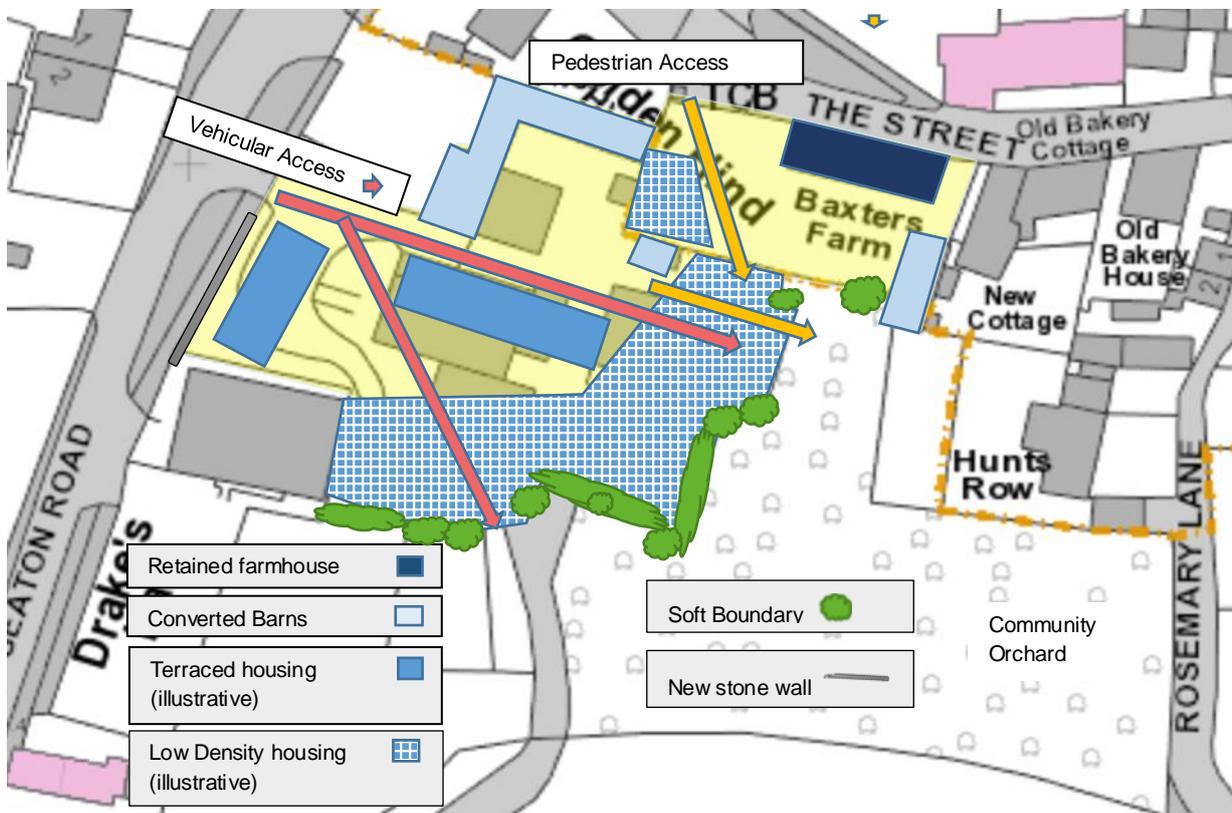
- 4.21 A Strategic Environmental Assessment, a Sustainability Appraisal and a Habitat Regulations Assessment were carried out in support of the Villages Plan. As this site was identified in that Plan, the acceptability of its future development was assumed, and this informed those assessments. This document does not, therefore require further screening as the proposals accord with those of the Villages Plan.
- 4.22 This document is accompanied by an Equalities Impact Assessment and a Consultation Statement, both of which are available to comment upon as part of this consultation

Appendix 1

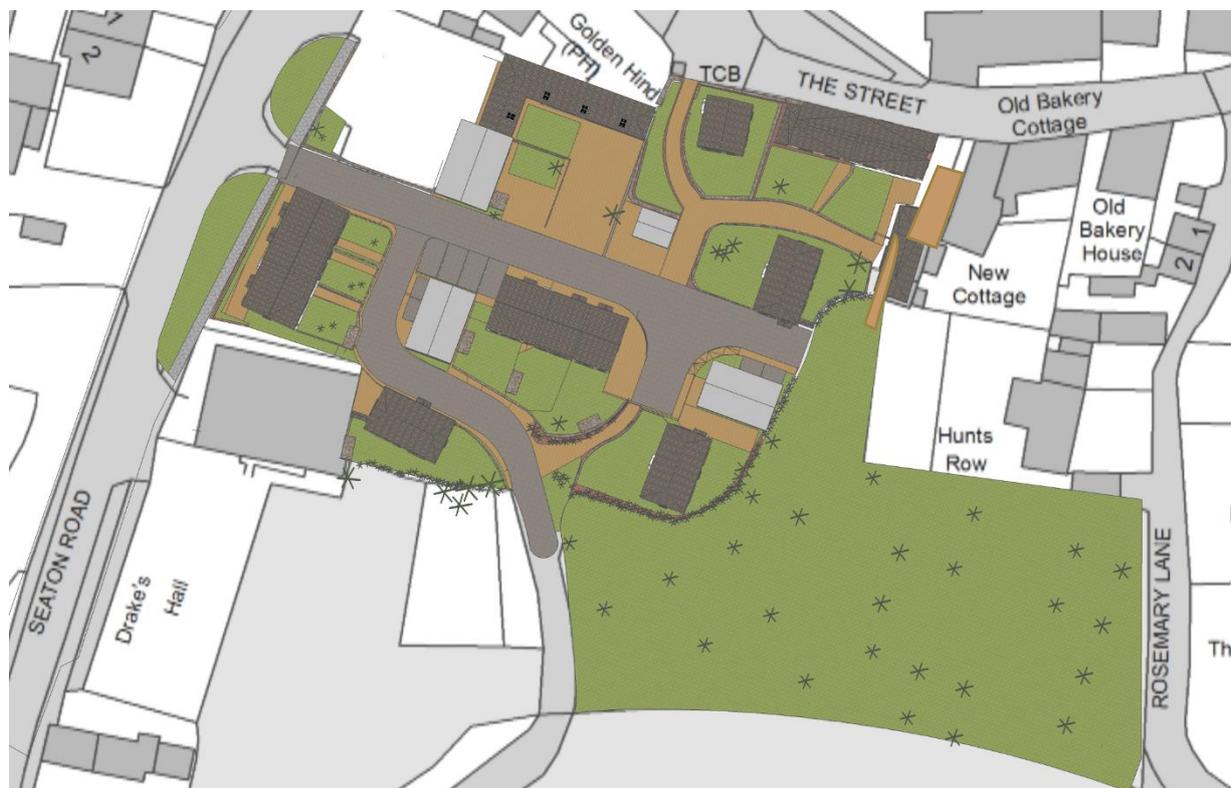
Possible Scheme

The layout below is an indicative scheme based on the development principles and provides an illustration as to how housing might be accommodated on the site given the constraints which exist. Baxter's Farmhouse and the converted barns must be retained as indicated, but otherwise the scheme is not intended to suggest acceptable parking or turning solutions, identify gardens or provide definitive house types or layouts. It is emphasised that this is for information and should not be scaled or relied upon in submitting a planning application.

Indicative layout incorporating the development principles.



More detailed layout and illustrations incorporating the development principles



Report to: **Strategic Planning Committee**

Date of Meeting: 24 July 2018

Public Document: Yes

Exemption: None

Review date for release None

Agenda item: 9

Subject: **Brownfield Land Register Review 2018**

Purpose of report: This report provides details of the East Devon Brownfield Land Register review to 31st March 2018, information on proposed changes to the National Planning Policy Framework in relation to Brownfield Land and proposed changes to the EDDC website to invite submissions of suitable Brownfield sites for the register.

Recommendation:

- 1 That Committee agrees to the invitation of submissions of suitable sites for Part 1 of the Brownfield Land Register**
- 2 That Committee takes note of the report which includes a review of the register to March 31st 2018 and implications of proposed changes to the NPPF currently under review.**

Reason for recommendation: To ensure the register is reviewed as required by legislation and complies with proposed changes to the NPPF relating to Brownfield Land.

Officer: Jacqui Best, Planning Policy Officer; JBest@eastdevon.gov.uk; 01395 517483

Financial implications: No significant financial implications at this stage.

Legal implications: The Town and Country Planning (Brownfield Land Register) Regulations 2017 require local authorities to prepare and maintain registers of brownfield land that are suitable for residential development. Putting a site on Part 1 of a register does not mean it will automatically be granted permission in principle. At this stage there are no legal implications other than as set out in the report.

Equalities impact: Low Impact
There are no identified impacts on equalities

Risk: Low Risk
There are no risks identified

Links to background information: The Brownfield Land [web page](https://eastdevon.gov.uk/planning/planning-policy/housing-issues/brownfield-land/), register and interactive maps can be viewed at:
<https://eastdevon.gov.uk/planning/planning-policy/housing-issues/brownfield-land/>



Link to Council Plan: The register referred to in this report relates to “Priority one - Encourage communities to be outstanding” set out in the Council Plan 2016 – 2020, which includes the action “to return empty homes to beneficial use”, and “Priority 3 – Delivering and promoting our outstanding environment” which includes a focus on the outcome of the “protection and enhancement of the natural and built environment.”

Report in full

1. Background Information

- 1.1 In April 2017 a requirement was introduced for Local Authorities to produce a Brownfield Land Register and consider issuing “Permission in Principle” for previously developed sites which are considered suitable for housing. Details of the legislation and the requirement to prepare, maintain and publish a register of previously developed land are provided in a report to Strategic Planning Committee on 27.11.2017.
- 1.2 A Brownfield Land Register was produced for East Devon by the planning policy team and published in November 2017 which met government’s expectation of it being published by 31st December 2017. The Council’s Brownfield Land webpage was updated to include the register in a standard ‘open data’ format with links to an interactive map of the sites. This standardisation of the data is required for consistency between local authorities and to allow national aggregation of the data on brownfield land that is suitable for housing, as well as permissions completed.
- 1.3 The register is kept in 2 parts:
 - Part 1** includes all sites suitable for housing irrespective of planning status, but only sites with a realistic prospect of coming forward are included. The inclusion of sites on the register does not give them any formal status or permission in principle.
 - Part 2** is provided to include sites, if any, that are granted permission in principle. This is a new status that Local Authorities can give to land and buildings that establishes in principle that a site would be suitable for new dwellings. It places responsibility (and by implication has cost impacts) on the Council for extra work and it was recommended in the last report that this Council does not for the time being grant PiP for sites. There are no entries in P2.
- 1.3 The Committee report and webpage detail the government’s guidance for the inclusion of sites in relation to size, suitability, availability and deliverability.
- 1.4 A draft revised National Planning Policy Framework was published for consultation on 5th March 2018 with a closing date of 10th May for comments. This report reflects any potential changes outlined in the publication which may affect the inclusion of sites in the Brownfield Land Register. Feedback from the consultation is currently being analysed.
- 1.5 Information on available sites was gathered through an interrogation of EDDC planning databases and a Geographical Information System up to November 7th 2017 and sites were assessed for constraints or adverse impacts on the built, natural and historic environment through a desktop survey using the Council’s Geographic Information System.

- 1.6 The register included 34 sites which make up a total of 29.31 hectares of land. 28 of these sites have planning permission and cover 17.81 hectares of land, with the estimated capacity for 737 dwellings.

2. Revised National Planning Policy Framework Consultation May 2018

- 2.1 The revised NPPF consultation provided clarification of the definition of 'deliverable' housing sites for inclusion on a brownfield register. Small sites and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years. Other sites on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
- 2.2 Chapter 11 'making effective use of land' requires a clear strategy for accommodating needs that makes as much use as possible of brownfield land, with more intensive use of land and buildings and encouraging high densities in accessible locations.
- 2.3 Planning policies and decisions should give 'substantial' weight to the value of using suitable brownfield land within settlements for homes. Furthermore, they should promote and support the development of under-utilised land and buildings, such as space above shops, especially where land supply is constrained and use would meet identified housing needs.
- 2.4 Local authorities should take a proactive role helping to bring forward sites on brownfield land registers or held in public ownership.
- 2.5 Other proposals which touch on the use of brownfield sites include the promotion of long term viability and vitality of town centres looking at least 10 years ahead, the monitoring of stalled sites and the greater use of small sites to help diversify opportunities for builders and increase the numbers of schemes that can be built out quickly.

3. Review of East Devon Brownfield Land Register to March 31 2018

- 2.6 A review of the register has been completed to bring data up-to-date and correspond with other monitoring reports which are prepared on an annual basis to 31st March annually.
- 2.7 The reviewed register contains details of 31 sites. No sites have been added since November 2017, however 3 sites have been taken off the register as housing is complete. These sites are at Gerway Nurseries, Ottery St Mary (45 dwellings) the ex-Carpetright shop in Seaton (5 dwellings) and the ex-British Legion site in Honiton (8 dwellings).
- 2.8 The remaining 31 sites make up a total of 27.12 hectares of land. Of these sites 25 have planning permission and account for 17.04 hectares of land, with the estimated capacity to build 783 dwellings. Of these, 5 sites are older 'stalled' sites with no clear evidence of housing completions beginning within 5 years, on 1.92 hectares of land with an estimated capacity of 135 dwellings (see table in appendix 1).

- 2.9 Sites meet the criteria of being a minimum of 0.25 acres without planning permission, integrating with the SHLAA (Strategic Housing Land Availability Assessments) and HELAA (Housing and Economic Land Availability Assessments) criteria. Smaller sites are included where permission has been granted for 5 or more dwellings. Sites are suitable for residential development, and comply with national and local policy, which includes being located within East Devon Built up Area Boundaries. All sites are considered available.
- 2.10 Information on sites has been gathered and reviewed through an interrogation of EDDC planning databases and a Geographical Information System. A call for sites, by the GESPP team, through the Housing and Economic Land Availability Assessment (HELAA) was made recently with a submissions closing date of September 2017. The Brownfield Land Register has been reviewed to include any assessed sites meeting the criteria.
- 2.11 Details of building completions have been obtained through planning databases and council tax information. Sites with permission are included on the register until the building work is complete. The current register has 5 sites which appear to have stalled. Following approval of the revised NPPF, stalled sites will be taken off the register. There are 3 larger sites with permission granted more than 3 years ago however all have recent actions providing evidence that housing completions are likely to begin on site within five years.

4. The submission of suitable sites via the website

- a. It is proposed that the Council invites submissions of brownfield land sites for inclusion in part 1 of the Brownfield Land Register from interested parties, in order to encourage the re-use of previously developed land for housing development.
- b. These sites should meet the criteria of being suitable and deliverable as set out in this report. Sites should be within the established East Devon Built up Area Boundaries, suitable for housing, available and with a realistic prospect of delivery within the next 5 years.
- c. It is proposed that sites put forward without permission are a minimum of 0.25 hectares and smaller sites may be considered where capable of supporting at least 5 dwellings.
- d. It is recommended that the criteria for the submission of a site will be available through the webpage. A link can be provided to a form to be completed and submitted on line, or downloaded and sent to the Planning Policy team for consideration.

Appendix 1.

Table: Brownfield Land Register Summary of Sites at March 31 2018

Recent permission or start on site or completion likely within 5 years	Permission	Estimated Dwellings	Hectares
Otter Mill sites, Ottery St Mary	2012	92	1.73
Pankhurst Close, Exmouth	2016	50	1.27
Mudbank Lane, Exmouth	2017	36	0.94
Ottery Moor Lane, Honiton (2 sites)	2016	150	4.72
Salston Manor, Ottery St Mary	2015	27	2.12
London Inn, Ottery St Mary	2016	13	0.06
Central Place, High Street, Honiton	2015	6	0.03
Knowle, Sidmouth	2018	113	1.69
Air Training Corps, Honiton	2017	7	0.11
Sarlsdown Road, Exmouth	2017	10	0.23
Davey Court, Exmouth	2017	30	0.53
Morton Road, Exmouth	2017	10	0.04
Sidmouth Harbour Hotel	2017	8	0.09
Applemead House, Whimple	2017	7	0.07
North of Acland Park, Feniton	2014	32	0.56
Cranford Avenue, Exmouth	2014	12	0.37
Summerfield, Sidmouth	2015	5	0.21
Fosse Way Court, Seaton	2014	30	0.15
Portland Avenue, Exmouth	2013	10	0.2
		648	15.12
Older, stalled sites			
Racal site, Seaton Quay	2013 (outline)	90	1.21
The Boatyard, Axmouth	2014 (outline)	7	0.13
Fry's Lane Sidford	2013 (outline)	12	0.3
Victoria Hotel, Sidmouth	2006	14	0.19
Camperdown Terrace, Exmouth	2011 (was 2007)	12	0.09
		135	1.92
Pending decision			
Winslade Park		150	8
Waterleat, Newton Poppleford	2017	9	0.26
		159	8.26
No permission			
Manstone Avenue, Sidmouth		20	0.55
Port Royal, Sidmouth		30	0.3
Websters Garage site, Axminster	Local Plan allocation	25	0.28
Lympstone Nurseries	Nbhood Plan allocation	6	0.69
		81	1.82

EAST DEVON DISTRICT COUNCIL

Community Infrastructure Levy Working Party minutes

29 June 2018

Attendance list at end of document

The meeting started at 10am and ended at 11.15am.

1 Minutes

The minutes of the Community Infrastructure Levy Working Party held on 9 November 2017 were confirmed and signed as a true record

2 Declarations of interest

Cllr Jill Elson; Personal interest; Chair of Governors Exmouth Community College

3 Spending the Community Infrastructure Levy

The report presented to the working party provided a background to the Community infrastructure Levy (CIL) in East Devon and the spending process. The bidding process undertaken last year was unsuccessful in awarding any funding. The bids that were submitted last year lacked sufficient quality and evidence to secure any CIL funding.

In early 2018, South West Audit Partnership (SWAP) undertook a review of Section 106 and CIL at East Devon District Council. Although this was focussed on the process of managing s.106 agreements and CIL implementation (rather than how it is spent), it also made some suggestions on the CIL funding bid form.

The Service Lead for Planning Strategy and Development Management outlined two options. The first option would be to make the minor amendments to the funding decisions protocol and application form and proceed with the bidding process in the hope that better quality funding bids would come forward. The second option makes reference to the Infrastructure Delivery Plan (IDP) in making funding decisions as it categorises projects according to their importance in delivering the Local Plan. The proposal would be to identify a small number of highest priority and these strategic infrastructure projects would take top priority and therefore all CIL spending would be suspended until they are delivered. However, it was highlighted that it will take several years to build up the CIL 'pot' to contribute to large scale projects as CIL income will be inconsistent over the Local Plan period, with a relatively low amount received so far, but higher levels of income expected when large scale housing developments commence.

Regardless of which of these options is favoured, the Service Lead for Planning Strategy and Development Management assured the committee that communities will still receive either 15% or 25% (depending on whether they have a made neighbourhood plan) of the CIL income for their area which could be spent on projects in their town and parish. Furthermore, the habitats mitigation element of CIL would also continue throughout the district. Therefore CIL funding would still be delivering infrastructure throughout the district even though we would not be spending our portion.

Discussion included:

- Clarification on whether CIL money generated through specific developments is spent on infrastructure projects within the same area. In response, the working group were advised that funding from Section 106 agreements is spent specifically according to the agreement. Whereas, CIL money can be spent anywhere in the district regardless of its origin, providing it is being spent on an infrastructure project.
- Clarification on whether infrastructure projects should promote future development. In response, the working party were advised that all of the infrastructure projects funded through CIL should promote future development.
- Clarification on the parameters and project type for CIL expenditure. In response, the working party were advised that the CIL 'pot' covers habitat mitigation measures by default which encompasses Suitable Alternative Natural Greenspace (SANGs). The rest of the 'pot' is available for the CIL Regulation 123 list.
- Clarification on how developers pay CIL and why there is a perceived shortfall of funds. In response, the working party were advised that the Council are not overdue repayments of CIL from developers. East Devon district Council submits a CIL liability notice to the developer; the CIL payments are then only due when a development commences. The payments of CIL are phased through a payment plan.
- Concern that CIL money recovered from a development in a specific parish is then spent elsewhere in the district, rather than mitigating current development through upgrading infrastructure in that same parish. In response, the working party were advised that CIL breaks the direct link between a development and the infrastructure which it funds. The neighbourhood proportion of CIL that is passed to town/parish councils can be used to help address the impacts of development in the same parish.
- Request for information regarding the value of CIL that each Parish and Town Council has received. This can help with projects within each parish and could be match funded to support projects.
- Clarification on whether there is a pro forma for villages regarding CIL expenditure locally. In response, the working party were advised that the expenditure of funds, collated by Town and Parish Council from CIL, is parish led. The money held within the Council is put aside for infrastructure on the 'Regulation 123' list.
- Clarification on what the Council is responsible for and how projects can be match funded. In response, the working party were advised that CIL is one source of funding that is part of a suite of funding opportunities. The Infrastructure Delivery Plan outlines the Council's contribution to projects through CIL but they will still require match funding for the projects to become viable. CIL is set aside for infrastructure on the 'Regulation 123' list. Money secured through Section 106 agreements is spent on localised projects such as playgrounds etc.
- Concern for the lack of facilities in Cranbrook and the disproportionate strain on surrounding villages.
- Clarification on the reason for not undertaking a bidding process this financial year. In response, the working party were advised that the current CIL 'pot' is small which would limit any current funding opportunities. If the Council spends the current 'pot' then the opportunities to fund larger strategic infrastructure projects, which would in turn encourage future development, would diminish.

- Concerns regarding the resource requirements to undertake a bidding process this year.
- It is better to save CIL and spend it on projects that are absolutely needed.
- Concerns regarding whether there is a time limit on CIL expenditure. In response, the working party were assured that there is no time limit regarding CIL held by the Council.
- Concerns that schools are not being funded which is putting pressure on current education providers. This would require a better working relationship with Devon County Council. In response, the working party were advised that neighbouring local authorities have worked with Devon County Council to secure funding for schools and education facilities. This has been achieved by the local authority providing “letters of comfort” committing future funds for school provision to enable Devon County Council to secure further match funding. However, in doing so, those local authorities may find themselves in a deficit to Devon County Council in the future. This Council would not undertake this type of approach.

RECOMMENDED to the Strategic Planning Committee:

- 1. Defer the bidding process for spending CIL until 2019 at the earliest;**
- 2. To focus CIL spending on infrastructure projects identified in the Infrastructure Delivery Plan (IDP) that are:**
 - a. Known to be required to deliver development, and;**
 - b. Identified as meeting the highest priority status;**
- 3. The CIL Member Working Party to meet again in September to consider the key infrastructure projects from the IDP to be prioritised.**
- 4. That no further CIL spend is undertaken until the identified projects have been delivered.**

4 Date of next meeting

September 2018.

Attendance list

Working Party Members:

Councillors

Mike Howe (Chairman)

Susie Bond

Colin Brown

Jill Elson

Geoff Jung

Eleanor Rylance

Phillip Skinner

Also present:

Cllr John Dyson

Officers present (present for all or part of the meeting):

Ed Freeman, Service Lead – Planning Strategy and Development Management

Keith Lane, Planning Policy Officer

Sulina Tallack, Section 106 Officer

Tabitha Whitcombe, Democratic Services Officer

Apologies

Cllr Paul Diviani

Cllr David key

Chairman Date.....