

SEATON
(Seaton)

07/3204/MFUL

Target Date: 06.03.08

Applicant:

Mr M Gripton

Location:

Seaton Heights Hotel, Seaton Down Hill, SEATON.

Proposal:

Leisure resort with 75 units of accommodation, restaurant and spa facility to replace existing hotel complex.

CONSULTATIONS

Arboricultural Officer

The submitted tree survey addresses all required issues, and gives generally a good assessment of the condition of the tree cover on the site. Some trees are categorised too protectively, even – in the development scheme the loss of certain specimens could be acceptable provided that appropriate replacement planting is undertaken.

Landscape Architect

The layout and landscaping of the development has been subject of extensive negotiation, to integrate the built forms into the landscape (including structural tree planting and recessing of car park areas, for example). Full-time public access to the landscaped grounds of the development is required to satisfy, in part, the normal requirements for the provision of public open space. Further off-site provision of open space, recreation and play space is required to be made via a financial contribution towards the Council's costs of such provision, as part of a Section 106 agreement. Subject to the implementation of an approved landscaping scheme, and the securing of a properly funded long term management plan for the site (including a programme of phased tree planting), the application is acceptable.

Countryside Team

In reference to the landscaping proposals the creation of a woodland walk along the boundary is welcomed if it provides an effective screen against visually intrusive lighting that may result from the new development. From the neighbouring Holyford Woods Local Nature Reserve that EDDC Countryside manages, any significant lighting will be a visual intrusion on the southern boundary of the LNR so potentially impacting upon internationally important Bechstein bat roosts in the LNR. We are aware that the bats that exist in the LNR use the neighbouring network of hedgerows as wildlife/feeding corridors and so intrusive lighting may have a detrimental impact upon their feeding/roosting patterns. Also from an amenity perspective intrusive lighting not adequately screened will impact upon the quiet informal recreation currently being provided within the Reserve and seriously affect the users' experience of the LNR. The application must address this issue by providing a selection of appropriate trees [and it] will be critical to ensure that screening is provided all year round – a mixture therefore of coniferous and deciduous native species would be advisable. This should be done in consultation with the Countryside Service's Nature Reserves Officer and Senior Arboricultural Officer

The creation of a meadow and a pond are welcomed and as long as both are appropriately managed it will attract invertebrates that could become an important wildlife corridor linking with the neighbouring LNR. However experience informs us that if the area is not managed on a formal basis it will become neglected and therefore fall into rapid decline. Perhaps a condition

could be attached to any approval to ensure that the management of all the “natural” features is outlined in a site management plan that is reviewed annually by the District’s Countryside Service.

Finally screening overall for the design is crucial as the development is positioned such that it is visible from the Axe Estuary, it is adjacent to the East Devon AONB boundary and so could have a significant adverse impact from vistas from the low lying Estuary. Therefore careful consideration is paramount on the layout of building and the overall landscaping to soften the development and ensure it does not adversely affect the skyline and horizons that are visible from a wide geographical area.

Economic Development Officer

My views on the proposal, to bring back into use a property that over the years has made a significant contribution to Seaton's visitor offer, have been expressed on a number of occasions in the past.

I strongly support moves to maintain the site in its current tourism use. To achieve that end, the applicants plan to make substantial investment in the creation of high quality visitor accommodation, catering and spa facilities in a way that is designed to ensure that the facilities they create at Seaton Heights are able to trade viably and successfully in the years ahead.

I hope the Council will support this application and see it as an important opportunity to facilitate much needed investment in Seaton's visitor offer.

Environmental Health Officer

Confirms that the information supplied by the applicant on the lighting scheme (as requested) should be sufficient to prevent light pollution in the area, as the proposed details are for low level, low wattage and no-glare lighting. Recommends conditions relating to control of demolition, waste disposal and construction operations.

Contaminated Land Officer

As the land is previously developed, with the potential to be contaminative, recommends conditions relating to the assessment, investigation and possible remediation of the site.

County Highway Authority

Objection in principle to the development in this unsustainable location.

Subject to the provision of accurate and comprehensive information relating to the characteristics of the local highway network and existing/predicted traffic movements to/from the site, and to the conclusion of current negotiations to secure appropriate and safe mitigatory highway and non-car mode improvements/provisions, this objection can be withdrawn.

County Archaeologist

Additional information (following desk and gradiometry surveys as requested) has been submitted – comments are awaited.

Environment Agency

Further information relating to the permeability of parts of the site to be used for soakaway needs to be submitted, to inform the choice between options for surface water disposal, as set out in the submitted Flood Risk Assessment.

South West Water

No objection, but raises points of information for the applicant relating to foul drainage being connected to the main public foul sewer only, and to surface water soakaways being subject to approval.

TOWN COUNCIL

APPROVE

“Members raised the following points:

- concerns at the effect of water run-off;
- inadequate sewage facilities;
- no facilities for residents of Seaton;
- inconsistency of job numbers throughout the documents;
- jobs likely to be low paid; no proposals to encourage visitors to visit the town or vice versa;
- no commitment to provide access to leisure facilities for residents of Seaton, or for developer to provide alternative leisure facilities in the town;
- need for site to retain its designation for tourist use;
- significantly increased footprint of development;
- part of the development very visual;
- a condition of approval must be that houses and units on site are not sold for residential use;
- a condition of approval must be that a bus service is provided into town;
- development will produce unacceptable levels of light pollution;
- amount of glass proposed will produce high levels of reflection, requiring screening to be significantly increased over that proposed;
- levels of traffic significantly underestimated for a development that proposes 73 dwellings, 4 cottages and a 100 x seater restaurant plus spa;
- birds on site must be protected by works not being undertaken during breeding season;
- guarantees must be in place to ensure development meets high environmental standards including use of recycled water;
- a condition of approval must be provision of and retention of sensory garden to ensure that area is not redeveloped in the future;
- leisure facilities in the town such as the football pitch in Harepath Road to be provided as part of 106 agreement;
- leisure facilities at the site to be available to residents of Seaton under same arrangements as those provided by Leisure East Devon;
- concern that proposals were based on an untested model and therefore if there was no demand for such holiday facilities it was likely that the owner would seek to convert to residential use in the future.

The Chairman proposed acceptance of the application with the following conditions:

- a) provision of a bus service from the site to Seaton town;
- b) that no development takes place until a full archaeological survey and dig is undertaken;
- c) that the sensory garden must be provided as proposed, and a condition of approval is made to protect it from future development;
- d) that the leisure facilities and restaurant be completed prior to holiday units being occupied;

- e) that the level of screening proposed be increased to avoid reflection from the amount of glass proposed for development;
- f) that conditions be in place to ensure that the units remain for holiday use in the future;
- g) 106 agreement to provide a football pitch at Harepath Road, and
- h) leisure facilities to be available at reduced rates for residents of Seaton similar to arrangements operated by Leisure East Devon.

Members recommended approval by 3 votes in favour to 2 against on condition of the above. Cllr Burrows asked that his name be minuted as being against the application.”

ADJOINING PARISH COUNCIL

APPROVE

Colyton Parish Council agrees to this planning application on principle but question the visual impact and viability of the wind turbines.

WARD MEMBER(S)

The initial comments of the Ward Member(s) are -

Cllr Margaret Rogers

OBJECTION

WISHES APPLICATION TO BE REFERRED TO DEVELOPMENT CONTROL COMMITTEE

“The proposed development is too dense, would spoil the unique location overlooking the World Heritage Coast. The site has not been intended for residential development, yet I have been sent information regarding properties already being marketed as for residential purposes. Moreover I do not believe the developer intends to provide the amenities i.e. spa etc. If he does they should be built first of all. “

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

Cllr Jim Knight

REQUESTED INFORMATION

“Please advise if this area is for holiday accommodation and not for private dwellings (72 apartments).”

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

REPRESENTATIONS

Objections

Letters from 7 households and from the East Devon Branch of the Campaign to Protect Rural England have been received raising the following points:

- over-development of the site
- contrary to policies in local and structure plans and in regional spatial strategy

- despite design improvements over previous scheme, current proposals still not acceptable
- disturbance by noise and light spill to nearby residences and countryside
- overlooking of garden of adjoining property from upper floor apartment and Seaton H
- water run-off from site must be addressed
- public foul drain capacity questioned
- remaining open space on site must be retained
- inappropriate location of wind turbines
- spa, restaurant and gymnasium should all be operating before apartments and cottages are occupied
- full archaeological survey (including trench investigations) needs to be carried out
- development would be highly visible from the Axe Valley, the South West Coast Path and the AONB
- a bus service should be provided to link with the town centre
- trees marked for removal should be replaced
- proposal would set precedent to over-rule planning policy

Support

Three letters have been received raising the following points:

- new proposals are more acceptable than the previous applications
- scheme will bring visitors/business to Seaton, so good for the economy
- ecological/green construction measures are welcome
- high quality sustainable development

RELEVANT PLANNING HISTORY

App. No:	Proposal	Decision	Date
05/3391/MFUL	Redevelopment of site to provide hotel (containing 20 holiday apartments, lounge/bar and function suite) 44 holiday apartments, a sports/leisure complex and associated infrastructure works including car parking, landscaping, alterations to access and closure of access to Harepath Hill	Refused	17.03.2006
05/1889/MFUL	Redevelopment of site to provide hotel (containing 31 holiday apartments lounge/bar and function suite) 51 holiday apartments, a sports/leisure complex, and associated infrastructure works including car parking, landscaping, alterations to access and closure of access to Harepath Hill	Refused	30.09.2005
05/1051/MFUL	Redevelopment of site to provide hotel (containing 31 holiday apartments, lounge/bar and function suite) 49 holiday apartments, a sports/leisure complex and associated infrastructure works including car parking, landscaping and alterations to access	Refused Appeal lodged and withdrawn	29.06.2005

05/1053/MFUL	Duplicate application to 05/1051/MFUL	Refused	29.06.2005
04/3074/MFUL	Redevelopment of site to provide hotel (incorporating 31 holiday apartments) 53 holiday units and associated development and works, including car parking and function suite	Withdrawn	09.02.2005

PLANNING POLICIES

Government Guidance

PPS 1 – Delivering Sustainable Development
 PPS 3 - Housing
 PPS 7 – Sustainable Development in Rural Areas
 PPS 9 – Biodiversity and Geological Conservation
 PPS 10 – Planning for Sustainable Waste Management
 PPG 13 – Transport
 PPG 16 - Archaeology
 PPG 17 – Planning for Open Space, Sport and Recreation
 PPG 20 - Coastal Planning
 PPS 22 - Renewable Energy – Renewable Energy
 PPS 23 - Planning and Pollution Control – Planning and Pollution Control

Draft Regional Spatial Strategy for the South West

SD1 (The Ecological Footprint)
 SD2 (Climate Change)
 SD3 (The Environment and Natural Resources)
 Development Policy E (High Quality Design)
 Development Policy G (Sustainable Construction)
 Development Policy H (Reusing Land)
 RE5 (Renewable Energy and New Development)
 W4 (Controlling, Re-using and Recycling Waste in Development)
 TO1 (Sustainable Tourism)

Devon Country Structure Plan (2001-2016)

ST1 (Sustainable Development)
 ST4 (Infrastructure Provision)
 ST16 (Local Centres and Rural Areas)
 ST21 (Regeneration Priority)
 CO6 (Quality of New Development)
 CO4 (Areas of Great Landscape Value)
 CO8 (Archaeology)
 CO9 (Biodiversity and Earth Science Diversity)
 CO11 (Conserving Energy Resources)
 CO12 (Renewable Energy Developments)
 CO13 (Protecting Water Resources and Flood Defence)
 WM1 (Waste Management)
 TR1 (Devon Travel Strategy)
 TR2 (Co-ordinating Land Use/Travel Planning)
 TR3 (Managing Travel Demand)
 TR5 (Hierarchy of Modes)
 TR7 (Walking and Cycling)

TR9 (Public Transport)
TR10 (Strategic Road Network and Roadside Service Areas)
TO3 (Tourism Development in Rural Areas)

East Devon Local Plan (1995-2011)

S1 (Strategic Development in the East Devon Part of the Exeter Principal Urban Area)
S5 (Countryside Protection)
S7 (Infrastructure Related to New Development)
D1 (Design and Local Distinctiveness)
D2 (Sustainable Construction)
D3 (Access for the Disabled)
D4 (Landscape Requirements)
D5 (Trees on Development Sites)
EN2 (Areas of Great Landscape Value)
EN6 (Wildlife Habitats and Features)
EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological Importance)
EN15 (Control of Pollution)
EN16 (Contaminated Land)
EN17 (Maintenance of Water Quality and Quantity)
EN18 (Adequacy of Foul Sewers and Sewage Treatment Works)
EN21 (Surface Run-Off Implications of New Development)
Strategy and Objectives for Tourism in the Local Plan
TO1 (Proposals for Holiday or Overnight Accommodation and Associated Facilities)
TO5 (Upgrading of Accommodation and Facilities on Major Holiday Parks)
C5 (Power Lines)
RE2 (Open Space, Sports Facilities and Parks)
RE3 (Open Space Provision in New Housing Developments)
TA1 (Accessibility of New Development)
TA3 (Transport Assessments /Travel Plans)
TA4 (Footpaths, Bridleways and Cycleways)
TA7 (Adequacy of Road Network and Site Access)
TA9 (Parking Provision in New Development)

SITE LOCATION AND DESCRIPTION

Seaton Heights is a 2.1 hectare site in the open countryside to the north of Seaton, south of the junction of the A3052 (Harepath Hill) and the B3176 Seaton Down Hill. To the north west the site is bordered by a dwelling (a converted water tower) and a holiday chalet complex. To the south west (across Seaton Down Hill) land is in agricultural use, and to the south east is Manor Farm caravan and camping park. This hill-top location stands within an Area of Great Landscape Value, borders the Coastal Preservation Area and lies one field from the Green Wedge designation skirting the northern edge of Seaton. The site is viewed across the Axe Estuary from the East Devon AONB.

Modern buildings on the site comprise a hotel and function suite facility, a motel-style room block and a gymnasium/fitness centre, all now disused and in poor repair. Various garages, service buildings and a mobile home are grouped around the main buildings, towards the northern end of the site. Large car park areas are laid out in the centre of the site. Two telecommunication masts stand close to the Harepath Hill boundary.

Site boundaries are marked by fencing, trees and hedge banks, of mixed quality and species. The garden of the Water Tower is defined partly by a tall row of dense conifers, but otherwise trees are mixed deciduous and evergreen. Within the site a number of specimen trees are subject of TPOs. The land slopes gradually southwards. The principal access into the site is from Seaton Down Hill, although a second (now unused) access leads from the outside of a

sharp corner on Harepath Hill. There is no footway adjoining the B3176 leading past the site, only a grassed verge.

PROPOSED DEVELOPMENT

Full planning permission is sought for the clearance of all buildings (except the telecoms masts) on the site, and the erection of a 2 and 3 storey building containing 71 2-bedroomed apartments and reception area, arranged around a central asymmetrical courtyard. Rendered, weathered cedar boarding and random-laid local stone walls are indicated beneath natural slate roofing.

A terrace of 4 single storey 2-bedroomed cottages (materials as above) is proposed on land to the north west of the access drive, backing onto the garden of the Water Tower.

A separate part-underground building to the south east of the main block houses spa, pool, treatment rooms, sauna and changing facilities on the lower level with a restaurant, café bar and reception above. Both buildings use the gradient of the site to accommodate lower storeys. A 2-level terrace is indicated leading from the south eastern side of the restaurant, linking with the yoga and fitness area below. The roof of the restaurant is grassed and runs directly from the "front lawn" of the site, interrupted only by a glazed shallow dome topping the internal circular stairwell. Full length windows and glazed doors (all non-reflective glass) are framed in stone walls on the north and east walls of the restaurant.

Car parking areas are shown cut into the sweep of meadow which makes up the majority of the approach to the buildings from Seaton Down Hill, effectively hiding the cars from this viewpoint. More car parking is located around the north west and eastern edges of the site, with hedge bank or tree cover screening.

The development would result in the loss of a number of mature trees on the site, but new structural landscaping has been agreed in principle to include the provision of a number of large trees within the central courtyard (to be visible above the roof lines) and additional planting to augment the retained trees on the eastern boundary, to soften and frame views of the building from across the estuary.

Vegetation along the Seaton Down Hill frontage is shown to remain, as are trees lining the Harepath Hill site edge. Landscaped gardens, including ponds and seating, are focussed on the southern corner of the site, and full-time public access across the grounds is to be secured by legal agreement.

CONSIDERATIONS AND ASSESSMENT

Background

The application is presented to committee as its approval would mark a departure from the development plan, and at the request of a Ward Member.

The main planning considerations in this case are:

- the principle of development in this open countryside location;
- its effect on the character and appearance of the landscape;
- highway and transportation implications
- tourism and economic development issues;
- effects on the ecology and biodiversity of the area;
- impact on the amenities of nearby residents;
- archaeological issues;
- drainage matters;
- disabled access and facilities;
- sustainability credentials, and

- contaminated land issues.

Principle of development

This scheme comprises the redevelopment of a site which has an established, though currently defunct, tourism purpose. The scale of the former holiday/hospitality/sporting operations on the site (35 letting rooms, etc) was modest compared to the currently proposed development, but the range of uses (overnight accommodation, food and drink, health/fitness facilities) is generally similar. The proposed increase in intensity of the use of the site would normally not be acceptable against a strong presumption in favour of the protection of the countryside from non-essential development. However, in this case it is considered that the proposal represents an opportunity to elevate the appearance of the site markedly, to strengthen its tourism contribution to the local economy, and to improve the ecological and environmental quality of the site compared to the status of the site should the existing buildings be repaired and brought into use.

Firm controls on the occupation of the units will preclude their use for anything other than holiday purposes, as new permanent dwellings in this open country side location would not be acceptable however significant the improvement in the site's aesthetic and environmental quality.

Impact on Landscape

The previous tourist activities on the site were housed in a number of ugly buildings whose strident impact on the landscape is considered disproportionately harsh given the level of activity accommodated. In particular, the gymnasium building is considered to have a damaging effect on the appearance of the site, from distant as well as close range views. The proposed structures would cover a significantly larger foot print, are of a continuous rather than piecemeal bulk, and are taller (in places), than the existing buildings on the site, but the landscaping revisions negotiated are felt to mitigate to an acceptable degree the increased volume of built form and impact of associated operations (e.g. car parking).

Low key external lighting details submitted for the site are acceptable, and the use of non-reflective glazing for the entire project will offset potential glare from the buildings.

Highway and Transportation Issues

This site lies well beyond the built-up boundary of Seaton, and except for the top-up retail function of the fuel filling station, has no nearby services to render its location "sustainable". A Travel Plan that has been submitted with the proposal sets out a number of quite ambitious targets for site users (staff, visitors) to move away from car borne transport, however, and the package of obligations negotiated with the developer (see below) should enable their achievement.

Confirmation (through topographical survey work) that suggested highway improvements to the junction can be delivered is still awaited at the time of writing the report.

Tourism and Economic Development Issues

Some 35 full time jobs are anticipated to be provided at the site, relating to the restaurant and bar, spa/fitness suite and the operation and upkeep of the estate. There should be a multiplier effect on the local economy as a viable tourism enterprise draws guests to the area that may not otherwise have been attracted. The pressure for facilities that additional tourists will place on the area has also been subject of discussion, and appropriate contributions to the Council's delivery of services, such as a refurbished Town Hall and the Axe Wetlands Project, in addition to the direct provision of items (such as the completion of a safe pedestrian route from the town to the Holyford Woods Local Nature Reserve, passing the site and linking with improved bus stops on the A 3052) have been agreed in principle.

Ecology and Biodiversity

Concerns expressed over the potential disturbance of foraging patterns for Bechstein bats (known to inhabit the area) have been addressed: lighting proposals are considered not to interfere with the function of the important wildlife corridors in the area, and the landscaping details and management plan required will enhance/reinforce the habitat value of the site.

Impact on Residential Amenity

It is expected there will be a significant change in the level of human activity on the site, and consequently of disturbance to neighbouring residents also in terms of noise, traffic and pedestrian movements, as a result of the development, compared to the present situation, and to the previous use of the site as a hotel. While the property is in the open countryside and not in an urban area, the general level of background noise from traffic on the A and B roads near to the site, and from the fuel station, chalet park and camp site is such that the expected change is considered to be acceptable. Greater disturbance may be experienced during demolition and construction, should planning permission be granted, so conditions relating to working hours and practices to temper these effects are recommended.

The height of the proposed buildings in relation to the Water Tower indicate that overlooking from new to existing should not be a problem, and the retention of tree screening along relevant garden boundaries (to be detailed in the landscape management plan) can safeguard privacy of amenity areas.

Archaeological issues

Comments are awaited on the submitted gradiometer survey. In the absence of this comment, outstanding matters of site investigation, may be dealt with by the recommended condition, if necessary.

Drainage matters

The matter of surface water drainage may be dealt with by the recommended condition, unless the outstanding information required is received and clearance of the issue by the Environment Agency is secured prior to the determination of the application.

Disabled access and facilities

The buildings will need to comply with Part M of the Approved Documents – Building Regulations.

Sustainability Credentials

It is expected that the commercial elements of the re-development of this brownfield site will achieve an Excellent rating under the required bespoke BREEAM Assessment, and at least Level 3 of the Code for Sustainable Homes for the holiday homes.

The supporting information supplied with the application details a number of means of delivering an energy and resource-efficient development. A proportion of the site's energy requirements will be met through the installation of low-noise wind turbines and photo-voltaic tiles on roof areas. Heating will be provided by a ground source heat pump, and rain water harvesting will supply toilet and other non-drinking water requirements. A waste audit for the demolition process will specify the extent of recycling of materials, and the build system for the project will include low-carbon-embodiment pre-fabricated elements to minimise waste of construction materials. On-site

recycling facilities for guests and for the commercial operations on the site will also reduce the environmental impact of the development post-construction. Measures within the Travel Plan are expected to reduce the carbon footprint specifically of the users of the site, and the off-site public transport and pedestrian facilities to be secured by the Section 106 agreement also assist in encouraging non-car modes of transport by the public generally.

Contaminated Land

No investigations have yet been undertaken relating to potential contamination of the land or buildings on the site, although no asbestos is known to be present in the buildings. The recommended conditions may deal with this outstanding issue.

CONCLUSIONS

A grant of planning permission for this development would represent a departure from certain mainstay policies of the Development Plan (the adopted Structure and Local Plans) given the scale, intensity and nature of the proposal in this rural location. It is considered that planning permission should be granted for this scheme, however, as it represents an opportunity to improve the visual, economic and environmental contribution that the site makes to the locality, so it is recommended that an exception be made in this case to the normal presumption against development of this scale in the open countryside.

RECOMMENDATION

That the Council confirms to the Government Office of the South West that it is minded to APPROVE subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure:

- contributions towards formal and informal off-site recreation space (£50,000) refurbishment of Seaton Town Hall (£75,000) the establishment of the Seaton Interpretation Centre (£100,000) the employment of a Town Centre Manager for Seaton (£125,000) and the Axe Estuary Wetlands Project (£50,000)
- the provision within the site of landscaped gardens to be permanently open to the public
- a bonded landscape management plan for the site (£750,000)
- a year-round bus service linking Seaton Heights to Seaton town centre
- highway improvement works at the junction of the A3052 and Seaton Down Hill
- the extension of the 40 m/h speed limit to the whole of Seaton Down Hill and on the A3052 to a point west of its junction with Seaton Down Hill
- provision of footpath links from Seaton town centre to the site and northwards to bus stops on the A3052 and to the footpath leading to Holyford Woods Local Nature Reserve
- the relocation and upgrade of the bus stop and shelter on the west-bound carriageway of the A3052
- the implementation of a "Green Travel Plan" for staff of and visitors to the site
- the achievement of sustainable construction and operation standards of the BREEAM rating "Very Good" and of Level 3 of the Code for Sustainable Homes

and subject to the following planning conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason – To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The self-contained units to be created in the development hereby permitted shall only be occupied for holiday purposes and shall at no time be occupied as a person's sole or main place of residence. A register (including names and main home addresses) of all occupiers of the holiday units shall be collated and maintained by the developer or by the

management company of the Seaton Heights development and this information shall be available at all reasonable times on request by the Local Planning Authority.

(Reason: To ensure that the holiday accommodation hereby permitted may not be used as one or more separate dwellings in this open countryside location where new development is restricted in accordance with national and local planning policy and guidance as set out in PPS1, PPS7, policies ST1, ST16 and CO4 of the Devon Structure Plan 2001 – 2016, and policies S5 and TO1 of the East Devon Local Plan 2006).

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within Schedule 2 Part 1 Classes A, B, C, D or E for the enlargement, improvement or other alterations to the cottages hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool, [other than any enclosure approved as part of the landscape management scheme]

(Reason – To control the potential enlargement of the dwelling units hereby permitted, in the interests of the character and appearance of this part of the Area of Great Landscape Value, in accordance with national and local planning policy and guidance as set out in PPS1, PPS7, policy CO4 of the Devon Structure Plan 2001 – 2016 and policies S5, D1 and EN2 of the East Devon Local Plan 1995 – 2011).

4. Prior to the commencement of the development full details of all of the proposed materials for the facing and roofing materials, hard landscaping, and window and door finishes have been submitted to and approved in writing by the Local Planning Authority. Such details shall include a specification for non-reflective glazing, and a representative sample panel for each material in question constructed on site on a level firm foundation in a dry location with natural daylight. The panel(s) shall be no less than 1m x 1m in size and should be in the final proposed colour finish and texture including gloss factor to paint work, sprayed and powder coated materials. Samples of all façade materials (including stone work) shall be arranged such that they can be seen together.

(Reason - To secure an appropriate standard of materials for the development, in the interests of the character and appearance of this part of the Area of Great Landscape Value, in accordance with national and local planning policy and guidance as set out in PPS1, PPS7, policy CO4 of the Devon Structure Plan 2001 – 2016 and policies S5, D1 and EN2 of the East Devon Local Plan 1995 – 2011).

5. Prior to the commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2005 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

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

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

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations

shall be in accordance with the advice given in National Joint Utilities Group (NJUG) Publication Number 10 1995.

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

(Reason - To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area, in accordance with national and local planning policy and guidance as set out in PPS 9, policies CO6 and CO9 of the Devon Structure Plan 2001 – 2016, and policies D1, D4 and D5 of the East Devon Local Plan 1995 – 2011).

6. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.. The proposals shall be carried out as approved for the full duration of the plan.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with national and local planning policy and guidance as set out in PPS 9, policies CO6 and CO9 of the Devon Structure Plan 2001 – 2016, and policies D1, D4 and D5 of the East Devon Local Plan 1995 – 2011.)

7. Prior to the commencement of the development hereby approved, a contaminated land assessment and associated remedial strategy, together with a timetable of works, shall be submitted to and approved by the Local Planning Authority. The investigation and report shall be conducted and presented in accordance with the guidance found in CLR11 Model Procedures for the Management of Land Contamination:

Phase1 - Potentially Contaminated Land Assessment

The contaminated land assessment report shall include a combined desk study and site investigation. The report must detail the historic and current site uses, details of the intended development scheme and propose a site investigation strategy, present a Conceptual Model (as deemed necessary) based on the relevant information acquired and interpreted. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.

Phase 2 - Site Investigation

The site investigation, including relevant soil, soil gas, surface and groundwater sampling, should be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and in accordance with current technical guidance, including relevant British Standards and Construction Industry Research and Information Association (CIRIA) guidance.

The site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority must approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless any identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

Phase 3 Remediation and Validation

Approved remediation works shall be carried out in full on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The validation / closure report shall include details of the remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Such works include appropriate validation for imported soils. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Contamination Discovered during Development Process

In any event, should any contamination of soil and/or groundwater be discovered during development of the site, the Contaminated Land Officer of the LA should be contacted immediately. Site activities should be temporarily suspended until such time as a procedure for addressing such contamination is agreed upon with the LPA and/or other regulating bodies.

Basic Radon protection may be required, Geological assessment should be carried out

(Reason: To secure an appropriate standard of safe and sustainable development on the land, in accordance with national planning policy and guidance, as set out in PPS23.)

8. Prior to the commencement of the development hereby permitted details of the results of a percolation test, as set out in the submitted Flood Risk Assessment (provided by Phlorum Ltd. Dated 20th December 2007) and the proposed soakaway system for the disposal of surface water, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

(Reason – To secure satisfactory surface water drainage for the site, in accordance with national and local planning policy and guidance, as set out in PPS1, PPS23, PPS24, policy CO13 of the Devon Structure Plan 2001 – 2016 and policy EN21 of the East Devon Local Plan 1995 – 2011).

9. Prior to the commencement of the development hereby permitted details of the depth and location of the trenches for the ground source heat pump system shall be submitted to and approved in writing by the Local Planning Authority and shall be completed in accordance with the approved details.

(Reason – To secure an appropriate form for the trenching, to ensure minimal disturbance to any archaeological resource that may be present on the site, in accordance with national and local planning policy and guidance as set out in PPG16, policy CO8 of the Devon Structure Plan 2001 – 2016 and policy EN8 of the East Devon Local Plan 1995 – 2011).

10. Prior to the commencement of the development hereby permitted an archaeological evaluation of the site shall have been completed in accordance with a schedule of trench excavations and recording to be agreed in writing with the Local Planning Authority. Any significant findings as a result of the excavation shall be recorded in accordance with the schedule.

(Reason – To ensure that an appropriate record is made of any archaeological resource on the site that may be damaged by the development, in accordance with national and local planning policy and guidance as set out in PPG16, policy CO8 of the Devon Structure Plan 2001 – 2016 and policy EN8 of the East Devon Local Plan 1995 – 2011).).

11. Prior to the first occupation of the development the access roads, turning areas and car parking provision shown on the approved plans shall have been laid out and finished in accordance with details of materials that shall have been submitted to and approved in writing by the Local Planning Authority, and these provisions shall be retained as such for these purposes for the duration of the occupation of the site. The access from the site to Harepath Hill shall only be used by emergency vehicles, and at all other times shall be stopped up by means of a bollard.
(Reason – to secure appropriate access to and on-site facilities for the development, in the interests of the safety and convenience of all users of the highway, in accordance with national and local planning policy and guidance, as set out in PPG13 and policies TR10 of the Devon Structure Plan 2001 – 2016 and TA7 and TA9 of the East Devon Local Plan 1995 – 2011).
12. Prior to the first use of the development hereby permitted visibility splays at the junction of the access drive with the B3176 shall be laid out in accordance with details (including horizontal and vertical envelope information) that shall have been submitted to and approved in writing by the Local Planning Authority and the splays shall be maintained for this purpose for the duration of the use of the access.
(Reason – to secure appropriate access to the development, in the interests of the safety and convenience of all users of the highway, in accordance with national and local planning policy and guidance, as set out in PPG13 and policies TR10 of the Devon Structure Plan 2001 – 2016 and TA7 and TA9 of the East Devon Local Plan 1995 – 2011).
13. Prior to the first occupation of any of the holiday units, the spa, gymnasium, café bar and restaurant shall have been completed in accordance with the approved plans, and shall be operational.
(Reason – To ensure that the uses on the site comprise a balanced mix of commercial and accommodation facilities, in accordance with the economic justification for the approval of the development, in accordance with policy ST1 and ST21 of the Devon Structure Plan 2001 – 2016).
15. No works of demolition or construction shall be carried out on the site other than between the hours of 08.00 and 18.00 Mondays to Fridays inclusive, 08.00 to 13.00 on Saturdays and not at all on Sundays or Bank Holidays.
(Reason – In the interests of the private amenities of nearby residents, in accordance with policy D1 of the East Devon Local Plan 1995 – 2011).
16. No commercial operation shall be carried out on the site, nor shall any holiday unit be occupied until and unless facilities for the storage and collection of waste and recyclable materials from the site have been provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority, and such facilities shall be retained for the duration of the occupation or use of the site.
(Reason – To secure an appropriate standard of facilities on the site, to encourage good practice in minimising waste in accordance with national and local planning policy and advice as set out in PPS1, PPS10 and policies ST1, ST4 and WM1 of the Devon Structure Plan 2001 – 2016 and policy S7 of the East Devon Local Plan 1995 – 2011).
17. Prior to the installation of any signage that will be visible from beyond the boundaries of the site details of its design, materials and location shall be submitted to and approved in writing by the Local Planning Authority, and the signage shall be installed only in accordance with the approved details.

(Reason - To secure an appropriate standard of signage for the development, in the interests of the character and appearance of this part of the Area of Great Landscape Value, in accordance with national and local planning policy and guidance as set out in PPS1, PPS7, policy CO4 of the Devon Structure Plan 2001 – 2016 and policies S5, D1 and EN2 of the East Devon Local Plan 1995 – 2011).

Approved plans

To be confirmed

List of Background Papers

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