

**TOWN AND COUNTRY PLANNING ACT 1990**

**REFUSAL OF PLANNING PERMISSION**

<b>Applicant:</b> Mr D Cutler (Seaton Park Devon Ltd)	<b>Application No:</b> 15/2188/MOUT
<b>Address:</b> 3 The Mews Colyton EX24 6JU	<b>Date of Registration:</b> 21 September 2015
<b>Agent:</b> GJR Architects	<b>Date of Decision:</b> 13 December 2016
<b>Address:</b> The Studio Yeo Business Park Clyst St Mary Exeter EX5 1DP	

**Proposal:** Outline planning application for a mixed use development providing for class B1 (a) (offices up to 5050sqm), class B1(c) and B2 light/general industrial units (up to 3500sqm), open space and the erection of up to 150 no. dwellings (21 no. affordable) and associated roads and infrastructure including a main spine road (all matters reserved)

**Location:** Land East Of  
Harepath Road  
Seaton

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The Council hereby refuses permission to carry out the development described in the application and the plans attached thereto for the following reasons :

1. The proposal seeks to provide the policy requirements of mixed employment and recreation development, but considers enabling development (i.e. the residential element) is required to realise this. Taking into account the viability issues (based principally around land value), the Local Planning Authority considers that the scheme as submitted is unviable and so would not be able to deliver either the employment element or deliver value for money on the formal recreational element thereby threatening future users or leaseholder(s) of the sports pitches. Accordingly, the proposal fails to secure the deliverability of the employment land and playing pitches required as part of Strategy 25 (Development at Seaton) and so the economic and social benefits envisioned by this strategy cannot be fulfilled by the development. Furthermore, the pitch provision illustrated as part of the indicative master plan fails to adequately provide the pitch requirements identified within the East Devon Playing Pitch Provision and so would not fulfil the identified need in any event. The proposal therefore fails to meet the economic and social dimensions of sustainable development. Accordingly the benefits of the proposal do not outweigh this identified harm when

carrying out the planning balance. Therefore the proposal is in conflict with Strategy 6 (Development within Built Up Area Boundaries), Strategy 7 (Development in the Countryside) and Strategy 25 (Development at Seaton) of the adopted East Devon Local Plan and the guidance in the National Planning Policy Framework.

2. Part of the residential element of the development (based on the illustrative site plan) falls outside of the built up area boundary for Seaton and is therefore within the open countryside where residential development is restricted. As no other policy of the Local Plan facilitates the unrestricted residential element of the proposal this would result in sprawling development into the countryside in conflict with the spatial approach to accommodate residential development within the built up area boundary of Seaton, as identified within the adopted Local Plan. Furthermore, the Local Planning Authority is not satisfied that the 14% level (equating to 21 units) of affordable housing offered as part of this residential element is sufficient to meet the local and district wide needs as identified by the Council. Taking into account the viability issues, the Local Planning Authority consider that the level of affordable housing could reasonably be increased. In the absence of an acceptable level of affordable housing and a Section 106 Agreement to secure this the proposed development fails to meet the social needs of present and future generations or reflect the community's need. The proposal is therefore considered to conflict with Strategy 7 (Development in the Countryside), Strategy 25 (Development at Seaton) and Strategy 34 (District Wide Affordable Housing Provision Targets) of the adopted East Devon District Council and advice contained within the National Planning Policy Framework.
3. The application site is of high importance to several bat species both for foraging and commuting. The application by virtue of introducing a significant amount of built environment with additional exterior lighting, would harm the permeability and usability of the site for bats that would not be adequately mitigated by the recommendations in the submitted interim Ecological Survey Report. The site, within close proximity to a European Site Special Area of Conservation, requires an Appropriate Assessment and is therefore located in a position where development should be restricted with no presumption of sustainable development in its favour. In conducting the Appropriate Assessment the competent authority considers that the ecological information that has been submitted fails to demonstrate that significant harm resulting from the development would not occur. The proposed development is therefore contrary to the Conservation of Habitats and Species Regulations 2010, guidance contained in the National Planning Policy Framework and Strategies 5 (Environment) and 47 (Nature Conservation and Geology) and policies EN4 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites) and EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan.
4. The proposal does not provide a mechanism to secure appropriate affordable housing provision, delivery of employment areas, secure land for formal recreation or adequate mitigation to prevent harm to ecological interest of the European Site Special Area of Conservation (SAC). The proposal therefore fails to mitigate its impact. As the proposal does not contribute toward meeting the local needs for affordable housing, deliver policy aspirations for employment land and formal recreation area or mitigate the impact on the SAC it therefore fails to reflect the needs of the community or protect European designated habitats. The proposal therefore conflicts with the requirements of Strategy 25 (Development in Seaton), Strategy 34 (District Wide Affordable Housing Provision Targets), the Conservation of Habitats and Species Regulations 2010, Strategy 5 (Environment) and Strategy 47 (Nature Conservation and Geology) and policies EN4

(Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites) and EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan and the National Planning Policy Framework.

#### NOTE FOR APPLICANT

##### Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

The plans relating to this application are listed below:

531 01 A :	Amended Plans	12.04.16
LOCATION		
PLAN		



***Service Lead - Planning Strategy & Development Management***

Please refer to the accompanying notes which form part of this decision notice.