

Agenda for Planning Committee Wednesday, 9th June, 2021, 10.00 am



Members of Planning Committee

Councillors E Wragg (Chair), S Chamberlain (Vice-Chair),
K Bloxham, S Bond, O Davey, B De Saram,
S Gazzard, M Howe, D Key, R Lawrence,
G Pook, G Pratt, P Skinner, J Whibley,
T Woodward and T Wright

East Devon District Council
Border House
Heathpark Industrial Park
Honiton
EX14 1EJ

DX 48808 HONITON

Tel: 01404 515616

www.eastdevon.gov.uk

Venue: Blackdown House and online via the Zoom
app

Contact: Wendy Harris, Democratic Services Officer
01395 517542; email
wharris@eastdevon.gov.uk

(or group number 01395 517546)

Issued: Thursday, 27th May 2021

Important - temporary arrangements are in force which will enable face to face meetings to take place in compliance with legislation, whilst providing alternative participation opportunities to maintain a Covid-19 safe environment.

Please do not attend Blackdown House unless you are a voting member of Planning Committee or a registered public speaker on a planning application who has received confirmation that you are permitted to attend Blackdown House.

Non Committee Members and registered public speakers will still be able to attend virtually online via Zoom, and are asked to follow the [Protocol for Remote Meetings](#)

This meeting is being recorded by EDDC for subsequent publication on the Council's website and will be streamed live to the Council's Youtube Channel at
<https://www.youtube.com/channel/UCmNHQruge3LVI4hcgRnbwBw>

[Speaking on planning applications](#)

In order to speak on an application being considered by the Planning Committee you must have submitted written comments during the consultation stage of the application. Those that have commented on an application being considered by the Committee will receive a letter or email detailing the date and time of the meeting and instructions on how to register to speak. The letter/email will have a reference number, which you will need to provide in order to register. Speakers will have 3 minutes to make their representation.

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

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

Although a limited number of public speakers will be able to have access to the public gallery at Blackdown House to address the Committee via a laptop connected to zoom, members of the public who have registered to speak will be strongly encouraged, whilst Covid-19 restrictions remain in place, to join the meeting via the zoom appointment that will have been sent to them.

The day before the meeting a revised running order for the applications being considered by the Committee and the speakers' list will be posted on the council's website under agenda item 1 – speakers' list and revised order for the applications.

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Tuesday 1st June 2021 up until 12 noon on Friday 4th June 2021 by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

1 Speakers' list and revised order for the applications (Pages 4 - 5)

The speakers' list and revised order for the applications.

2 Minutes of the previous meeting (Pages 6 - 10)

Minutes of the Planning Committee meeting held on 5th May 2021.

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

Information on [matters of urgency](#) is available online

6 Confidential/exempt item(s)

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.

7 Planning appeal statistics (Pages 11 - 24)

Update from the Development Manager

Applications for Determination

PLEASE NOTE – If required the meeting will be adjourned at approximately 1pm for a 30 minute break

8 20/2542/FUL (Minor) - OTTERY ST MARY (Pages 25 - 43)

Straitgate Farm, Exeter Road, Ottery St Mary EX11 1LG.

- 9 **19/1794/VAR (Major) - OTTERY ST MARY** (Pages 44 - 75)
Land at Barton Orchard, Tipton St John.
- 10 **20/2599/FUL (Minor) - OTTERY ST MARY** (Pages 76 - 83)
Land West of Lower Court Cottages, Fluxton, Ottery St Mary EX11 1RL.
- 11 **20/1517/FUL (Minor) - EXE VALLEY** (Pages 84 - 115)
Land South of Rixenford Lane, Upton Pyne.
- 12 **20/2896/FUL (Minor) - WHIMPLE AND ROCKBEARE** (Pages 116 - 128)
Land North of East Strete Farm, Strete Raleigh, Whimple
- 13 **20/2701/FUL (Minor) - EXMOUTH LITTLEHAM** (Pages 129 - 137)
18 Hartley Road, Exmouth EX8 2BQ.

[Decision making and equalities](#)

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

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EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Planning Committee held online via the zoom app on 5 May 2021

Attendance list at end of document

The meeting started at 10.01 am and ended at 1.20 pm. The meeting was adjourned at 12.45pm and reconvened at 1pm.

255 Minutes of the previous meeting

The minutes of the meeting held on 7 April 2021 was agreed as a true record.

256 Declarations of interest

Minute 258. 21/0302/FUL (Minor) - BEER & BRANSCOMBE.

Councillor Geoff Pook, Personal, Beer Parish Councillor and had telephone conversations with the agent.

Minute 262. 20/2393/FUL (Minor) – EXMOUTH TOWN.

Councillor Eileen Wragg, Personal, In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Councillor Wragg, as Ward Member, stepped down from the Committee and the Vice Chair chaired the item.

Minute 262. 20/2393/FUL (Minor) - EXMOUTH TOWN.

Councillor Andrew Colman, Personal, Exmouth Town Councillor and a Member of Exmouth Town Council's Planning Committee.

Minute 262. 20/2393/FUL (Minor) - EXMOUTH TOWN.

Councillors Bruce De Saram, Steve Gazzard, Tony Woodward, Personal, Exmouth Town Councillor.

Minute 262. 20/2393/FUL (Minor) - EXMOUTH TOWN.

Councillor Eileen Wragg, Personal, Spoke with the applicant and referred him to the other Ward Members and was an occasional customer at the two establishments that are owned by the applicant.

Minute 262. 20/2393/FUL (Minor) - EXMOUTH TOWN.

Councillor Joe Whibley, Personal, Exmouth Town Councillor and a Member of Exmouth Town Council's Planning Committee. Also received electronic communication from the applicant asking questions about the process and met the applicant briefing to discuss similar matters.

Minute 262. 20/2393/FUL (Minor) - EXMOUTH TOWN.

Councillor Olly Davey, Personal, Exmouth Town Councillor and received email correspondence from the applicant.

Minute 264. 21/0241/FUL (Minor) - BROADCLYST.

Councillor Sarah Chamberlain, Personal, Broadclyst Parish Councillor.

257 Planning appeal statistics

The Committee noted the appeals statistics report.

The Development Manager drew Members' attention to the two appeals dismissed. The first appeal related to a Certificate of Lawfulness for planning application 20/0078/CPE – Stream Wood, Land NW of Yawl Cross, Uplyme. The Inspector dismissed the appeal due to the lack of evidence provided concluding that the Authority's refusal to grant a Lawful Development Certificate was well-founded.

The second appeal related to the serving of an Enforcement Notice to Thorn Park Family Golf Centre, Salcombe Regis. The Inspector nullified the Notice determining it was defective and that it could not be corrected without causing injustice to the appellant. Members' noted that the outcome of this decision would result in a further Enforcement Notice being served on the property addressing the issues that the Inspector had raised.

258 **21/0302/FUL (Minor) - BEER & BRANSCOMBE**

Applicant:

Mr & Mrs Reid.

Location:

Bumbles Locker, Fore Street, Beer, Seaton, EX12 3JB.

Proposal:

Proposed change of use of shops (A1) to living accommodation (C3) associated with a multi bedroomed self-catering holiday let, alternations to the shop fronts, the conversion of existing attic space with the addition of two dormer windows and rear two storey extensions to form a new stairwell.

RESOLVED:

Refused contrary to officer recommendation.

Members considered that the proposed development, by reason of the inadequate timing of the marketing during the pandemic and nature of the marketing covering both units for sale only would result in an unjustified loss of retail units with subsequent harmful impact on the vitality, viability and character of the town centre contrary to Strategy 32 and Policy E14 of the East Devon Local Plan, Policy VP02 of the Adopted East Devon Villages Plan and policies B1 and H4 of the Beer Neighbourhood Plan.

259 **20/1680/FUL & 20/1677/FUL (Minor) - EXE VALLEY**

Applicant:

Mr R H Parr.

Location:

Bridge Farm, Stoke Hill, Stoke Canon, EX5 4EE.

Proposal:

Construction of general purpose secure farm building (west) and associated ground works.

RESOLVED:

20/1680/FUL – Approved as per officer recommendation.

20/1677/FUL – Approved as per officer recommendation.

260 **21/0344/OUT (Minor) - WOODBURY & LYMPSTONE**

Applicant:

Mr & Mrs B Wood.

Location:

Merrivale, Exton, Exeter, EX3 0PP.

Proposal:

Outline application with all matters reserved for the construction of a detached dwelling.

RESOLVED:

Refused as per officer recommendation.

261 **20/2133/FUL (Minor) - YARTY**

Applicant:

Mrs Carinna Parsons.

Location:

Myrtle Farm, Chardstock, Axminster, EX13 7DD.

Proposal:

Replacement farm buildings.

RESOLVED:

Approved as per officer recommendation.

262 **20/2393/FUL (Minor) - EXMOUTH TOWN**

Applicant:

Mr Pidgeon.

Location:

27 Parade, Exmouth, EX8 1RH.

Proposal:

Subdivision of existing maisonette into two self-contained flats and erection of single storey rear extension.

RESOLVED:

Approved contrary to officer recommendation.

Members considered that the benefits from the small units in Exmouth (for which there is an identified need) outweighed the location of the site within flood zone 3. Conditions delegated to the Development Manager in consultation with the Ward Members and Chair of Planning Committee. Conditions to include details of bike storage and submission of flood impact mitigation measures such as raised floor levels, sockets and appropriate use of materials in the construction of the extension.

263 **20/1999/VAR (Minor) - WEST HILL & AYLESBEARE**

Applicant:

Mr Peter Carhart.

Location:

North Cottage, Aylesbeare, Exeter, EX5 2DB.

Proposal:

Variation of Condition 2 of application number 19/2803/FUL (Demolition of existing cottage and construction of a new bungalow style dwelling and associated car port, garage workshop/storage out building) to allow amended workshop/storage building design and position.

RESOLVED:

Approved as per officer recommendation.

264 **21/0241/FUL (Minor) - BROADCLYST**

Applicant:

Mr Gary Moore.

Location:

Clytside, Blackhorse Lane, Blackhorse, Exeter, EX5 2AR.

Proposal:

Construction of two detached bungalows with associated parking and vehicular entrance.

RESOLVED:

Approved as per officer recommendation.

Attendance List

Councillors present:

E Wragg (Chair)
S Chamberlain (Vice-Chair)
K Bloxham
C Brown
A Colman
O Davey
B De Saram
S Gazzard
M Howe
D Key
G Pook
G Pratt
P Skinner
J Whibley
T Woodward

Councillors also present (for some or all the meeting)

P Arnott
P Hayward
B Ingham

G Jung
F King
E Rylance

Officers in attendance:

Chris Rose, Development Manager
Shirley Shaw, Planning Barrister
Wendy Harris, Democratic Services Officer
Sarah Jenkins, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

J Bailey

Chairman

Date:

**EAST DEVON DISTRICT COUNCIL
LIST OF PLANNING APPEALS LODGED**

Agenda Item 7

Ref: 20/1212/FUL **Date Received** 05.05.2021
Appellant: Mrs Nicola Langley
Appeal Site: Annexe Higher House Farm Branscombe Seaton EX12 3BH
Proposal: Addition of solar panels to roof
Planning APP/U1105/W/21/3274442
Inspectorate Ref:

Ref: 20/1213/LBC **Date Received** 05.05.2021
Appellant: Mrs Nicola Langley
Appeal Site: Annexe Higher House Farm Branscombe Seaton EX12 3BH
Proposal: Addition of solar panels to the roof
Planning APP/U1105/Y/21/3274441
Inspectorate Ref:

Ref: 20/1895/FUL **Date Received** 17.05.2021
Appellant: Mr Peter Crosby
Appeal Site: Green Acres Lyme Road Axminster EX13 5BH
Proposal: Construction of garage and barn (partially retrospective)
Planning APP/U1105/W/21/3275216
Inspectorate Ref:

Ref: 20/2710/FUL **Date Received** 18.05.2021
Appellant: Mr Coletti
Appeal Site: 2 Brooklyn Stowford Sidmouth EX10 0NA
Proposal: Change of use of land and construction of hardstanding to allow the siting of 2no. shepherd huts for holiday accommodation
Planning APP/U1105/W/21/3275285
Inspectorate Ref:

**EAST DEVON DISTRICT COUNCIL
LIST OF PLANNING APPEALS DECIDED**

Ref: 20/1983/FUL **Appeal Ref:** 21/00001/HH
Appellant: Mrs Clements
Appeal Site: 1 Orchard Close Lympstone Exmouth EX8 5LA
Proposal: Change of material on south elevation of garage to render to reflect adjacent properties.
Decision: **Appeal Allowed** **Date:** 27.04.2021
(no conditions)
Procedure: Householder
Remarks: Delegated refusal, conservation reasons overruled (EDLP Policies D1 & EN10).

The Inspector noted that the proposed development would change the material of the southern elevation and adjoining wall stretching to the west, away from the public highway, from the approved stone wall cladding to a grey render. However, rather than facing the public highway, which is generally bounded by stone clad walls in the vicinity, the proposed render would face a private driveway and he considered that its finish would neither appear inappropriate nor unsympathetic in relation to the varied materials which include render, brick and timber on other nearby boundary treatments that similarly do not front the highway.

He concluded that the proposed development would not harm the character and appearance of the surrounding area or the setting of the Lympstone Conservation Area. The proposal therefore accords with Policies D1 and EN10 of the East Devon Local Plan and Policy 7 of the Lympstone Neighbourhood Plan.

BVPI 204: **Yes**
Planning APP/U1105/D/21/3266284
Inspectorate Ref:

Ref: 20/1149/FUL **Appeal Ref:** 20/00067/REF
Appellant: Mrs N Bayliss
Appeal Site: Land Opposite Exton Lane Exmouth Road Exton
Proposal: Construction of two dwellings and creation of new vehicular access
Decision: **Appeal Dismissed** **Date:** 05.05.2021
Procedure: Written representations
Remarks: Delegated refusal, accessibility, sustainability and environmental reasons upheld (EDLP Policy TC2 & Strategy 7).
BVPI 204: **Yes**
Planning APP/U1105/W/20/3264705
Inspectorate Ref:

Ref: 19/2283/COU **Appeal Ref:** 20/00068/REF
Appellant: Mr I Chubb
Appeal Site: The Big Office Chubbs Yard Chardstock Axminster EX13 7BT
Proposal: Change of use from office to dwelling (retrospective)
Decision: **Appeal Allowed** **Date:** 11.05.2021
(with conditions)
Procedure: Written representations
Remarks: Officer recommendation to approve, Committee refusal. Loss of employment land and sustainability reasons overruled (EDLP Strategies 7 & 32 and Policy D8).

Application for a full award of costs against the Council refused.

The Inspector considered that in the absence of any substantive evidence that there was demand or need for office space in this location, it could not be said that the change of use to a dwelling would be harmful in respect of employment opportunities or business use within the area.

In respect of the accessibility of services and facilities that may reasonably be required on a day to day basis, the Inspector noted that the settlement does contain a range of services and facilities within convenient walking distance of the appeal site which include a shop, a church, a public house, a village hall and provides convenient access to bus routes which connect with the nearby larger settlements at Axminster and Chard.

The Inspector concluded that the proposal would re-use a building which is located with convenient access to a range of services and facilities that would not substantively add to the need to travel by car for and would not have a harmful effect on available employment land. Consequently, the appeal scheme complied with the provisions of Policy D8 and Strategies 7 and 32 of the Local Plan.

BVPI 204: **Yes**
Planning APP/U1105/W/20/3264784
Inspectorate Ref:

Ref: 20/1212/FUL **Appeal Ref:** 21/00023/REF
Appellant: Mrs Nicola Langley
Appeal Site: Annexe Higher House Farm Branscombe Seaton EX12 3BH
Proposal: Addition of solar panels to roof
Decision: **Appeal Invalid** **Date:** 13.05.2021
Procedure:
Remarks: Appeal submitted out of time
BVPI 204: **No**
Planning APP/U1105/W/21/3274442
Inspectorate Ref:

Appellant: Natalie Jones
Appeal Site: Otter Valley Golf Centre Rawridge Honiton EX14 9QP
Proposal: Appeal against the serving of an enforcement notice in respect of the carrying out of a material change of use of the land from that of agriculture to a mixed use of the land for siting of a mobile home for residential purposes, use of the land as an equine stud farm and use of the agricultural barn for livestock, without planning permission
Decision: **Appeal Allowed** **Date:** 18.05.2021
Procedure: Inquiry
Remarks: Enforcement Notice corrected and quashed, temporary planning permission granted.

The Council considered that there was no evidence to demonstrate that the equine stud farm business is or will be operationally viable in the near future. Neither was there evidence indicating that it was necessary for a worker to be present at all times on the site in relation to the business. The use therefore did not comply with Policy H4 of the East Devon Local Plan. Consequently there was no justification for the mobile home to be retained on the land within open countryside designated as an Area of Outstanding Natural Beauty which is in a remote and unsustainable location.

The Inspector acknowledged that Local Plan Policy H4 had not been complied with due to the lack of a business plan or evidence that could in substance be considered as a business plan. However, there were other policies brought to his attention which pulled in the opposite direction, supporting the general principle of this type of development (LP Policies E4 & E5).

He considered that there were economic and social benefits which added significant weight to the proposal. If planning permission for occupation of the mobile home was not approved, the business would lack an essential requirement and that would undermine the business making it more likely to fail. That would have a detrimental impact upon the livelihood of the appellant and her workers and also in respect of the broader community in terms of what it provided and the ancillary businesses that supply it.

If however, the mobile home was approved for a temporary period of 3 years it would give the appellant some certainty over that period. If the business could not demonstrate viability after 3 years, this decision would not bind the Council into approving a permanent dwelling or extending the period for the occupation of the mobile home. Allowing the mobile home would therefore give the appellant the best chance of making a success of the business and this also added significant weight in favour of the development.

Remarks: The Inspector concluded that, on balance, other material considerations outweighed the conflict with the development plan indicating that planning permission should be given for the development with the residential occupation of the mobile home being for a period of 3 years.

BVPI 204: **No**
Planning APP/U1105/C/19/3238383
Inspectorate Ref:

Ref: 19/F0187 **Appeal Ref:** 20/00051/ENFAPP

Appellant: Mr S Broom
Appeal Site: Court Place Farm Wilmington Honiton EX14 9LA
Proposal: Appeal against the serving of an Enforcement notice in respect of the unauthorised replacement of windows and a door in a listed building

Decision: **No Further Action** **Date:** 18.05.2021
Procedure: Written representations
Remarks: Partial award of costs against the Council.

The Council considered it expedient to issue the notice as the PVCu windows and rear door were an incongruous alteration to the heritage asset which was harmful to its character and significance. The works were therefore contrary to Local Plan Policy EN9 and the provisions of the National Planning Policy Framework.

The Inspector carried out a site visit on 5 January 2021. Following that visit, the Inspector concluded that he should recommend to the Secretary of State that the building which is the subject of the listed building enforcement notice should be removed from the statutory list of buildings of special architectural or historic interest. The Secretary of State for Digital, Culture, Media and Sport subsequently removed the building from the list.

As the building was no longer a listed building the listed building enforcement notice had no effect and the Inspector therefore took no further action on the appeal.

Having regard to the costs application, the Inspector considered that the Council's pursuance of replacement windows that met a heritage specification, was unreasonable as this exceeded the legal requirement to put the building back to the state it was in before the works were carried out and this has led to some additional expense by the appellants.

The Inspector therefore found that unreasonable behaviour resulting in unnecessary or wasted expense had been demonstrated in respect of the requirements of the notice and that a partial award of costs was justified. The costs were limited to those costs incurred in appealing against those requirements.

BVPI 204: No
Planning APP/U1105/F/20/3258749
Inspectorate Ref:

East Devon District Council List of Appeals In Progress

App.No: 19/0078/FUL
Appeal Ref: APP/U1105/W/19/3242773
Appellant: Mr & Mrs Raggio
Address: Lily Cottage Goldsmith Lane All Saints Axminster EX13 7LU
Proposal: Demolition of former cottage and construction of new dwelling.
Start Date: 8 January 2020
Procedure:
Hearing
Questionnaire Due Date: 15 January 2020
Statement Due Date: 12 February 2020
Hearing Date: To be arranged

App.No: 15/F0020
Appeal Ref: APP/U1105/C/20/3248557
Appellant: Ms Charmaine Lee
Address: Hawkwell Park, Hawkchurch
Proposal; Appeal against the serving of an enforcement notice in respect of the non - compliance with a condition on a planning permission restricting the occupation of caravans on the site to gypsies and travellers.
Start Date: 8 December 2020
Procedure:
Inquiry
Questionnaire Due Date: 22 December 2020
Statement Due Date: 19 January 2021
Inquiry Date: 6 July 2021

App.No: 20/2043/VAR
Appeal Ref: APP/U1105/W/21/3268125
Appellant: Philip and Christine Potter
Address: April Rise Crewkerne Road Axminster EX13 5SX
Proposal; Variation of condition 3 of permission 18/1425/FUL (Retention of garage as built, and change of use to create holiday accommodation) to allow building to be used as an unrestricted dwelling

Start Date: 2 March 2021

Procedure:
Written reps.

Questionnaire Due Date: 9 March 2021

Statement Due Date: 6 April 2021

App.No: 20/0912/VAR
Appeal Ref: APP/U1105/W/21/3267313
Appellant: Mr & Mrs Peter & Ann Stansell
Address: Goldcombe Farmhouse Gittisham Honiton EX14 3AB
Proposal; Conversion Of Existing Buildings To Holiday Dwellings (application for removal of Condition 5 of planning permission 84/P0792 to allow year round occupancy of the holiday dwellings and variation of Condition 6 of planning permission 84/P0792 to allow The Cider Barn to be used as an unrestricted residential dwelling)

Start Date: 4 March 2021

Procedure:
Written reps.

Questionnaire Due Date: 11 March 2021

Statement Due Date: 8 April 2021

App.No: 20/1251/TEL
Appeal Ref: APP/U1105/W/21/3268338
Appellant: Telefonica Limited
Address: Stantyway Recreation Ground Otterton
Proposal; The erection of an 18m high lattice tower supporting 3no. antennas and 1no. microwave dish, the installation of 1no. equipment cabinet and 1no. meter cabinet on new concrete base and the installation of ancillary equipment

Start Date: 4 March 2021

Procedure:
Written reps.

Questionnaire Due Date: 11 March 2021

Statement Due Date: 8 April 2021

App.No: 20/1481/FUL
Appeal Ref: APP/U1105/W/21/3267933
Appellant: Ms A Cole
Address: 18 Fore Street Seaton EX12 2LA
Proposal; To demolish the later read additions and erect a three storey building to form 3 x 1 bedroom apartments; carry out internal alterations to existing property to create additional 1 bedroom dwelling
Start Date: 16 March 2021
Procedure:
Written reps.
Questionnaire Due Date: 23 March 2021
Statement Due Date: 20 April 2021

App.No: 20/2054/VAR
Appeal Ref: APP/U1105/W/21/3269783
Appellant: Mr & Mrs G & S Bowey
Address: Apple Barrel Barn Orchard Cottage Dunkeswell Abbey
Proposal; Change of use of redundant barn to holiday cottage
Start Date: 19 March 2021
Procedure:
Written reps.
Questionnaire Due Date: 26 March 2021
Statement Due Date: 23 April 2021

App.No: 20/1406/FUL
Appeal Ref: APP/U1105/D/21/3269729
Appellant: Timothy Phillips
Address: Ridge Cottage Stockland Honiton EX14 9EN
Proposal; Construction of single storey side extension and external steps
Start Date: 19 March 2021
Procedure:
Written reps.
Questionnaire Due Date: 26 March 2021
Statement Due Date: 23 April 2021

App.No: 20/1380/PDQ
Appeal Ref: APP/U1105/W/21/3267702
Appellant: Mr Braddick
Address: Land North Of Hamlet House Hamlet House Weston
Proposal; Conversion of agricultural building to dwelling
Start Date: 23 March 2021
Procedure:
Written reps.
Questionnaire Due Date: 30 March 2021
Statement Due Date: 27 April 2021

App.No: 20/2410/MFUL
Appeal Ref: APP/U1105/W/21/3270077
Appellant: Churchill Retirement Living
Address: Honiton Cattle Market Silver Street Honiton
Proposal; Demolition of existing structures and redevelopment to form 57 retirement living apartments for older persons including communal facilities, parking and landscaping.
Start Date: 29 March 2021
Procedure:
Inquiry
Questionnaire Due Date: 5 April 2021
Statement Due Date: 3 May 2021
Inquiry Date: 15 July 2021 (Provisional)

App.No: 20/1510/FUL
Appeal Ref: APP/U1105/D/21/3267759
Appellant: Mr and Mrs Kerr
Address: Highfield Higher Way Harpford Sidmouth EX10 0NJ
Proposal; Construction of dormer windows to front and rear, raising of roof to provide additional 1st floor accommodation, veranda and render finishes (revision of 20/0784/FUL)
Start Date: 15 April 2021
Procedure:
Written reps.
Questionnaire Due Date: 22 April 2021

App.No: 20/1908/FUL
Appeal Ref: APP/U1105/W/21/3270084
Appellant: Mr Ben Shipton
Address: Honeysuckle Thatch Talaton Exeter EX5 2RN
Proposal; Removal of existing extension to the west of the property, and the creation of a new extension in its place extending to the south.
Start Date: 21 April 2021
Procedure: Written reps.
Questionnaire Due Date: 28 April 2021
Statement Due Date: 26 May 2021

App.No: 20/1909/LBC
Appeal Ref: APP/U1105/Y/21/3270087
Appellant: Mr Ben Shipton
Address: Honeysuckle Thatch Talaton Exeter EX5 2RN
Proposal; Removal of existing extension to the west of the property, and the creation of a new extension in its place extending to the south.
Start Date: 21 April 2021
Procedure: Written reps.
Questionnaire Due Date: 28 April 2021
Statement Due Date: 26 May 2021

App.No: 20/2424/PDQ
Appeal Ref: APP/U1105/W/21/3270922
Appellant: Mrs Sarah Taylor
Address: Bond Lane Farm Bonds Lane Woodbury Salterton Exeter EX5 1QF
Proposal; Prior approval for proposed change of use of existing poultry building to 3 no. larger dwellinghouses and 2 no. smaller dwellinghouses (use class C3) and associated operational development under Class Q(a) and (b)
Start Date: 21 April 2021
Procedure: Written reps.
Questionnaire Due Date: 28 April 2021
Statement Due Date: 26 May 2021

App.No: 20/1543/FUL
Appeal Ref: APP/U1105/W/21/3270924
Appellant: Mrs Alison Brockbank
Address: Bicton Inn 5 Bicton Street Exmouth EX8 2RU
Proposal; Proposed yard/smoking area and installation of new door
Start Date: 21 April 2021
Procedure:
Written reps.
Questionnaire Due Date: 28 April 2021
Statement Due Date: 26 May 2021

App.No: 20/1129/FUL
Appeal Ref: APP/U1105/D/21/3268793
Appellant: Mr & Mrs Hignett
Address: Greystones Salcombe Regis Sidmouth EX10 0JQ
Proposal; Construction of two storey side extension, incorporating first floor extension to existing single storey rear lean-to, and single storey front extension. Removal of existing garden buildings
Start Date: 26 April 2021
Procedure:
Written reps.
Questionnaire Due Date: 3 May 2021

App.No: 20/1449/FUL
Appeal Ref: APP/U1105/W/20/3261920
Appellant: Mr R G Down
Address: The Rowans Sidmouth Road Clyst St Mary Exeter EX5 1DR
Proposal; Conversion and alteration of ground floor of agricultural building to create two, 2 bedroom flats
Start Date: 30 April 2021
Procedure:
Written reps.
Questionnaire Due Date: 7 May 2021
Statement Due Date: 4 June 2021

App.No: 20/2177/FUL
Appeal Ref: APP/U1105/W/21/3271915
Appellant: Mr & Mrs R and M Banks
Address: Devenish Pitt Farm Farway Colyton EX24 6EG
Proposal; Change of use of a rural building and erection of an extension to form 3 no. holiday lets, with associated works.
Start Date: 10 May 2021
Procedure:
Written reps.
Questionnaire Due Date: 17 May 2021
Statement Due Date: 14 June 2021

App.No: 20/1473/FUL
Appeal Ref: APP/U1105/W/21/3271284
Appellant: Miss Willow Ray
Address: Sunbeams Rhode Lane Uplyme Lyme Regis DT7 3TX
Proposal; Erection of a new two storey house in garden plot.
Start Date: 12 May 2021
Procedure:
Written reps.
Questionnaire Due Date: 19 May 2021
Statement Due Date: 16 June 2021

App.No: 20/1826/PIP
Appeal Ref: APP/U1105/W/21/3271456
Appellant: Mr Martin Overton
Address: Land East Of Claremont Green Lane Axminster
Proposal; Permission in Principle Application for Construction of 1no. Self-build Dwelling
Start Date: 12 May 2021
Procedure:
Written reps.
Questionnaire Due Date: 19 May 2021
Statement Due Date: 16 June 2021

App.No: 20/0191/FUL
Appeal Ref: APP/U1105/W/21/3272290
Appellant: Cladir Limited
Address: Home Farm Clyst Honiton Exeter EX5 2LX
Proposal; Construction of 1 no. warehouse building, renovation of brick building, construction of hammerheads and site entrance, installation of pallisade fencing, vehicular and pedestrian gates, 2.1m high wall, covered cycle store and refuse store and lockable road barrier
Start Date: 18 May 2021
Procedure: Written reps.
Questionnaire Due Date: 25 May 2021
Statement Due Date: 22 June 2021

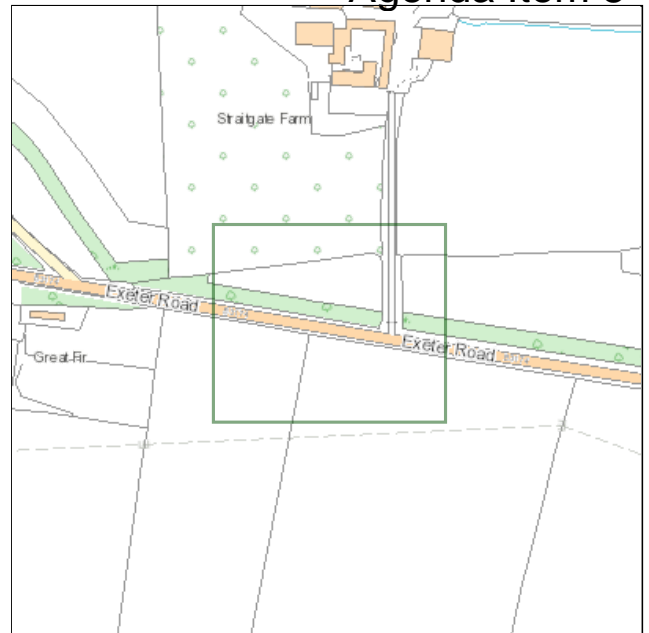
Ward Ottery St Mary

Reference 20/2542/FUL

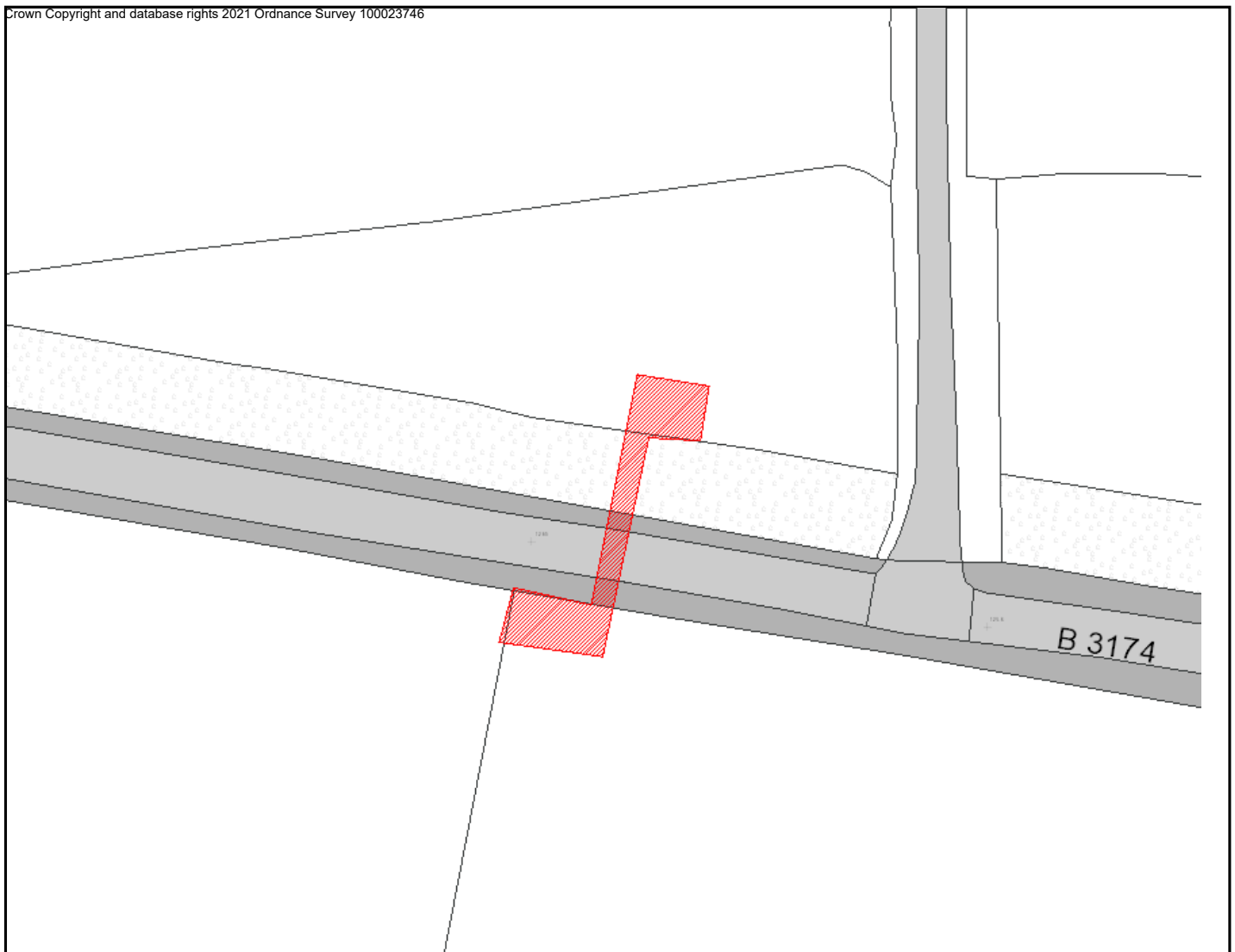
Applicant Aggregate Industries UK Limited

Location Straitgate Farm Exeter Road Ottery St Mary
EX11 1LG

Proposal New access to the B3174 Exeter Road to
provide a livestock crossing incorporating
holding pens



RECOMMENDATION: Approval with conditions



		Committee Date: 9th June 2021
Ottery St Mary (Ottery St Mary)	20/2542/FUL	Target Date: 04.02.2021
Applicant:	Aggregate Industries UK Limited	
Location:	Straitgate Farm Exeter Road	
Proposal:	New access to the B3174 Exeter Road to provide a livestock crossing incorporating holding pens	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the Committee because the recommendation is contrary to the views of one of the Ward Members. It should also be noted that the site crosses the boundary between the Wards and Parishes of Ottery St Mary and West Hill.

This application seeks planning permission for a new access to the B3174 to facilitate a more direct crossing from the farm on the north side of the road to the land on the south side.

The main issue is highway safety and the proposal has been the subject of a road safety audit. Neither the Highway Authority nor Highways England have objected to the proposal on the understanding that the frequency of crossings remains the same.

Opposition to the proposal has arisen from local residents, the Parish and Town Councils and one Ward Member. However, much of the opposition assumes that the separate application for a quarry at Straitgate Farm (being dealt with by Devon County) will go ahead and lead to an increased need to move livestock across the road. Such impacts are only relevant to the quarry application and there is nothing in this application for an improved crossing that would give rise to more livestock movements. Furthermore, the Highways comments stress that any increase arising from other development, such as the quarry, would need a further safety assessment.

On the basis that the frequency and duration of crossings would be the same as existing there is no reason to object to the proposal. The shorter, more direct route and the improved handling facilities, as well as the new signage, would be to the benefit of highway safety. Therefore the proposal is recommended for approval.

CONSULTATIONS

Local Consultations

West Hill And Aylesbeare - Cllr Jess Bailey

I am strongly opposed to this planning application. It is presented as an application to improve highway safety but in reality it is an attempt by AI to assist with their quarrying ambitions at Straightgate Farm. That aside, I am strongly opposed to the application based purely on its own merits.

The existing crossing is used infrequently - the introduction of a new additional access point (Straightgate Farm side) could prompt additional crossings which in my view would represent an additional threat to highway safety. The B3174 is a dangerous fast moving road and the numerous accidents are a measure of the danger. I believe it is detrimental to approve an additional entrance.

Parish/Town Council – Ottery St Mary

The Town Council strongly objects to this application on the grounds of highway safety on the busiest road in to Ottery St Mary.

Further comments:

The Town Council does not support this application on the same grounds as the previous application. : concerns for road safety on the busiest road into and out of Ottery.

Parish/Town Council – West Hill

This application was discussed at the West Hill Parish Council meeting on 5th January 2021.

Cllrs object to this application on the following grounds:

The B3174 is a busy road and is the primary route in and out of Ottery St Mary. It is particularly busy during morning and afternoon commuting hours. This section of road is notorious for road accidents, including a fatal collision a few years ago.

The stopping sight distance to the west is below the required minimum. The proposed crossing is close to the brow of a hill, and roadside trees also reduce visibility.

The proposed signage, a warning sign 548 "Cattle" situated 35m either side of the proposed crossing, gives inadequate warning for approaching traffic travelling at 60mph.

The current usage of the crossing, as detailed in para 1.7 of the Supporting Statement, is infrequent and timing is adjusted to coincide with quieter times when traffic flow is at its lowest.

However, as is admitted in para 4.3 and 6.2 of the Supporting Statement, the proposed crossing is to facilitate a crossing point for the dairy herd at Straitgate Farm. If quarrying begins at Straitgate Farm (application DCC/3944/2017, yet to be

determined), around 90% of the pasture on the North side of the B3174 will no longer be available for the dairy herd. They will have to use replacement pasture on the South side of the B3174, and will need to cross the B3174 4 times a day to and from the milking parlour at Straitgate Farm. The time taken for each crossing is stated to be 45-60 minutes and needs to occur at 7.30am, 10am, and in the afternoon around 5.30pm. This is an entirely different situation and usage which has not been properly assessed.

The dairy herd crossing would block the road for significant periods of time during the peak morning and afternoon traffic flows. This would cause unacceptable delays to traffic in and out of Ottery St Mary. Also there would be significant problems with mud and muck being deposited on the road, which would cause additional safety hazards.

Cllrs considered that the impact from frequent dairy herd crossings would be unacceptable.

If the planning authority is minded to approve the application, Cllrs request that the speed limit of the B3174 should be reduced to 40mph. Also there should be improved signage with traffic lights and advance warning signs.

Further comments:

This application was discussed at the West Hill Parish Council meeting on 16th March 2021.

A Road Safety Audit has been submitted. Councillors expressed concerns about the accuracy and adequacy of this:

- 1) The Audit was carried out at 11am during a period of lockdown. This does not give an accurate picture of the traffic in normal non-lockdown times, and at peak times of travel for commuters, schoolchildren and commercial traffic.
- 2) The Auditor's understanding was that "No additional livestock movements are proposed and crossings will occur at broadly similar frequencies and times of day as at present". This is incorrect. Currently there are very few livestock movements, but the purpose of the proposed crossing is to facilitate a crossing point for the dairy herd at Straitgate Farm, which will be needed if quarrying starts at Straitgate farm. The dairy herd will need to cross the B3174 4 times a day to and from the milking parlour at Straitgate Farm. The time taken for each crossing is stated to be up to 45 minutes and needs to occur at 7.30am, 10am, and in the late afternoon. These times will coincide with peak traffic times. This is an entirely different situation and usage which has not been properly assessed by the RSA.
- 3) With regard to the proposed amber flashing lights, the guidance states that "such signage is not intended as a solution for anticipated problems....where at other sites the movement of cattle would frequently obstruct traffic for a period of more than three minutes". As the proposed crossing is to facilitate cattle crossing four times a day, taking up to 45 minutes per time, this is clearly outside the criteria laid down in the guidance.

Councillors continue to object to this application.

Other Representations

47 objections have been received and the reasons for objection can be summarised as follows:

- The road is busy, congested and narrow
- There are frequent accidents on this stretch of road
- The crossing would be a hazard to traffic
- The stopping distance is too short because visibility is reduced by the hill to the west
- It would lead to delays to residential, commercial and school traffic
- It would delay emergency vehicles
- The delays would affect Ottery St Mary's economy
- The surrounding lanes are not suitable for the volume of traffic that would seek to avoid the queueing traffic
- Queueing vehicles with their engines running would cause pollution
- Queueing vehicles would block driveways
- Mud and excrement on the road would be a hazard
- The proposal offers little betterment
- Signage is not an appropriate solution
- A tunnel or bridge should be considered instead

Technical Consultations

Exeter & Devon Airport - Airfield Operations+Safeguarding

I acknowledge receipt of the above planning application for the proposed development at the above location.

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

Accordingly, Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

Further comments:

I acknowledge receipt of the amendment to the above planning application, for the proposed development at the above location.

These amendments have been examined from an Aerodrome Safeguarding aspect and do not appear to conflict with safeguarding criteria.

Accordingly, Exeter Airport has no safeguarding objections to these amendments, provided there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

EDDC Trees

The proposals utilise an existing break in the tree cover. As such, I believe the impact on existing trees will be negligible.

I therefore have no concerns over the proposals.

Natural England

Natural England has no comments to make on this application.

DCC Flood Risk Management Team

Recommendation:

Devon County Council's Flood and Coastal Risk Management Team is not a statutory consultee for the above planning application because it is not classed as a major development under Part 1(2) of The Town and Country Planning (Development Management Procedure) (England) Order (2015). However, we have been approached by the Local Planning Authority to provide advice in respect of the surface water drainage aspects of the above planning application, which is outlined below.

Observations:

The livestock crossing should be kept clear to prevent mud from entering the highway or watercourse. The livestock crossing may need to cross the watercourse and will therefore require Land Drainage Consent. If the livestock crossing will cross the watercourse and a structure is required, then the applicant will also need to liaise with DCC Highway's as the structure will tie into the highway. Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of this procedure can be found at: <https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

Devon County Highway Authority

Observations:

Development Proposal

The existing livestock crossings takes place from the farm access to a field gate on the other side of the B3174 Exeter Road approximately 40m along the road.

It is proposed that a new field gate is provided directly opposite the farm access and that holding pens will be provided to manage livestock and that this will shorten the length of time taken to cross the road and will also reduce the transfer of mud onto the highway.

Road Safety Audit

Because the proposal is to create a new access to a field on the B3174 where there was none before, DCC Highway Development Management, with advice from the DCC Road Safety Officer, requested the applicant to undertake an independent Stage 1 Road Safety Audit for the proposed crossing. The audit was done and the findings, including a Designers Response has been forwarded to the LPA and added to the application details.

It is accepted that the RSA Audit has been undertaken during restrictions associated with Corvid - 19 and that this may have impacted on the amount of traffic on the day of the site visit. DCC Highway Development Management and DCC Road Safety Team were made aware of this probability but agreed that the audit should be done none the less.

The audit identified one problem (2.1) which was the provision of sufficient advance warning signage and recommended that the advance warning signage is provided that complies with the requirements, guidance and/or best practice recommendations of the Traffic Sign Manual and recommended that the flashing amber warning lights as described in paragraph 9.2 of Chapter 4 of the Traffic Sign Manual should be provided.

Designers Response

The Designers Response has taken the advice of the RSA Audit and incorporated flashing amber signs to Dia 4005 'A Cattle Crossing Lies Ahead And May Be In Use' each side of the proposed crossing.

Frequency of Livestock Crossings/Closures of B3174

The Supporting Statement (1.7) sets out the current livestock movements as confirmed by the tenant's land agent in an email dated 26/02/2018:

'The movements over Exeter Road to the 82 acres of land owned and tenanted by my clients are as follows; - From roughly Easter to Christmas 200 ewes and lambs are moved across Exeter Road (return journey) once a week for weighing, approximately 15 minutes per crossing. - From spring to autumn once a month approximately 20 dry cows are moved across Exeter Road after the previous batch are moved back to Straitgate Farm (they go over for one month to rest) which takes approximately 10 minutes per crossing. - During the summer up to 300 calves and stirks are crossed over Exeter Road in bunches once a week for weighing and general health checks, approximately 20 minutes per crossing. - Depending on the season, if there is a drought and there is no grass left at Straitgate the dairy herd of 150 cows have moved over to the south of Exeter Road to access grazing, this happened twice last year. The herd are also moved over Exeter Road if Straitgate pasture land receives an application of lime which renders the land un-grazeable for a number of days, this occurs as frequently as is required but usually not more than every other year. The movements take 45 minutes to an hour per crossing, with breaks to allow the traffic through every 15 minutes if required and take place at 7.30am, returning at 10am and again at 3pm, returning at 5.30pm. These movements (excluding the dairy cows who cannot be dictated a time to) are all made at sensible times of day when traffic flow is at its lowest. A tractor and a farm vehicle block the road from oncoming traffic while stock moves across the road for safety.'

From the above it can be deduced that generally existing livestock movements are relatively infrequent, up to 15 minutes twice a day and that these movements are outside of the AM and PM peak travel hour periods. Approximately three times per year longer periods of movement and closure, up to 60 minutes and four times per day, including within the AM and PM peak travel hour periods however, these are described as 'by exception only'.

Proposed Benefits of the New Crossing

It is reasonable to assume that the Frequency of Livestock Movements crossing times are based on the existing crossing of livestock from the existing farm access to the field gate some 40 metres along the road because of the date of the email (26/02/2018) and the fact that this email was originally produced for the sand and gravel extraction application DCC/3944/2017.

The proposed shorter and more direct crossing will undoubtedly reduce crossing times because the livestock will have a much shorter length to travel. Also the introduction of holding pens should give the handlers more scope to manage livestock crossing against prevailing traffic congestion on the highway.

The County Highway Authority notes that applicant's agent, Clive Tompkins of Aggregate Industries has confirmed to Highways England that no increase of in the frequency of livestock crossings/B3174 is proposed.

Recommendation

On the basis that the frequency and number of livestock movements does not increase above those set out in the tenant's land agent email dated 26/02/2018 (reproduced above) the County Highway Authority has no objection to the application.

Advice to Applicant

Should any increase in the frequency and/or duration of closures of the B3174 Exeter Road be proposed in the future (to facilitate the crossing of livestock), an assessment of the impact on the safe operation of the B3174 Exeter Road must be undertaken.

Recommendation:

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

Highways England

Referring to the planning application referenced above, seeking permission for the creation of a new access to the B3174 Exeter Road to provide a livestock crossing incorporating holding pens, at Straitgate Farm, Exeter Road, Ottery St Mary, EX11 1LG, notice is hereby given that Highways England's formal recommendation is that we:

a) offer no objection **WITH ADVICE**;

Highways Act Section 175B is not relevant to this application. Where relevant, further information will be provided within Annex A.

This represents Highways England formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk

Annex A Highways England recommended No Objections WITH ADVICE

HIGHWAYS ENGLAND (“we”) has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regards to the planning application (ref: 20/2542/FUL) and has been prepared by Planning Manager for Devon.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 02/2013 “The Strategic Road Network and the Delivery of Sustainable Development” and the MHCLG National Planning Policy Framework (NPPF).

Statement of Reasons

The application seeks permission for the creation of a new access to the B3174 Exeter Road to provide a livestock crossing incorporating holding pens, at Straitgate Farm, Exeter Road, Ottery St Mary, Devon.

Straitgate Farm is located approximately 2.5km west of Ottery St Mary and bounded by the A30 trunk road to the north west and a short section of Birdcage Lane to the north east. The B3174 Exeter Road forms the southern boundary of Straitgate Farm.

Development Proposal

The current livestock crossing point utilises the existing farm access and requires livestock to be moved approximately 40m along the B3174 Exeter Road towards the A30 before reaching the field gate accessing the grazing fields on the opposite side of Exeter Road, approximately 815m east of the A30 westbound offslip.

As set out in the Supporting Statement dated November 2020, the proposal will see the creation of a new field gate directly opposite the existing farm access to remove the current diagonal crossing arrangement and enable livestock to cross directly over the B3174 (removing the need for livestock to be moved along the carriageway). Holding pens are also proposed to manage livestock prior to their crossing or to retain part of the herd if the crossing needs to be temporarily suspended. The Supporting Statement estimates this will shorten the time taken to cross the herd over the public highway and potentially reduce the transfer of mud onto the highway itself.

Impact on Strategic Road Network

Relocation of Crossing Point

As a result of the proposed direct crossing point, the most western point (and closest to the A30) at which the B3174 will be closed to facilitate the crossings will remain as existing, approximately 815m from the A30/B3174 junction, and A30 westbound offslip. As such, the length of B3174 carriageway between the crossing closure point and the A30 available to accommodate queuing vehicles will remain unchanged.

Frequency of Livestock Crossings/Closures of B3174

Whilst the B3174 forms part of the local highway network and therefore falls within the responsibility of Devon County Council, given the proximity of the crossing point to the A30 westbound offslip, any increase in the frequency of livestock crossing movements and therefore the period of time the B3174 will be closed may result in queuing vehicles extending further back towards the A30, and potentially onto the A30 mainline.

Paragraph 9 of Circular 02/2013 sets out that development proposals are normally considered to be acceptable if they can be accommodated within the existing capacity of a section (link or junction) of the strategic road network. Any development proposals which increase demand and result in mainline queuing (or increases in length, duration or frequency of existing mainline queuing), will be considered as having an unacceptable impact on highway safety. This is due to the high potential severity of collisions between stationary or slow moving queued vehicles and fast moving through traffic. Development that results in an unacceptable impact on highway safety can be refused on highways grounds in line with paragraph 109 of the NPPF.

Section 1.7 of the Supporting Statement sets out the current livestock movements as confirmed by the farm tenant's land agent on 26/02/2018, which are reproduced in Table 1 below:

Movement	Period	Movement Frequency	Livestock Type	Crossing Time (minutes)	Number of daily road closures per movement	Total daily duration of road closures required	Crossing Time (Highway Peak Periods)
1	Easter to Christmas	Once weekly	200 ewes/lamb s	15	2 - livestock cross and return on same day	30 minutes	Off peak
2	Spring to Autumn	Once monthly	20 dry cows	10	2 - livestock cross and return on same day	20 minutes	Off peak
3	Summer	Once weekly (in bunches)	300 calves/stirk s	20	1 - livestock cross and return after 1 month	20 minutes	Off peak
4	Depending on season	As needed by exception , approximately 4 daily	150 Dairy cows	60	4 - livestock cross and return	4 hours	During AM and PM peaks

		movement s 3 times per year			twice on same day		
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Table 1: Straitgate Farm current livestock crossing movements – B1374 road closures

Existing movements 1-3 occur relatively infrequently, for up to 15 minutes twice per day and outside of the highway network AM (0800-0900) and PM (1700-1800) peak hour periods. Whilst movement 4 usually only occurs approximately three times per year, this involves the closure of the B3174 for up to 60 minutes four times per day, including during both the AM and PM network peaks. The closure of the B3174 during the network peak periods when traffic is at its heaviest may result in queues extending back to the A30 and should more frequent crossings be proposed than set out above (i.e. no longer by exception only), the impact of this on the daily operation of the A30 would need to be assessed to ensure an unacceptable safety impact would not occur.

The applicant's agent, Clive Tompkins of Aggregate Industries UK Limited, has confirmed to Highways England that no increase in the frequency of livestock crossings/B3174 road closures is proposed by the application.

On the basis that the distance of the crossing point from the A30 remains unchanged, and that the frequency of livestock crossing movements does not increase over those set out in Table 1 above, Highways England has no objection to the application on the grounds there will be no change to the impact on the operation of the strategic road network.

Recommendation

Highways England has no objection to application 20/2542/FUL, **subject to the following advice:**
Advice

Should any increase in the frequency and/or duration of closures of the B3174 be proposed in future (to facilitate the crossing of livestock), an assessment of the impact of this on the safe operation of the A30 trunk road must be undertaken.

Further comments:

Thank you for consulting Highways England on revised details in respect of the above application.

The submitted documents comprise a Road Safety Audit Stage 1 and General Arrangement Plan (to include provision of flashing amber signs) in respect of the proposed new access on to the B3174. As the B3174 road forms part of the local highway network the proposed access arrangements are a matter for consideration by Devon County Council.

As set out in our formal response to application 20/2542/FUL dated 31 December 2020, should any increase in the frequency and/or duration of closures of the B3174 be proposed in future (to facilitate the crossing of livestock), an assessment of the

impact of this on the safe operation of the A30 trunk road must be undertaken. Given the proximity of the crossing point to the A30 westbound offslip, any increase in the frequency of livestock crossing movements and therefore the period of time the B3174 will be closed may result in queuing vehicles extending further back towards the A30, and potentially onto the A30 mainline which will be considered as having an unacceptable impact on highway safety, in line with DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" and the MHCLG National Planning Policy Framework (NPPF).

Highways England therefore continues to offer no objection to the application on the basis that the frequency of livestock crossing movements does not increase over those set out in Table 1 of our formal planning response dated 31 December 2020. Any increase to the proposed frequency and/or duration of road closures of the B3174 over those set out in Table 1 will not be supported without appropriate assessment to ensure an unacceptable impact on the safe operation of the strategic road network does not occur.

I trust the above is clear. Please do not hesitate to contact me should you wish to discuss further.

PLANNING HISTORY

Reference	Description	Decision	Date
15/1326/CM	Quarry development for the extraction of sand and gravel, including new site access onto Birdcage Lane, staff welfare facilities, car parking and wheelwash.	DCC Application - Objection raised	23.07.2015
15/2292/CM	Quarry development for the extraction of sand and gravel, including new site access onto Birdcage Lane, staff welfare facilities, car parking and wheelwash (amendments to 15/1326/CM).	DCC Application - Objection raised	17.12.2015
16/1190/FUL	Construction of agricultural outbuilding.	Approval with conditions	28.07.2016

17/0545/CM	Extraction of up to 1.5 million tonnes of as raised sand and gravel, restoration to agricultural land together with temporary change of use of a residential dwelling to a quarry office/welfare facility.	DCC Application - No objections	26.04.2017
17/1842/CM	Extraction of up to 1.5 million tonnes of as raised sand and gravel, restoration to agricultural land together with temporary change of use of a residential dwelling to a quarry office/welfare facility (submission of further environmental information)		

POLICIES

Ottery St Mary and West Hill Neighbourhood (Made)

Policy NP1: Development in the Countryside

Policy NP2: Sensitive, High Quality Design

Policy NP8: Protection of Wildlife Sites and Features of Ecological Value

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

Straitgate Farm is located on the north side of the B3174 which connects the Daisymount junction of the A30 with Ottery St Mary. The speed limit around the application site is 60mph, reducing to 40mph nearer to Ottery St Mary. Three roads join the B3174 near to the site and there are a number of private driveways joining the road to the west and east. The farm has land on both sides of the road and can access the land on the south side via a gate about 45 metres west of the farm entrance.

Proposal

Planning permission is sought for a new access to the B3174 to facilitate a direct crossing of the road from the farm on the north side to the land on the south side. Currently the two access points are staggered by 45 metres, resulting in a diagonal crossing of the road.

The new access would be created on the north side of the road where there is a gap in the belt of trees opposite the existing gate on the south side. The works would involve the removal of a section of bank and culverting the roadside ditch. It is also proposed to provide a holding pen for livestock in the fields on both sides of the road to facilitate a controlled crossing. In addition to these works it is proposed to erect warning signs and flashing amber lights adjacent to the B3174 on approach to the crossing from both directions.

Background

Straitgate Farm, comprising the land on the north side of the B3174, is owned by Aggregate Industries UK Ltd and has been let to the same family since 1976. The land on the south side of the B3174 is owned by the tenants of Straitgate Farm. According to the supporting information, the farm supports a dairy business comprising a herd of some 150 cows.

Land at Straitgate Farm is identified in the Devon Minerals Plan as a source of sand and gravel and Devon County Council is currently considering a planning application (DCC/3944/2017) for extraction of these resources. If the quarrying development were to go ahead then the majority of the grazing pasture on the north side of the B3174 would be unavailable, potentially necessitating four daily crossings of the B3174 for milking.

The planning statement submitted with the crossing application provides an extract from an email between the tenant's land agent and Devon County Council (in their capacity as Minerals Planning Authority) dated February 2018 which details the current crossing requirements. It explains:

"The movements over Exeter Road to the 82 acres of land owned and tenanted by my clients are as follows;

From roughly Easter to Christmas 200 ewes and lambs are moved across Exeter Road (return journey) once a week for weighing, approximately 15 minutes per crossing.

From spring to autumn once a month approximately 20 dry cows are moved across Exeter Road after the previous batch are moved back to Straitgate Farm (they go over for one month to rest) which takes approximately 10 minutes per crossing.

During the summer up to 300 calves and stirks are crossed over Exeter Road in bunches once a week for weighing and general health checks, approximately 20 minutes per crossing.

Depending on the season, if there is a drought and there is no grass left at Straitgate the dairy herd of 150 cows have moved over to the south of Exeter Road to access grazing, this happened twice last year. The herd are also moved over Exeter Road if Straitgate pasture land receives an application of lime which renders the land un-grazeable for a number of days, this occurs as frequently as is required but usually not more than every other year. The movements take 45 minutes to an hour per crossing, with breaks to allow the traffic through every 15 minutes if required and take place at 7.30am, returning at 10am and again at 3pm, returning at 5.30pm. These movements (excluding the dairy cows who cannot be dictated a time to) are all made at sensible times of day when traffic flow is at its lowest. A tractor and a farm vehicle block the road from oncoming traffic while stock moves across the road for safety."

Missing from this extract is a further paragraph, drawn to the attention of the LPA by one of the objectors to this proposal, which adds:

"These movements (excluding the dairy cows who cannot be dictated a time to) are all made at sensible times of day when traffic flow is at its lowest. A tractor and a farm vehicle block the road from oncoming traffic while stock moves across the road for safety. In the event that no cow tracks were installed at Straitgate Farm, and in time that no additional cubicle housing were erected to house the dairy herd these movements would need to occur daily."

Some objectors have questioned whether the crossings are as frequent as indicated above but these movements were given as an upper estimate so this may explain why they have observed fewer crossings (if any).

Whatever the crossing frequency, it is important to note that this application is only for a new access, not for any other development (such as the proposed quarry) that could lead to an increased need for livestock to cross the road. Any increase in the number of crossings that might arise as a result of the quarry going ahead is only relevant to that application and not to this application for the new access. As such, any implications from increased crossing is for consideration by DCC as part of the planning application under their consideration.

ANALYSIS

The main issues for consideration are highway safety and visual impact.

Highway Safety

The B3174 is a busy, straight road with high traffic speeds (the 85th percentile vehicle speed was recorded via an automated traffic count in June 2018 and shown to be 58.2mph).

Because the proposal would introduce a new access onto the B3174, the Highway Authority requested a road safety audit. The outcome of this was the addition of improved warning signs, including amber flashing lights. Both the Highway Authority and Highways England (whose interest is in avoiding any adverse impact on the free flow of traffic on the A30) have no objection to the proposal on the condition that there is no increase in the frequency of crossings. Both consultees have stressed that should any development take place that would lead to an increased number of crossings then a new safety assessment would be needed.

In spite of the conclusions of the Highways experts, a number of objectors argue that the proposal would have an adverse effect on the safety of road users. They have drawn attention to the speed and volume of traffic on the road, the blind hill to the west of the site and the number of accidents that occur on this stretch of road. In particular, attention is drawn to the below-standard forward visibility on the approach from the west which is only 160m owing to the crest of the hill, when the standard stopping distance is 200m. It has also been noted that the back of the queue would move closer to the crest of the hill the longer the road is closed. However, none of this would change as a result of the proposal given that the crossing is existing and no increase in crossing is proposed.

The road safety audit notes that the proposal would not reduce the forward visibility to the west (because the crossing would be no further west than the existing gate on the south side) and nor would it necessarily lead to increased use of the crossing. For these reasons, improved signage is considered an appropriate way of warning motorists. It should be noted, also, that if this application had not been submitted there would be no requirement for signage to be installed, it merely represents best practice.

The Traffic Signs Manual which is referenced in the road safety audit says at chapter 4, paragraph 9.2.3 that signage is not intended as a solution where the movement of cattle would frequently obstruct traffic for a period of more than three minutes (own emphasis). It goes on to say that "In such cases other measures such as a segregating facility should be considered", such as a tunnel, which has been suggested by a number of objectors. While these objectors have drawn attention to the potential for four daily crossings to take place, such activity does not take place at present and would not take place as a direct result of this proposal (at present frequent crossings do not take place). Once again, it must be emphasised that any increase in the frequency of crossings as a result of the quarry proposal is for consideration in that application and, as highlighted by the Highway Authority and Highways England, it does not follow that acceptance of this crossing application would mean that any development that would result in increased use of the crossing would be acceptable.

In summary, this proposal is not to increase the frequency or duration of road closures. Rather it is to improve an existing crossing with relatively light use. The shorter, more direct route and the improved handling facilities, as well as the new signage, would be to the benefit of highway safety.

In order to ensure that the proposal does not lead to increased usage, and given that the lack of objection to the proposal from Devon County as the Highway Authority and Highway England is on the basis of no increased use, it is considered reasonable to

impose a condition restricting the number of movements to those identified in the application documents as currently taking place.

Visual Impact

The proposal would necessitate cutting into a bank and creating a short track through a copse next to the road. Where the access would be created there is already an overhead wire so there is a suitable gap such that there would be no harm to the trees. Likewise, the removal of a section of bank has not been objected to by Natural England.

Visually the proposal would not appear intrusive or out of character with the area.

The new access on the north side of the road would need to cross a ditch and therefore a culvert forms part of the proposal. Land drainage consent from Devon County Council may need to be required but there is nothing to indicate that such consent would not be granted.

CONCLUSION

It is noted that in addition to highway safety concerns, objections have been raised about delays to traffic, including emergency vehicles, increased pollution, traffic diverting along unsuitable lanes and the impact on the local economy but none of these issues would be made worse by the proposal as no increase in crossings is proposed.

The proposed improvements to the existing crossing between Straitgate Farm and its land on the south side of the B3174 are acceptable and will reduce crossing times and aid highway safety. The creation of a new access point would not in itself result in a greater need to cross the road and therefore on the basis that the frequency and duration of crossings would be the same as existing (and is conditioned as such) there is no reason to object to the proposal.

Should the minerals extraction application being dealt with by Devon County require /result in an increase in road crossings, and potentially changes to the crossing (maybe through provision of a tunnel), that will be for Devon County to consider and secure/refuse as part of the determination of that planning application.

RECOMMENDATION

APPROVE subject to the following conditions:

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

(Reason - For the avoidance of doubt.)

3. The access hereby permitted shall not be brought into use until warning signs have been installed and made operational in accordance with the details shown in drawing number 0308.103 rev D. The signs shall thereafter be maintained.
(Reason - To provide advance warning to traffic in the interests of highway safety in accordance with Policy TC7 - Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031.)
4. The new access hereby permitted shall not be brought into use until holding pens have been provided on each side of the road in accordance with details to be submitted to and approved in writing by the Local Planning Authority before their construction. The holding pens shall thereafter be maintained in accordance with the approved details.
(Reason - To ensure that suitable facilities are available to ensure the safe crossing of livestock in the interests of the safety of road users in accordance with Policy TC7 - Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031.)
5. Following the creation of the access hereby permitted, no livestock shall cross the road via the existing access (other than livestock transported by vehicle).
(Reason - To reduce delays to traffic and the impacts of mud and excrement on the road in the interests of highway safety in accordance with Policy TC7 - Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031.)
6. The access hereby permitted shall only be used to facilitate the movement of livestock across the B3174 in the circumstances described in paragraph 1.7 of the Supporting Statement prepared by Aggregate Industries UK Limited dated November 2020. The access shall not be used for any additional livestock movements.
(Reason - The proposal has been assessed on the basis of the livestock movements described in the supporting statement and any intensification of the use would require further assessment in accordance with Policy TC7 - Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

0308.106 :	Combined Plans	10.12.20
sections		

20.10.7810.PL.A. 001	Location Plan	16.11.20
20.10.7810.PL.A. 002	Location Plan	16.11.20
0308.103 D : ccattle crossing arrangement	Other Plans	08.03.21

List of Background Papers

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

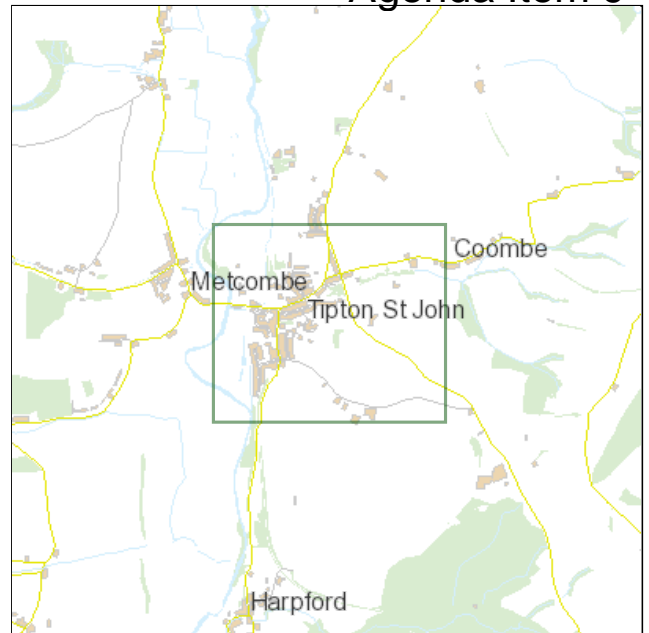
Ward Ottery St Mary

Reference 19/1794/VAR

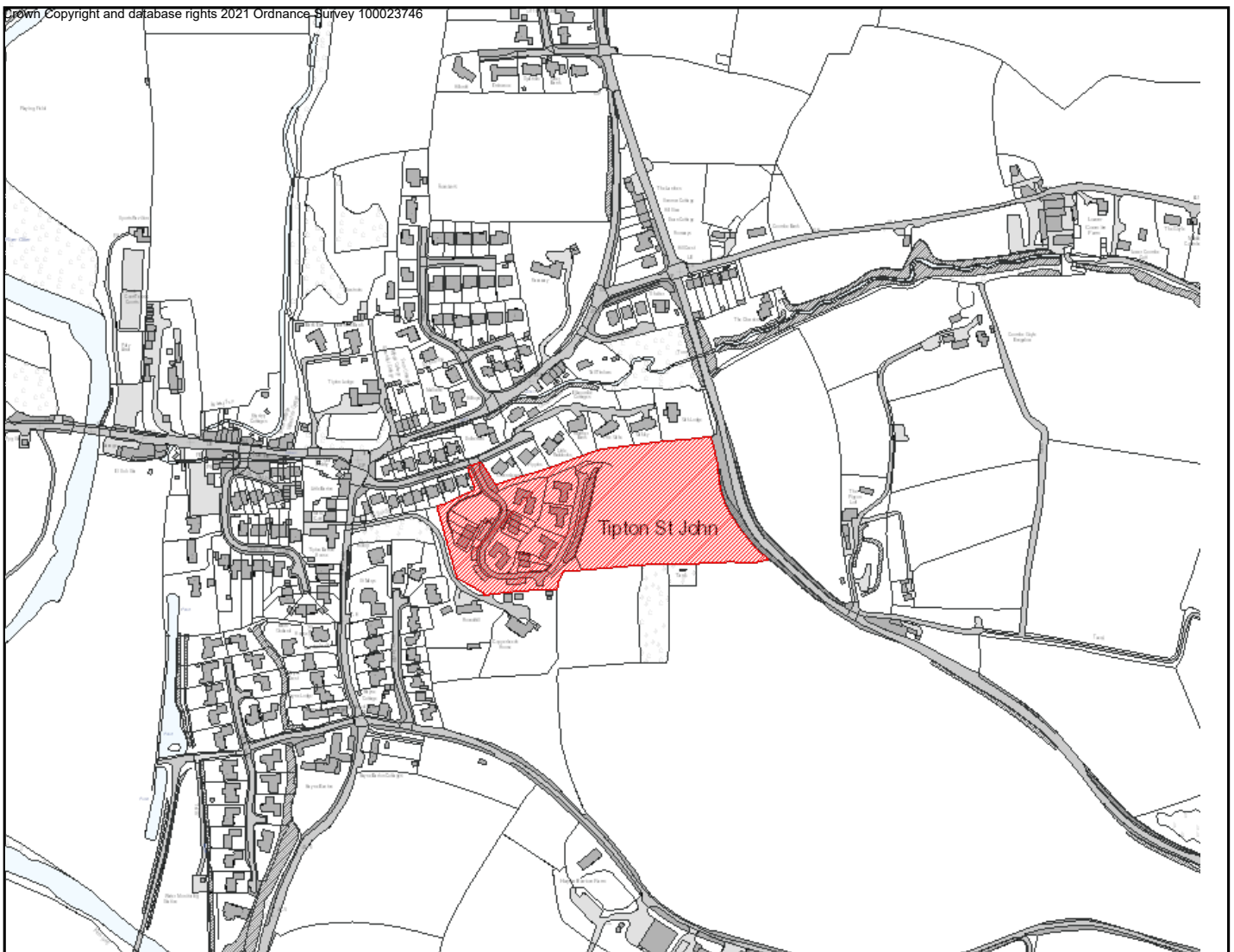
Applicant Mr M German

Location Land At Barton Orchard Tipton St John

Proposal Variation of Condition 2 (plans condition) to regularise changes made to the built development and variation of Condition 6 (landscaping scheme) of permission 15/2753/VAR (development of 15 no. houses).



RECOMMENDATION: Retrospective Approval (with conditions) subject to a legal agreement linking the decision to the original S106 agreement (and previous variations), amending the open space plan and providing for maintenance of the drainage system.



		Committee Date: 9th June 2021
Ottery St Mary (Ottery St Mary)	19/1794/VAR	Target Date: 06.12.2019
Applicant:	Mr M German	
Location:	Land At Barton Orchard Tipton St John	
Proposal:	Variation of Condition 2 (plans condition) to regularise changes made to the built development and variation of Condition 6 (landscaping scheme) of permission 15/2753/VAR (development of 15 no. houses)	

RECOMMENDATION: Retrospective Approval (with conditions) subject to a legal agreement linking the decision to the original S106 agreement (and previous variations), amending the open space plan and providing for maintenance of the drainage system.

EXECUTIVE SUMMARY

This application is before the Committee because it is a major application and the recommendation is contrary to the views of Ward Members and the Town Council.

The proposal is for adjustments to an exception site development which has already delivered ten affordable houses that have been occupied for some time. The five open market houses approved as part of the scheme have yet to be fully occupied but are finished or nearly finished.

The adjustments relate to the elevation treatment of the dwellings and the landscaping of the site. A further proposal to replace green roofs with pebbles was withdrawn and the green roofs have now been installed.

Part of the approved scheme was the installation of green walls to parts of the three highest dwellings within the site. The revised proposal is to paint the walls dark green and train ivy up them. Having regard to the purpose of the green walls, which was to mitigate the visual impact of the buildings, the revised proposal would have a similar effect. Subject to the wall treatment being maintained, the revision is acceptable.

The adjustments to the landscaping have arisen largely because of the sloping nature of the site. The introduction of retaining walls and changes in boundary layouts have necessitated this application. Subject to a condition to secure its implementation, the revised layout and landscaping would still achieve the

integration of the scheme within the AONB that was secured in previous applications and prevent flood risk.

Subject to conditions to secure the implementation of the landscaping and other matters, the amendments to the previously approved scheme are acceptable.

CONSULTATIONS

Local Consultations

Ottery St Mary - Cllr Vicky Johns

30/10/2020 - I object to this application due to the fact that the original planning application was granted under the reasoning that the entire area would be done sympathetically to the area and using environmentally friendly ideas. Since the original application has been passed there has been various ways that the applicant has deviated from the original plans, including placing plastic leaves on netting onto the site, which I believe have since been removed.

This new application seems, once again, to be a way of doing short cuts and ignoring the main reasons the planning application was originally accepted. The residents of Tipton are concerned, and always have been, about where the water run off will end up from this site and these new plans just add to that concern. Taking into account where the site is and how much mud/soil is there I also have concerns as to where the mud etc will end up if we have a serious downpour, it is my opinion that the Devon Banks that have been put in place will not hold the mud etc and it will end up going all down the road, causing issues for the residents of the Tipton and other commuters.

The fact that this new application undermines the reasons why the planning application was originally granted causes me great concern, if it is going to be a case of saying what you believe is needed to be said to get an application approved knowing that you can then change it once you have almost completed the works makes a mockery of the whole system. On the information I have received I strongly object to this change in the original application and hope that EDDC enforces the original planning application. I reserve my right to change my mind if new information comes to light.

Further comments:

18/11/2020 - With the information in front of me I object to this planning application and agree with the comments made in the landscape architect and green infrastructure officers report. The original application that was made for this development was environmentally friendly and more in keeping with the area. However these variations are definitely not and I have concerns for not only these buildings but also for the buildings below this site. I feel quite strongly that when planning applications are made that show the developer in a good light then that developer should stick to what was agreed and not try to change things to something easier or cheaper to the detriment of the buildings and the area. So I object to this application but reserve the right to change my mind if anything else comes to light.

Ottery St Mary - Cllr Geoff Pratt

27/02/2020 - This development lies on land which is registered as an Area of Outstanding Natural Beauty (AONBs). Accordingly landscaping in this application needs priority consideration.

The landscaping provisions of this application in my view do not comply with Policy NP 6 Page 34 of the Ottery St Mary Neighbourhood Plan (NP). Publicly valued views are identified for protection any proposals for development that would affect the views listed in Appendix 1, page 106 NP should demonstrate that design has taken this into account. The view from Mallocks Close in Tipton St John enjoyed prior to this development a green scenery overlooking Barton Orchard. Mallocks Close is identified in paragraph 2 page 106 NP.

The top right hand photo on page 80 NP shows the view in the distance of Barton Orchard from the Main Street in the village. Now this view also needs to be protected.

The landscape provisions must also comply with the Local Plan Strategy 46 and in particular the paragraph which states "When considering development in AONBs, great weight will be given to conserving and enhancing their natural beauty"

Accordingly tree planting is vitally important to protect these views. I would prefer the original plans to the proposed amendments

The green roofs should also be protected and I would be against the proposal to replace with pebbles.

It is also noted that the Council's landscape architect in his report states that the applicant has not complied with a number of requirements that had been requested on behalf of the planning Authority.

The above are my present views and I am open to change my mind in the event of other evidence becoming available.

Parish/Town Council

02/10/2019 - The Town Council strongly objects to this application and Variation of Condition 2 and 6 for the following reasons:

- o Lack of privacy
- o Adverse visual impact
- o Concerns about the run off of water and silt
- o No trees on the proposed plan where the original had a large amount which may help towards the run off issue
- o It is in an Area of Outstanding Natural Beauty (AONB) and therefore contrary to the Neighbourhood Plan, Page 78, paragraph 11.6
- o The Council recognises the Inspectors decision on previous planning application for Appeal B: APP/U1105/W/18/3218734, Waxway Camp Fire Beacon Lane Tipton St John OSM EX11 1QD which was also in an Area of Outstanding Natural Beauty (AONB)
- o Objects to the way the development has been handled and feels it is a betrayal to the residents of the original approved plans

19/02/2020 - Ottery St Mary Town Council after much discussion, three members voted in support of this application and three members voted it against it and there was one abstention. The Chairman of the Planning Committee was not prepared to give a casting vote one way or another.

However, the Town Council then voted unanimously for an amendment to the effect that it was not content with the way the Development was carried out in the first place and wanted the original application to be complied with. It hopes that there will be sufficient tree planting taking place, the roofs are to be replaced with a porous surface and that every effort is made to minimise the run off problem.

21/05/2020 - Ottery St Mary Town Council supports this application but is concerned that there should not be planting on the northern boundary which shuts out light to the neighbouring properties.

09/07/2020 - Ottery St Mary Town Council does not support this application on the basis that it agrees with the comments made by EDDC Landscape Architect and no further work be carried out until an acceptable set of details has been received

18/11/2020 - Ottery Town council strongly object to the Variation application; and the council strongly reiterates its concern about the failure to comply with the planning conditions attached to the original planning permission, and is particularly concerned about the possibility of damage to properties below the site

30/03/2021 - The Town Council does not support this application based on the grounds that the work has not been carried out as agreed in the original application and the applicant should comply with the original application in accordance with the recommendations in the EDDC Landscape Architect's report. Ottery Town Council urge EDDC to take urgent enforcement action.

Other Representations

12 representations/objections have been received raising the following concerns:

- Much more landscaping is needed around the area as well as within the buildings
- Avoid planting trees which will grow tall as these will completely shade the neighbouring gardens and remove all sunlight from these existing gardens and from solar panels on houses
- Existing wildflower meadow on parts of the site which have not undergone earth moving should be left untouched
- Environmental and landscape specifications should not been diluted
- Tree planting and landscaping is a necessity to stabilise the site properly
- These buildings will always be ugly and totally out of character with the rest of the otherwise attractive Devon Village
- Silt and soil has been washed into neighbouring gardens from the site.
- The earth bunds have no foundations and no proper drainage.
- Planning permission should never have been given for the development.

Technical Consultations

DCC Flood Risk SuDS Consultation

14/05/2021

Devon County Council's Flood and Coastal Risk Management Team has no in-principle objections to the application.

EDDC Landscape Architect - Chris Hariades

07/10/2019

1 INTRODUCTION

This report forms the EDDC's landscape response to the variation application for the above site covering revised landscape layout and changes from green roof covering to cobbles to some roofs.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 LANDSCAPE REQUIREMENTS

2.1 Conditions

The most recent decision notice relating to the site, application 15/2753/VAR, issued 31 August 2016 provides the following landscape condition: [condition 6]

3 PROPOSED CHANGES UNDER VARIATION APPLICATION

Change from green roof to cobbles

Two areas of approved green roofs to plots 6 and 10, totalling 106m² are now proposed to be replaced with tumbled cobbles. It is understood that this change arises from health and safety concerns, as sections of these roofs are readily accessible from surrounding ground while having unguarded, high level drops to some edges and it is thought residents would be more tempted to access them as lawns if they remain as green roofs.

While these roofs would be visible from higher plots, the upper section of the site access road and the area of open space above, they do not feature in views into the site from surrounding areas. The change to cobbles would result in a small loss of biodiversity value and storm water attenuation, however, in terms of visual impact the change is considered to be acceptable subject to the cobbles being from a sustainable source and not natural river bed/ beach material. Details of the supply source should be confirmed by the applicant.

However, it is noted that previous approved drawings in respect of application 15/2753/VAR provided for all roof areas to plots 1-3, 6 and 10 to be green roofs (760m total) and the applicant should confirm that with the exception of the cobbled areas indicated on the revised landscape plan that other areas of green roof will be provided.

Revised landscape plan – drawing no. C.S.13

The submitted revised plan is considered unsatisfactory for the following reasons:

- a) The site is currently some 85% complete with the affordable homes already in occupation and much of the landscape works completed around these and lower parts of the site. In a number of instances the as-built layout departs significantly from both the approved scheme drawings and the details indicated on the revised landscape plan itself. This includes additional fences and retaining walls, variation in the alignment, extent and specification of paths and hedgebanks and introduction of bin stores.
- b) A number of symbols on the plan are not identified in the key.
- c) The plan does not cover the full site area.
- d) The previous approved landscape scheme was based on an extensive hard and soft landscape strategy, key features of which included the creation of a woodland areas around the edge of the site and weaving through the development between rear

gardens; winding paths through public open space and integrated SUDS proposals which appear to have been lost in the revised scheme.

e) There is insufficient provision of screen planting which was a key component of the original scheme and is required to mitigate the visual impact of the development in views from the north and west and also looking down from the open space above.

f) Levels information is inadequate. Steep slopes exceeding 1:3 and external retaining walls should be clearly indicated. Finished floor and roof levels of dwellings should be shown. Spot levels should be provided at thresholds to dwellings, to top and bottom of proposed hedgebanks, retaining walls and steep slopes and at intervals along proposed access paths.

There are numerous further issues with the revised plan and as-built layouts including:

a) There is no indication of boundary treatment to the end of the rear gardens to plots 11-15 or the rear garden of plot 5 adjacent to the site access road.

b) The meter box wall to the front of plots 11-15 is shown on the plan surrounded by native screen planting with no provision made for access to the meters.

c) Parking bays perpendicular to the road to south of plot 5 have insufficient turning space in front of them – the minimum requirement is 6m.

d) A very steep high bank has been created between the top section of the site access road and open space to the east, with a narrow strip of planting proposed along the toe. The bank is vulnerable to erosion from surface water run-off and will be difficult to maintain as grass due to the steep slope. It is recommended that the slope is planted with native tree and shrub mix and incorporating appropriate drainage/ SUDS provision to reduce erosion risk and attenuate storm water flow.

e) The approved scheme included a winding footpath along the northern boundary from the bottom of the site to the turning head at the end of the site access road as per below extract from the approved hard landscape strategy drawing.

In the revised landscape scheme (extract below) the access path is channelled into a two metre corridor against the existing boundary hedge and the gardens to plots 10 and 11 extended accordingly.

While a straighter, and consequently steeper, footpath could be considered acceptable the approved area of the access corridor should be retained and planted with native trees and shrubs to provide screening of the development in views from the north and incorporating appropriate SUDS drainage provision.

g) Details of proposed play provision are required in accordance with the approved scheme and section 106 agreement.

4 Conclusion and recommendations

For the above reasons the revised landscape plan submitted with the application is considered to be unacceptable and contrary to Local Plan policies – Strategy 43 Play provision, D1 Design and Local Distinctiveness and D2 Landscape Requirements.

In view of the extent of the departure of the as-built layout from the approved external works layout (hard and soft landscape), the applicant needs to submit revised plans which properly reflect the as-built situation. In some instances this may require elements of existing works to be removed/ adjusted particularly in respect of levels and boundary treatments in order to ensure a quality scheme which provides appropriate mitigation of landscape and visual impacts.

It is recommended that the applicant engages a suitably qualified landscape architect to provide a comprehensive external works package which should include the following:

a) A landscape masterplan covering the whole site at minimum 1:500 scale showing the principle elements of the scheme.

- b) Detailed hard landscape plans at 1:200 scale covering the whole site which should indicate clearly the extent and type of proposed pavings, edgings, fences, retaining walls, bin stores, lighting, site furniture, hedgebanks and other earthwork and drainage features.
- c) Construction details for proposed fences, walls and boundary features, structures, pavings, storage areas, lighting and site furniture.
- d) Detailed levels plans at 1:200 scale showing proposed and existing site contours, ground floor and roof levels of buildings and spot levels on paths and thresholds together with an indication of slopes exceeding 1:3 gradient. These should be accompanied by a set of 1:50/ 1:100 scale sections through the site to clearly indicate the proposed level treatments.
- e) Detailed planting plans at 1:200 scale indicating existing and proposed planting, grass and meadow areas including tree, shrub and herbaceous plant species, locations. Detailed specification for soil quality, depths, cultivation, tree and shrub planting, grass seeding, means of staking/ support and protection for new planting during establishment period.
- f) Updated surface water drainage plans should also be provided to reflect any changes in existing and proposed site layout and associated drainage treatments.
- g) A 10 year detailed landscape and ecology management plan (LEMP) covering the entire site and providing the following information:
- *Extent, ownership and responsibilities for management and maintenance.*
 - *Details of how the management and maintenance of public open space will be funded for the life of the development.*
 - *Inspection and management arrangements for existing and proposed trees and hedgerow and planting areas.*
 - *Management and maintenance of grass areas.*
 - *Management and enhancement of biodiversity value.*
 - *Management and maintenance of any boundary structures, drainage swales and other infrastructure/ facilities within public areas.*

Further comments:

18/02/2020

1 INTRODUCTION

This report forms the EDDC's landscape response to **additional information** submitted in support of the variation application for the above site.

The report provides a review of landscape related information submitted in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information and previous landscape response dated 7.10.2019.

2 BACKGROUND

The site is prominently situated on high ground to the southeastern edge of Tipton St John and falls within the East Devon AONB.

Planning approval was granted for development of 15 homes on the site in 2015 and the scheme is currently some 90% complete. There have been a number of departures from the approved scheme and a variation application was submitted in autumn 2019 to regularise these and agree some further proposed amendments to the scheme. A review of the landscape proposals submitted with that application found them to be

unsatisfactory in a number of respects and further information has been submitted by the applicant in response to this, which are the subject of the present review.

3 REVIEW OF AMENDED LANDSCAPE RELATED INFORMATION RECEIVED FEBRUARY 2020

3.1 Change from green roof to cobbles

The variation application 19/1794/VAR submitted in autumn 2019 included a change to accessible parts of the proposed green roofs to plots 6 and 10 to loose cobbles in order to reduce the risk of people using them as garden areas, due to concerns raised about access to unprotected drops. However it is understood that EDDC Building Control require that this risk is dealt with by providing minimum 1100mm high fencing to prevent casual access to all accessible roof areas. As a result the proposed change to cobbles will not be necessary. Please confirm that all green roof areas will be provided as per original approved scheme.

3.2 Changes to approved site layout and landscape proposals

A set of 7 landscape drawings (revision 4) have been submitted in response to previous landscape comments. These address many of my key concerns in relation to the previous amended layout including increased woodland/ screen planting, and reversion to previously approved northern boundaries to plots 1 and 10, however the following issues remain which need to be satisfactorily addressed before the scheme can be considered acceptable in terms of landscape design:

3.2.1 General

- a) Despite previous request there is no overall site plan indicating the amenity land within the eastern portion of the application site or any detail plans for this area. Please provide further detail of proposed treatment of this area.
- b) Despite previous request contours and levels information shown on all drawings is incorrect, particularly the steep graded slope which has been created to the east of plots 1-3. Detailed levels plans at 1:200 scale should be provided showing proposed and existing site contours, ground floor and roof levels of buildings and spot levels on paths and thresholds together with an indication of slopes exceeding 1:3 gradient. These should be accompanied by a set of 1:50/ 1:100 scale sections through the site to clearly indicate the proposed level treatments.
- c) All the submitted plans include a note referring to Clarkebond documentation for details of grading of slope to east of plots 1-3. This information does not appear to be included with the submitted details. Please provide.

3.2.2 Hard landscape (surfaces) Masterplan

- a) The parking bays to the south of plot 3 have insufficient turning space (the minimum parking standard is for 6m turning space) and the proposed close board fence on the kerb line opposite will be vulnerable to damage from vehicle reversing. The layout should be adjusted to provide sufficient turning space.
- b) The drawing indicates that the surfacing of the stoned section of the access road to east of plots 1-3 will comprise a cellular polymer grid with aggregate infill as per Clarkebond details. These do not appear to be included in the submission, please provide.
- c) The proposed pedestrian path to the northern site boundary has a gradient of 1:3 to the north of plot 1 where the provision of steps should be considered.
- d) A construction detail should be provided for the proposed footpath to the northern site boundary. Due to the variation in slope and alignment the use of timber edge boards will be difficult to achieve in practice and is likely to impede the effective discharge of surface water from the path.

3.2.3 Fencing & Hedging Masterplan

a) 1200mm chain link fencing is indicated in a number of locations to prevent access to accessible flat roof areas with unguarded drops. These are generally acceptable but in relation to plot 6, in accordance with EDDC Building Control recommendations, the extent of fencing should be extended as highlighted in the over-marked drawing extract below.

b) In order to provide maintenance access to the proposed woodland planting corridor west of plots 1-3 the two sections of close board fence extending across it should be omitted.

c) The proposed close-board fence following the road edge to the rear garden of plot 5 is vulnerable to damage by passing cars and also is out of character as a frontage element within the scheme and should revert to a Devon bank as previously approved.

3.2.4 SuDS (Surfaces) Masterplan

The drawing does not provide a comprehensive SUDS drainage scheme and utilises contours and levels information that does not reflect the as-built landform. Drainage features where they are shown do not connect into the wider site drainage scheme.

The drawing makes numerous references to Clarkebond details. These are not included with the submitted information. Please provide.

3.2.5 Planting Strategy Masterplan

a) The key symbols do not match those on the plan. Please amend and re-issue so it is readily apparent which areas on the plan relate to which planting type proposed.

b) The proposed species composition for the planting mix to areas of low planting indicated around the play space adjacent to the site entrance should be clearly stated.

c) Planting to the north of the footpath on the northern boundary appears to encroach over the proposed stone drainage channel shown on the SuDS (surfaces) Masterplan. Please check and rectify.

3.2.6 Planting Masterplan Details & Outline Specification & Schedules of Quantity

Planting notes should be amended to reflect the following:

- Soil to areas to be sown with wildflower mixes should be low fertility – subsoil or a subsoil/ topsoil mix.
- Tree pits should be excavated to 500mm width and depth extended as necessary to accommodate the full spread and depth of roots.
- Topsoil to be laid on de-compacted subsoil free of builders' waste and other deleterious material.

4 CONCLUSION & RECOMMENDATIONS

The revised details lack some important information and contain a number of errors/ omissions as noted above which should be rectified before the scheme can be considered acceptable in terms of landscape design.

Further comments:

22/05/2020

Review of amended details submitted May 2020

This report is prepared in response to amended details received for the above scheme and following a site visit carried out on 15 May 2020. It also addresses complaints received from local residents in relation to discharge of surface water into private gardens to the north due to site alterations of original drainage patterns, and concerns about proposals for the establishment of new large tree planting along the northern boundary which in time might overshadow adjacent gardens to the north.

It was noted during the site visit that a new turning area has been constructed adjacent to the southern boundary, south of plot 5, which has entailed significant build-up of ground levels within the root protection area (RPA) of existing mature boundary trees. Recent bunding on the northern boundary also compromises the RPA of existing trees. Further advice regarding the acceptability of this and any required remediation should be sought from the District tree officers.

A tree protection plan has been submitted with the amended details, however, in the context of as-built and ongoing construction operations it is meaningless and, following advice from the District tree officers, the applicant should be required to submit a revised tree protection plan, prepared by a suitably qualified arborist, providing details of how disturbance of RPAs will be rectified and measures for tree protection for the remainder of the construction period. I do not recollect seeing any tree protection measures on site during my visit, despite on-going construction works.

Aside from the turning area to the southern boundary and the inadequacy of drainage and levels details, the submitted landscape proposals are generally acceptable but, following the comment received from a local resident about shading of the gardens to the north, I have reviewed the proposed planting mix adjacent to the existing northern hedge-line which includes some very large growing tree species including oak and Monterey pine. I consider it would be better to leave the ground between the proposed access path and existing hedge as species rich grass with a few smaller trees such as bird cherry planted forward of the hedge line where space permits.

It is noted that recent site works do not accurately reflect the landscape layout shown on the latest plans and confirmation should be provided from the applicant that site alterations will be made in accordance with the submitted plans once they have been approved.

As previously requested, an accurate levels plan is required showing proposed levels and contours, the extent of new earthworks and slopes steeper than 1:4. This should include in particular the proposed reinforced earth banks and the slope to the east of the top section of the site access road. This should be accompanied by sections showing original and proposed ground levels.

It is clear that there are significant issues with surface water discharge off-site and on-site erosion of slopes. The submitted SuDS strategy drawing does not provide an overall drainage strategy or accurately reflect site levels. A detailed drainage strategy is required with full details of at surface and below ground drainage infrastructure including plans, construction details and supporting calculations, prepared by a competent drainage engineer based on the proposed site layout.

This is now the third set of amended details which have been provided in support of this application. It is very disappointing that the details are still unsatisfactory/incomplete and I would recommend that no further works are carried out on site until an acceptable set of details reflecting the above points and my previous comments are provided and approved.

Further comments:

1 INTRODUCTION

This report forms the EDDC's landscape response to the Variation application for the above site seeking approval to proposed and as-built alterations to the previous approved scheme (application ref. 15/2753/VAR).

The report provides a review of the latest landscape related information submitted with the application in relation to adopted policy, conditions of the outline approval, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 REVIEW OF SUBMITTED DETAILS

Due to inadequate detailing and poor construction management the as-built scheme falls far short of its original design intentions and approved planning drawings. It is unrealistic to expect that the as-built external works can be brought back in line with the originally approved design proposals, but while some compromise is necessary, further changes are needed both to the as-built construction and latest landscape drawings. Notable issues to be addressed are the treatment of the hill top to the east of the site; treatment of the footpath following the northern site boundary; completed earth bunds around plot curtilages; changes to plot boundaries; design of surface water drainage and provision of adequate structure planting to screen the development in key views and help assimilate it into the surrounding landscape.

2.1 Submitted drawings

- Hard landscape masterplan, drawing no. TSTJ 0-1 Rev 6
- Planting masterplan, drawing no. TSTJ 0-2 Rev 6

I am pleased to note that the current drawings are based on a more accurate as-built topographic survey than previously.

2.2 Hill top area

The original approval included the land to the east of the housing area which was to provide public open space and included the creation of paths and hill top viewing area (refer fig. 1 below). Although these have not been provided there has been considerable amount of ground disturbance in this area where large quantities of excavated material and builders waste have been buried, changing the ground profiles and natural drainage patterns. The disturbed ground has been regraded but the ground left bare and builders waste including pieces of timber, metal, concrete and geotextile are evident poking through the surface.

The revised drawings submitted with the current application do not include the eastern portion of the site. Additional drawings should be provided to cover this area and show extent of earthworks and changes to the slope profiles that have been made during construction works, any drainage works and proposals for ground remediation and restoration to meadow and public access provision.

Photo here

Figure 1 - Extract from Location Plan submitted with approved application 15/2753/VAR showing red line boundaries

2.3 Footpath access to northern site boundary

Further detail is required to show how the footpath is proposed to be finished at its eastern end including final grading and extent of surfacing.

Confirmation should be provided of how surface water flows down path will be dealt with in order to prevent scouring.

2.4 Access to eastern meadow area from turning head at top of site access road

A suitably graded pedestrian access should be provided from the end of the turning head up to the meadow to the east for the benefit of site residents and the public.

2.5 Surface water drainage

The as-built surface water drainage scheme differs considerably from the approved scheme and appears to have been constructed on an ad-hoc basis. A revised drainage strategy is required prepared by a qualified drainage consultant based on the as-built scheme with details for any further amendments which may be necessary to meet SuDS requirements and ensure adequate control of surface water discharge to prevent soil erosion and uncontrolled site run off.

Following completion the approved drainage scheme should be signed off by a qualified engineer and a completion certificate issued to the LPA.

2.6 Earth bunding to plot curtilages

Bunding has been used extensively to define plot curtilages. The original approved drawings showed these would be formed to regular battered slopes and heights with turfed sides and steel mesh reinforcement. Instead the bunding has been formed by placement and crude grading of earth by machine excavators to varying heights and width. Around the lower parts of the site these have been seeded or turfed but higher up the bunds have been left bare to colonise by aggressive weeds such as docks. There is evidence of some slumping in places.

Details should be provided for seeding/ turfing of bare bund slopes.

Bunding to the north of plot 1 is excessive, creating an extensive man-made slope to the northwest which towers over the adjacent footpath. There is no need for bunding in this location and the bund, indicated in orange in the drawing extract below, should be taken down level with the adjacent verge to the east.

Plan here

Figure 2- Extent of constructed bund north of plot 1 which should be taken down

Plot boundaries

Changes have been made to plot boundaries particularly plots 1 and 10. To ensure effective establishment and maturity of screen planting as proposed the areas highlighted in red on the below extract from the planting masterplan should be retained in the ownership of the site management company and managed accordingly rather than being transferred to individual plot owners. This will require amendment to proposed and constructed fence lines.

Plan here

Figure 3 - Extract of planting masterplan showing in red area which should be excluded from individual plot ownership and taken on by site management company

2.7 Treatment of open space to west of site entrance

The landscape proposals for the open space to the west of the site entrance provide for an area of grassed open space surrounded by low bunding and planting. This area is relatively steeply sloping and the ground is very uneven, limiting its play value. A better approach would be to create a small copse in this space that will provide opportunity for informal play such as den making and tree climbing in the future as well as providing better screening of the development in views from the north.

2.8 Site ownership and maintenance responsibilities

A plan is required of the whole site area showing the extent of private plot ownership, housing association owned land, land to be owned and managed by a management company and any land to be transferred to community ownership.

2.9 Planting masterplan

The appropriateness of planting a woodland mix on the slope of the earth embankment immediately to the south side of the footpath running along the northern site boundary is questioned. A more appropriate treatment would be to plant a native mix hedgerow on the top of the embankment incorporating appropriate feathered trees at intervals and to sow the slope on the path facing side with a wildflower mix.

Similarly a 2m width grass verge should be provided between the road edge and the proposed woodland planting area along the frontage of plot 10.

The following changes are required to the planting specification in accordance with good practice:

- The planting specification should include specification for clearance of existing weeds and vegetation from areas to be planted/ seeded by application of systemic herbicide in accordance with manufacturer's instructions or hand weeding as appropriate.
- The addition of compost to tree pits is not in keeping with advice from the District Arboricultural Officer and should be omitted.
- Spiral guards should be specified as bio-degradable.
- Mulch to planting beds and base of new trees should be specified as composted bark mulch.

3 CONCLUSION & RECOMMENDATIONS

3.1 Acceptability of proposals

Further amendments are required to the as-built scheme and revised drawings and additional detail provided to reflect points noted above.

Subject to receipt of satisfactory additional information the scheme could be considered acceptable in terms of landscape design.

3.2 Conditions

Notwithstanding the submitted details, should satisfactory additional information be received and the scheme be recommended for approved the following conditions should apply:

1 A detailed planting plan shall be submitted for approval by the Local Planning Authority showing the species and number of plants to be provided in each planting bed.

2 The works shall be executed in accordance with the approved drawings and details and shall be completed within the first planting season following approval of the application.

3 No development shall take place until a landscape and ecology management plan (LEMP) for a minimum period of 15 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance.
- Details of how the management and maintenance of open space will be funded for the life of the development.
- Inspection arrangements for existing and proposed trees and hedgerows and biodiversity enhancement measures.
- Management and maintenance of grass and wildflower areas.
- Management and maintenance of existing and proposed trees, hedgerow and planting.
- Management and enhancement of biodiversity value.
- Management and maintenance of any boundary structures, drainage swales and other infrastructure/ facilities within public areas.

Maintenance shall be carried out in accordance with the approved plan.

4 Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development),

Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan.

Further comments:

09/02/2020

Following submission of amended drawings in November 2020 and a meeting with EDDC Planning and the applicant and design team the following recommendations are made.

1 Amendments and further details required for approval of the application.

1.1 Public open space

Public open space to be provided to east of developed area as indicated below:

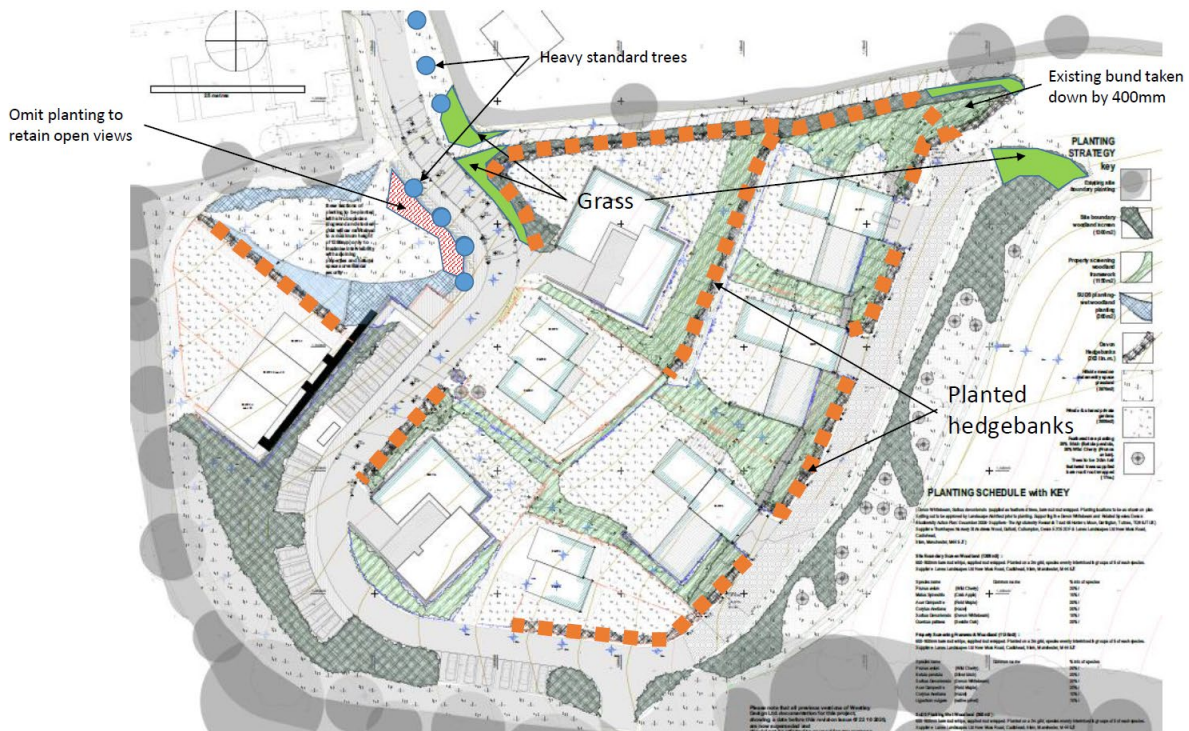


Applicant to provide a site plan indicating the open space areas and detailed drawings and specifications to include:

- Details of wildflower mix and specification for ground preparation, sowing and establishment to area to be re-cultivated, specification for tree planting and bench supply and installation.
- Oak planting should comprise 3 no. *Quercus robur* supplied as 10-12cm girth standards planted as a group 3 metres apart.
- Footpath construction - this should include for provision of surfacing to the extent indicated by red pecked lines.

1.2 Housing area

Planting to be carried out generally as per Wesley Design drawing no. TStJ 0-2 22/10/2020 rev 6 -22 10 2020 but with amendments as per the plan below. An amended plan incorporating these to be submitted to LPA for approval.



1.3 Surface water drainage

Details of the land drainage system to the east of the top access road should be included on an updated site drainage plan. A sign off certificate for the installed surface water drainage should be provided by a qualified drainage engineer.

1.4 Ownership plan

A plan for the whole site area showing the extent of private plot ownership, housing association owned land, land to be owned and managed by a management company and any land to be transferred to community ownership is to be submitted for approval.

2 Conditions

Should the application be approved the following conditions should be attached:

2.1 LEMP

Within two months of the issue of the decision notice A 25 year landscape and ecology management plan (LEMP) should be provided for approval by the LPA covering all areas excluding private gardens. The plan should include the following:

- Management objectives
- Extent, ownership and responsibilities for management and maintenance.
- *Details of how the management and maintenance of open space will be funded for the life of the development.*
- *Management of existing and proposed trees and hedgerows.*

- *Management and maintenance of new trees shrub and hedge planting*
- *Management and maintenance of grass and wildflower areas.*
- *Management and enhancement of site biodiversity value.*
- *Management and maintenance of any boundary structures, paths, furniture, drainage swales and other infrastructure/ facilities within public areas.*
- Inspection and monitoring arrangements
- Relevant drawings to indicate the locations and extent of features covered by the plan.

Maintenance shall be carried out in accordance with the approved plan.

2.2 Planting programme and replacement of failures

Planting works shall be carried out during seasonally appropriate times and be completed no later than 20 December 2021.

Any new planting or grass areas which fail to make satisfactory growth or which dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

Further comments:

07/04/2021

I have reviewed the latest landscape drawings submitted in respect of the above scheme and in response to my previous comments dated 9 February 2021.

The submitted amended landscape details comprise:

- Landscape Revisions at Barton Orchard - Dwg. no. TStJ 09 revision 8 – 11.03.21
- Hard landscape masterplan: Groundworks, fences, boundaries and hard surfaces masterplan – Dwg. no. TStJ-01 revision 8 – 11.3.21

These are generally acceptable and address the points raised in my last response. I note one anomaly in the proposed southern boundary treatment to plot 3, where the hard landscape drawing shows the existing close-board timber fence retained while the soft landscape plan shows it replaced with a hedgebank. The drawings should be amended as appropriate to provide consistency.

Should the application be approved I draw your attention to item 2 of my last response setting out recommended landscape conditions for a site Landscape, ecology and management plan, planting programme and replacement of failures.

EDDC Trees

13/01/2021 - I agree and concur with the comments made by EDDC Landscape Officer

PLANNING HISTORY

Reference	Description	Decision	Date
11/2172/MFUL	Housing development of 5 open market dwellings and 10 affordable dwellings and provision of public area (revised proposal including reduction in proposed houses from a total of 19)	Approval with conditions	12.09.2013
14/1745/VAR	Amendment to planning permission 11/2172/MFUL (housing development of 5no open market dwellings and 10no affordable dwellings) to increase the size of the open market units (nos 1, 2, 3, 6 and 10) and add garages.	Approval with conditions	24.12.2014
15/2753/VAR	Variation of condition 2 (amended design of proposed dwellings) and removal of condition 3 (previously securing development to code level 5) of permission 14/1745/VAR (development of 15 no. houses).	Approval with conditions	31.08.2016
No ref.	Variation to the S106 agreement to allow staircasing up to 100%.	Approval	18.06.2018

POLICIES

Ottery St Mary and West Hill Neighbourhood (Made)

Policy NP1: Development in the Countryside

Policy NP2: Sensitive, High Quality Design

Policy NP5: Local Green Spaces

Policy NP6: Valued Views

Policy NP8: Protection of Local Wildlife Sites and Features of Ecological Value

Policy NP9: Accessible Developments

Policy NP12: Appropriate Housing Mix

Policy NP13: Accessible and Adaptable Homes

Policy NP14: Demonstrating Infrastructure Capacity

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 35 (Exception Mixed market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries)

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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

EN13 (Development on High Quality Agricultural Land)

EN14 (Control of Pollution)

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

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

RC2 (New Open Space, Sports Facilities and Parks)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

Barton Rise is a development of 15 houses and flats, 10 of which are affordable, that was constructed on a field accessed from Barton Orchard. The development is largely complete, other than landscaping, and the affordable dwellings have been occupied for some time.

The development occupies the west facing slopes of a hill that continues to rise to a high point located towards the south east corner of the field. The site is completely located within the Area of Outstanding Natural Beauty. While bordered on most sides by mature hedgebanks and trees, the main Sidmouth to Ottery St Mary Road lies to the north albeit set below the field's high point and itself screened by a bank and mature hedge.

Proposal

This application is for further alterations to a scheme which was first granted permission in 2011 and has been varied twice before in 2014 and 2015, as well as by way of a variation to the legal agreement in 2018.

During construction various changes have been made to the landscaping and design of the five open market houses and collectively they have resulted in an amount of change which needs to be considered in a new variation application. This application has therefore been submitted to regularise the changes to the development.

ANALYSIS

The main issues for consideration are the changes to the design of the open market houses and changes to the landscape scheme and drainage.

Changes to the open market houses

Beginning with the houses, these maintain the same size and shape as the approved scheme but there have been minor adjustments to fenestration and the elevation treatment in relation to previously approved living walls. In spite of these changes, the landscape impact remains essentially the same as the approved scheme but there are two aspects of the proposal that merit further explanation.

When the application was first submitted it was proposed to omit the green roofs from the open market dwellings and replace them with a pebbled surface which would deter access to the flat roof. Following discussion between Building Control and the Council's Landscape Architect it was concluded that the green roofs could be retained as part of the design and they have now been reinstated and can be seen on site.

The second main change is that the developer began to install an artificial leaf mesh product instead of the approved living green wall on certain elevations of units 1-3. Following installation there was opposition from all quarters not least because of the needless use of plastic to imitate a natural product. However, the developer was not willing to revert to the approved 'Biotecture' living wall product citing concerns about water ingress and maintenance and therefore an alternative was sought. The revised proposal, as can be seen on site, is to paint the walls a dark green and train ivy up them.

The background to this proposal is that the green walls were first proposed in the 2014 variation when rooftop garages were added to units 1-3 in place of open parking. The green walls were intended by the architect to mitigate the landscape impact of the additional storey when seen against the backdrop of the hill behind. Now, when seen from Mallocks Close, the dark green painted walls are a good match for the colour of the trees and hedges which form the backdrop to the buildings, and in due course for the grass on the hill behind. The effect would be further improved by the ivy trained up the walls once it has been planted and matured. From other vantage points views of the development are filtered, partly blocked or more distant. One to note in particular is the 'valued view' from the path adjacent to the River Otter which is identified as view T1 in the Neighbourhood Plan and protected by policy NP6. Although the site is not visible in the photos included in the Neighbourhood Plan, it can be glimpsed from other vantage points on the path. However, the change in the treatment of the green wall would make the dwellings no more prominent.

Although it is disappointing that the 'Biotecture' product has been rejected by the developer, the alternative now proposed would achieve a similar level of landscape mitigation and is therefore considered an acceptable alternative, subject to a condition that it is maintained in future.

Landscaping

Turning to the landscaping, this has been comprehensively reviewed by the Council's landscape architect over several iterations and in light of repeated departures from the approved plan by the developer. Much of the change has arisen because of the steeply sloping nature of the site but it appears that some of the change has been to increase private plot sizes at the expense of communally maintained landscaped areas.

The revised design incorporates new retaining walls and different internal boundary layouts and there are also changes in the planting scheme. Much time has been spent reviewing plans which have not subsequently been implemented. Only latterly has a plan been provided which resembles the as-built layout. This has been subject to some refinement through discussions with the Landscape Architect but has now reached a stage where it is acceptable and will help the development blend into the landscape in time. During the course of reviewing and consulting on the series of amendments certain issues have been raised and these are addressed below. Drainage is considered as a separate matter.

Turning head. The addition of a turning head close to the trees on the southern boundary was included in the drawings agreed as a minor amendment in October 2016. Therefore this is not something which needs to be considered in this application.

Levels. Owing to changes in levels throughout the site various retaining structures have been designed in consultation with structural engineers and these are indicated on the drawings. In addition there are non-structural banks which form boundaries between roads, paths and private gardens. Beyond the immediate confines of the dwellings, the higher ground to the east has been used to deposit material from the site but this has been regraded to a safe angle of repose. Furthermore, drainage channels have been installed on and below the slope to ensure that run-off is managed appropriately in the interests of slope stability.

Shading of properties to the north. Originally the landscaping scheme proposed the planting of tall trees adjacent to the established boundary hedgerows and this caused the neighbours to raise concerns about shading of their gardens and solar panels. These trees have been omitted but the existing boundary hedges and trees will remain. While the landscape effect of these trees will be lost, this has to be balanced against the need to conserve neighbour amenity and in this case the omission of the trees from the landscaping scheme is considered to be justified. Furthermore, planting within the site particularly in the planting strip below units 1-3, will continue to provide a softening effect.

Landscaping and maintenance of the open space. Some of the land on the hill above the development is to be managed as public open space in accordance with the Section 106 agreement. The remainder of the hillside is within the site boundary and is to be landscaped but is not required to be transferred to the management company. The landscaping plan now shows a satisfactory treatment of this area which is in accordance with the comments of the Landscape Architect. A 25 year landscape and ecology management plan (LEMP) is necessary to ensure that all of the land outside the private gardens is maintained appropriately.

Drainage

A drainage scheme was agreed through the discharge of condition 13 of the 2015 variation. The amended scheme does not change the basic drainage layout or the arrangements for capturing surface water from the hard surfaces, other than the addition of a further filter trench on the edge of the top section of road below the hillside. During the construction process neighbours have experienced problems with run-off from the site but since drainage has been installed, run-off has been captured and managed through the site drainage system.

Although there are a number of bunds on the site, these are principally for landscaping purposes rather than to divert surface water run-off and are not considered to be at risk of erosion or being undermined. Furthermore, in due course the new planting will also help to capture and slow the run-off and reduce the likelihood of the drains being inundated.

The developer has discussed the departures from the drainage details that were agreed following the 2015 permission with the Flood Risk Team at Devon County Council and has provided up-to-date information about its design. As a consequence the installed scheme is considered to be acceptable and all that remains is to ensure that it is maintained, which can be secured as part of the legal agreement.

Section 106 Agreement

The original Section 106 agreement secured the following:

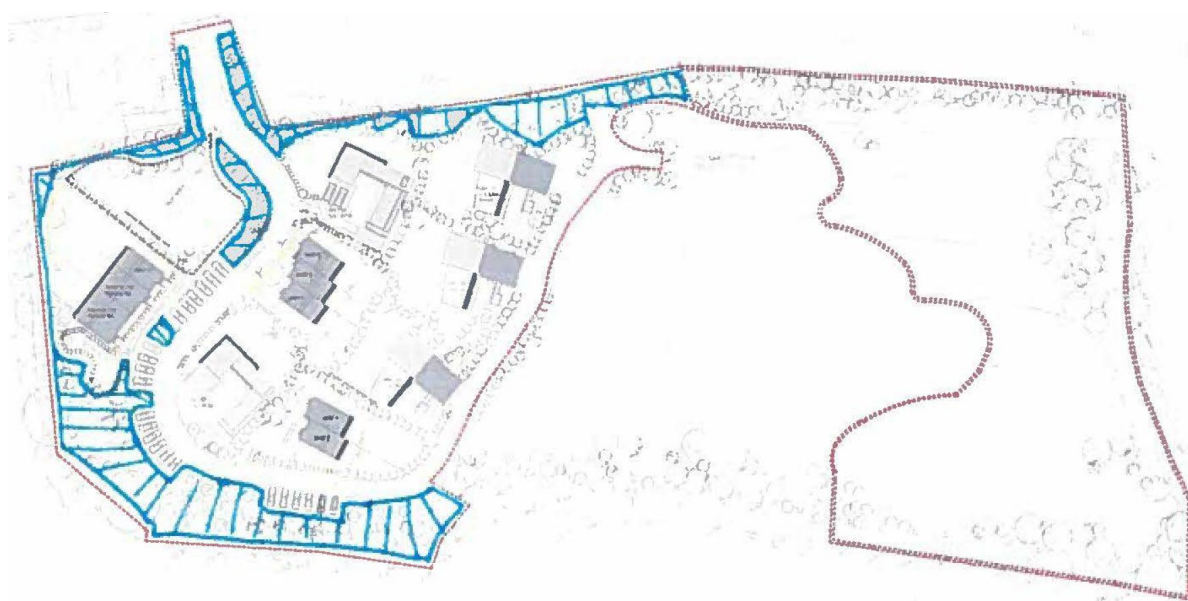
- 10 affordable dwellings.
- An education contribution of £36,000 payable to Devon County Council, the first half of which is payable prior to occupation of 25% of the dwellings and the remainder prior to occupation of 75% of the dwellings.
- Public open space comprised of the northern part of the hill, including the hill top, and an area of land at the bottom of the site (outlined in purple on the plan below); and ongoing maintenance of the public open space.



The 2014 variation was accompanied by a simple linking deed resulting in no change to the above commitments.

The 2015 variation made the following changes:

- Removed the requirement to provide the affordable housing to satisfy Code for Sustainable Homes Level 5.
- Amended the mortgagee exclusion clause.
- Other minor changes to the section on release from the affordable housing restrictions.
- Made additional provisions for the apportionment of the rentcharge for the maintenance of the open space.
- Changed the plan identifying the public open space, adding the areas hatched in blue below.



The 2018 variation allowed staircasing of the shared ownership properties up to 100%

In the event of a resolution to approve the current application a further legal agreement would be required linking to the original agreement (as amended) and substituting a new open space plan with amended blue hatching to reflect the new layout. Maintenance of the drainage system will also need to be added.

Habitat Regulations Assessment and Appropriate Assessment

The site is within 10km of the Pebblebed Heaths and ordinarily new development would be required to make a financial contribution towards mitigation of the recreational use of the Pebblebeds by the occupants of the new dwellings. In this case the approval for development on this site dates back to 2011 and pre-dates the introduction of charging. Although no contribution has been secured in respect of this development, the extant permissions mean that the site can be (and already is) occupied without a habitat mitigation payment. Furthermore, the new scheme does not change the size of the dwellings or the number of bedrooms and would not therefore result in an increased impact on the Pebblebeds compared to the fallback.

On this basis this proposal will not give rise to likely significant effects and is acceptable without any further mitigation.

CONCLUSION

The amended scheme in this application is recognisably of the same character and extent as the scheme that was first granted permission in 2011. The scale, layout and overall design of the dwellings remains broadly the same but in the revised scheme a number of adjustments have been made to elevations and landscaping. None of the changes, however, would diminish the overall quality of the scheme or lead to an adverse impact on the AONB.

The drainage scheme has been considered in detail by DCC Flood Risk Team who accept the submitted details that should prevent any flooding of neighbouring properties that was a concern during the construction phase.

The new landscaping will in time soften the development and grass will return to the hillside to cover the bare earth. It will take a number of years for the development to mature but this application signals the end of the construction period and the beginning of the integration of the buildings into the landscape. Subject to conditions to secure the implementation of the landscaping, drainage and other matters, the amendments to the previously approved scheme are acceptable.

RECOMMENDATION

APPROVE subject to a S.106 linking agreement and subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan 11-528 T1 A dated 20/11/2015

Units 1-3

Floor Plans C.X.03, C.X.04, C.X.05, C.X.06, C.X.07, C.X.08 dated 22/02/2018

Roof Plan C.X.09 dated 22/02/2018

Elevations C.X.17, C.X.18, C.X.19, C.X.20, C.X.21 dated 22/02/2018

Units 4-5

Floor Plans C.A.04, C.A.05 dated 15/05/2018

Roof Plan C.A.06 dated 15/05/2018

Elevations C.A.11, C.A.12, C.A.13, C.A.14 dated 15/05/2018

Unit 6

Floor Plans C.G.08, C.G.09, C.G.10, C.G.11 dated 13/04/2018

Roof Plan C.G.12 dated 13/04/2018

Elevations C.G.18, C.G.19, C.G.20, C.G.21, C.G.22, C.G.23 dated 13/04/2018

Units 7-9

Floor Plans C.B.05, C.B.06, C.B.07, C.B.08 dated 15/05/2018

Roof Plans C.B.09, C.B.10 dated 15/05/2018
Elevations C.B.16, C.B.17, C.B.18, C.B.19 dated 15/05/2018

Unit 10

Floor Plans C.G.08, C.G.09, C.G.10 C.G.11 dated 13/04/2018
Roof Plan C.G.12 dated 13/04/2018
Elevations C.G.18, C.G.19, C.G.20, C.G.21, C.G.22, C.G.23 dated 13/04/2018

Units 11-15

Floor Plans C.C.06, C.C.07, C.C.08, C.C.09 dated 15/05/2018
Elevations C.C.15, C.C.16, C.C.17, C.C.18, C.C.19, C.C.20 dated 15/05/2018

Landscaping

Hard Landscape Masterplan: Groundworks, Fences, Boundaries & Hard Surfaces Masterplan & (outline) Specifications TStJ 0-1 22/10/2020 rev 8 dated 11/03/2021

TStJ 09 Landscape Revisions at Barton Orchard Tipton StJohn TStJ 0-9-18/02/2021 rev 9 dated 12/04/2021

Drainage

Windes Pipe Export received on 21 May 2021
WE04174-103C received on 21 May 2021
WE04174-104B received on 21 May 2021

(Reason - For the avoidance of doubt.)

2. The hard and soft landscaping scheme hereby permitted shall be carried out during seasonally appropriate times and be completed no later than 20 December 2021 unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any new planting or grass areas which fail to make satisfactory growth or which dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the East Devon Local Plan 2013-2031.)

3. Within two months of the date of this decision a 25 year landscape and ecology management plan (LEMP) shall be provided for approval by the Local Planning Authority covering all areas excluding private gardens. The LEMP shall include the following:
 - Management objectives
 - Extent, ownership and responsibilities for management and maintenance.
 - Details of how the management and maintenance of open space will be funded for the life of the development.

- Management of existing and proposed trees and hedgerows.
- Management and maintenance of new trees shrub and hedge planting
- Management and maintenance of grass and wildflower areas.
- Management and enhancement of site biodiversity value.
- Management and maintenance of any boundary structures, paths, furniture, drainage swales and other infrastructure/ facilities within public areas.
- Inspection and monitoring arrangements
- Relevant drawings to indicate the locations and extent of features covered by the plan.

Maintenance shall be carried out in accordance with the approved plan.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the East Devon Local Plan 2013-2031.)

4. Notwithstanding the provisions of Schedule 2 Part 1 Classes A, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no dwelling shall be enlarged, improved or altered and no building, enclosure, swimming or other pool, oil or LPG container shall be provided within its curtilage without prior planning permission from the Local Planning Authority.
(Reason - To preserve the character and appearance of the buildings and their setting in accordance with strategy 46 - Landscape Conservation and Enhancement and AONBs and policy D1 - Design and Local Distinctiveness - of the East Devon Local Plan 2013-2031.)
5. Notwithstanding the provisions of Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected within the curtilage of any dwellinghouse, other than any indicated in the landscaping scheme hereby permitted, without prior planning permission from the Local Planning Authority.
(Reason - To maintain the landscaped character of the site in accordance with Policy D1 - Design and Local Distinctiveness and Strategy 46 - Landscape Conservation and Enhancement and AONBs of the East Devon Local Plan 2013-2031.)
6. The windows in the side of units 7 and 9 shall be obscure-glazed and non-opening and shall be maintained as such in perpetuity.
(Reason - To protect the amenity of adjoining neighbours in accordance with Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031.)

7. Notwithstanding the submitted details, prior to the first occupation of the relevant dwelling the first floor window (reference W.X.09) in the north west elevation of unit 3 and the stairwell window (reference W.X.16) in the north elevation of unit 1 shall be fitted with obscure glass and fixed shut. The glazing restriction shall be retained in perpetuity.
(Reason - To protect the amenities of neighbouring residents in accordance with Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031.)
8. No external lighting shall be installed other than in accordance with a lighting scheme which has first been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall comply with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused.
(Reason - In the interests of the character and appearance of the East Devon Area of Outstanding Natural Beauty in accordance with Strategy 46 - Landscape Conservation and Enhancement and AONBs and Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
9. The development hereby approved shall only be undertaken in accordance with the mitigations and recommendations contained in the Ecological Assessment Report dated September 2011 and the accompanying Reptile survey report dated October 2011.
(Reason - To protect the ecological value of the site in accordance with Policy EN5 - Wildlife Habitats and Features of the East Devon Local Plan 2013-2031.)
10. The garaging for units 1, 2, 3, 6 and 10 shall remain available for parking and shall not be converted or permanently lost for other residential uses.
(Reason - There is limited potential for any other form of additional parking provision within the site in the interests of the character and appearance of the AONB and in accordance with Policies D1 - Design and Local Distinctiveness and Strategy 46 - Landscape Conservation and Enhancement and AONBs of the East Devon Local Plan 2013-2031.)
11. Before units 1-3 are first occupied, the walls labelled 'Green Wall' on drawing A.07 shall be provided, and shall thereafter be maintained, in accordance with the following specification: (i) the external surfaces of the walls shall be rendered and painted in Moss Green (RAL colour 6005) and such finish and colour shall thereafter be maintained in perpetuity; and (ii) not less than two Boston Ivy plants (*Parthenocissus tricuspidata*) shall be planted at the base of each wall in the first planting season after the date of this decision. The planting shall be maintained for a period of 5 years from the date of first planting. Any plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority. Notwithstanding the provisions of Schedule 2 Part 1 Class A and Part 2 Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) the walls shall not be clad,

finished or painted other than in accordance with this condition unless planning permission has first been obtained from the Local Planning Authority.

(Reason - In the interests of design and the character and appearance of the AONB and in accordance with Policies D1 - Design and Local Distinctiveness and Strategy 46 - Landscape Conservation and Enhancement and AONBs of the East Devon Local Plan 2013-2031.)

12. In Units 1-3 no interior lights serving the second floor shown on drawing C.X.08, nor any serving the associated stairwell to this floor from the first floor, shall be installed other than in accordance with the details accompanying the letter from EDP Environmental dated 14 April 2018 (ref. 2302/IJS) unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of the character and appearance of the AONB and in accordance with Policies D1 - Design and Local Distinctiveness and Strategy 46 - Landscape Conservation and Enhancement and AONBs of the East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

T1	Location Plan	06.09.19
A.07 rev A(8) amended	Proposed Elevation	30.04.20
TStJ 0-9 rev 9	Landscaping	13.04.21
Tstj 0-1 22/10/2020 Rev 8-11 03 2021	Landscaping	11.03.21
Windes Pipe Export	Other Plans	21.05.21
WE04174-104B	Other Plans	21.05.21
WE04174-103C	Other Plans	21.05.21
C.X.03 rev 02	Proposed Floor Plans	13.08.20
C.X.04 rev 02	Proposed Floor Plans	13.08.20
C.X.05 rev 02	Proposed Floor Plans	13.08.20

C.X.06 rev 02	Proposed Floor Plans	13.08.20
C.X.07 rev 02	Proposed Floor Plans	13.08.20
C.X.08 rev 02	Proposed Floor Plans	13.08.20
C.X.09 rev 02	Proposed roof plans	13.08.20
C.X.17 rev 02	Proposed Elevation	13.08.20
C.X.18 rev 02	Proposed Elevation	13.08.20
C.X.19 rev 02	Proposed Elevation	13.08.20
C.X.20 rev 02	Proposed Elevation	13.08.20
C.X.21 rev 02	Proposed Elevation	13.08.20
C.A.04	Proposed Floor Plans	13.08.20
C.A.05	Proposed Floor Plans	13.08.20
C.A.06	Proposed roof plans	13.08.20
C.A.11	Proposed Elevation	13.08.20
C.A.12	Proposed Elevation	13.08.20
C.A.13	Proposed Elevation	13.08.20
C.A.14	Proposed Elevation	13.08.20
C.G.08 : ground	Proposed Floor Plans	25.02.21
C.G.09 ground	Proposed Floor Plans	25.02.21
C.G.10 : ground	Proposed Floor Plans	25.02.21
C.G.11 : garage	Proposed Floor Plans	25.02.21
C.G.12	Proposed roof plans	25.02.21
C.G.18 : north east	Proposed Elevation	25.02.21
C.G.19 : south east	Proposed Elevation	25.02.21

C.G.20 : south west	Proposed Elevation	25.02.21
C.G.21 : north west	Proposed Elevation	25.02.21
C.G.22 : courtyard SW	Proposed Elevation	25.02.21
C.G.23 : courtyard NW	Proposed Elevation	25.02.21
C.B.05	Proposed Floor Plans	13.08.20
C.B.06	Proposed Floor Plans	13.08.20
C.B.07	Proposed Floor Plans	13.08.20
C.B.08	Proposed Floor Plans	13.08.20
C.B.09	Proposed roof plans	13.08.20
C.B.10	Proposed Elevation	13.08.20
C.B.16	Proposed Elevation	13.08.20
C.B.17	Proposed Elevation	13.08.20
C.B.18	Proposed Elevation	13.08.20
C.B.19	Proposed Elevation	13.08.20
C.C06	Proposed Floor Plans	13.08.20
C.C.07	Proposed Floor Plans	13.08.20
C.C.08	Proposed Floor Plans	13.08.20
C.C.09	Proposed Floor Plans	13.08.20
C.C.15	Proposed Elevation	13.08.20
C.C.16	Proposed Elevation	13.08.20
C.C.17	Proposed Elevation	13.08.20
C.C.18	Proposed Elevation	13.08.20
C.C.19	Proposed Elevation	13.08.20

List of Background Papers

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

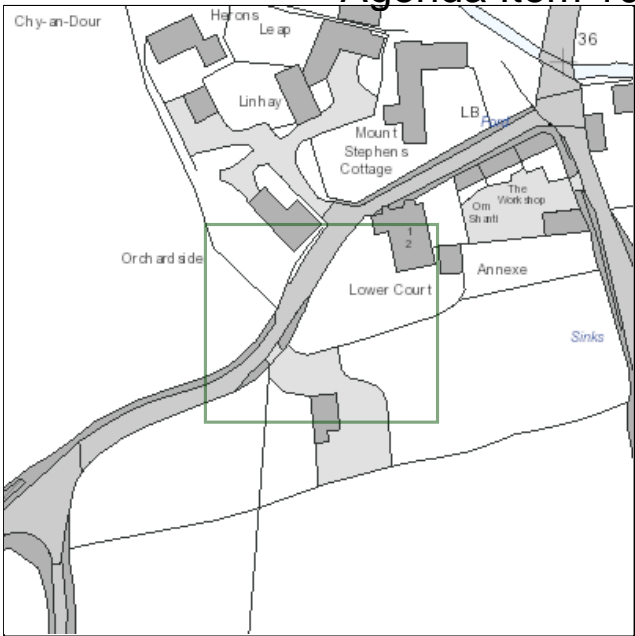
Ward Ottery St Mary

Reference 20/2599/FUL

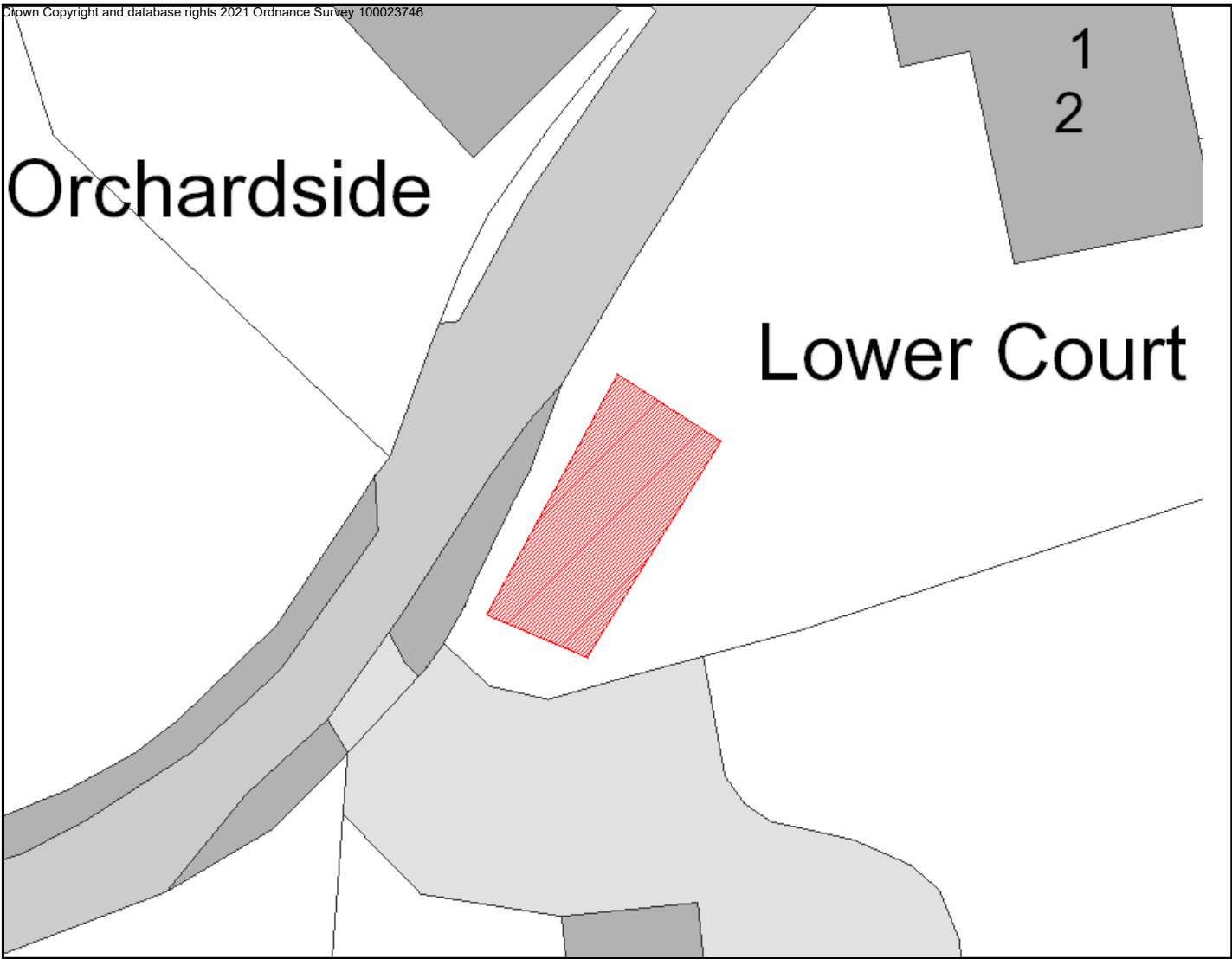
Applicant Mr N Watton

Location Land West Of Lower Court Cottages Fluxton
Ottery St Mary EX11 1RL

Proposal Demolition of existing studio/workshop and construction of replacement studio/workshop including roof mounted solar panels



RECOMMENDATION: Approval with conditions



		Committee Date: 9th June 2021
Ottery St Mary (Ottery St Mary)	20/2599/FUL	Target Date: 25.01.2021
Applicant:	Mr N Watton	
Location:	Land West Of Lower Court Cottages Fluxton	
Proposal:	Demolition of existing studio/workshop and construction of replacement studio/workshop including roof mounted solar panels	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The application proposes the replacement of an existing workshop on land west of Lower Court Cottages. The existing building is partially open fronted and enclosed by corrugated metal sheeting. The storm damaged building to be replaced was storing various carpentry items, timber, current art projects and tools associated with woodwork. A small enclosed room with a log burner occupied the south western end of the building.

The application proposes the replacement of the existing workshop with a building constructed of timber cladding and a corrugated sheet roof of very similar dimensions. The main issues for consideration include the impact of the development upon; neighbouring amenity, the character and appearance of the area and the significance of a nearby Grade II listed building.

Objections comments from a Local Ward Member have expressed concerns over the proposed building's appearance compared to what exists. The most notable change to the building is considered to be the construction of the principle elevation that would enclose the front. The proposed building seeks to replicate the dimensions of the existing open fronted structure albeit with solar panels mounted on the flat roof. It is acknowledged that the provision of new windows and folding doors would give the building a more domestic appearance, however the installation of timber framed windows and use of corrugated timber sheets for the exterior is considered appropriate for this rural location. Furthermore the structure would still appear as a subservient outbuilding and as such there are minimal concerns over the development's impact upon the setting of Lower Court Cottages.

The application is deemed to be in accordance with the relevant policies within the East Devon Local Plan and is recommended for approval subject to compliance with conditions listed at the end of this report.

CONSULTATIONS

Local Consultations

Ottery St Mary - Cllr Peter Faithfull

I am writing regarding the proposal to replace a studio at Lower court cottages Fluxton. This application is in my ward and my preliminary view, based on the information presently available to me is that it should be refused.

What is proposed is a substantial change from a simple structure that exist on this site. The proposed structure is suggestive of being for residential use.

these are my views based on the information presently available to me. I reserve my right to change my views in the event that further information becomes available to me.

Parish/Town Council

The Town Council supports this application

Technical Consultations

Environmental Health

I have considered the application 20/2599/FUL and do not anticipate any environmental health concerns

Conservation

11.03.2021 - Support

Other Representations

None

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

EN14 (Control of Pollution)

EN10 (Conservation Areas)

EN5 (Wildlife Habitats and Features)

Site Location and Description

1 Lower Court Cottages is a Grade II listed building subdivided into two properties situated within the hamlet of Fluxton and approximately 1 kilometre north of Tipton St. John. The property itself is a two storey detached property with a thatched roof, which has a number of outbuildings.

The application site relates to land west of the applicant's house just outside the host dwelling's curtilage. This area of land that's within the applicant's ownership appears to be currently used for agricultural purposes and consists of various outbuildings a couple of which are open fronted with another, slightly more substantial barn being located in the main field.

The applicant secured permission for the construction of this barn, through approval of 17/1662/FUL, on land south of the application site. Here the applicant stores various agricultural machinery and equipment. To the east a large narrow plan building, formerly known as 'The Workshop' was converted into holiday accommodation through approval of 08/0168/COU.

At the time of the site visit the building to be replaced was storing various carpentry items, timber, current art projects and tools associated with woodwork. A small enclosed room with a log burner occupied the south western end of the building.

The building has been partly damaged by a storm.

Proposed Development

The application proposes the replacement of the existing workshop with a more substantial building. The existing building is constructed of various timber uprights and enclosed with corrugated sheeting. The replacement building would utilise the existing concrete foundations and replace the timber posts with steel uprights. The existing crushed concrete and gravel floor would be retained albeit with a damp proof membrane added. The roof would utilise the existing roof sheeting with PV panels mounted on top. The exterior would be finished in wooden cladding and timber framed windows.

ANALYSIS

The main issues for consideration are the principle of development, impact upon neighbour amenity, visual impact and any impact upon heritage assets.

Principle

The applicant states that there is a need for a more secure building in which to support the carpentry and woodwork side of his business that includes the restoration and repair of furniture, fairground artwork and mirrors.

Upon site visit it was noted that the existing building was in poor condition with gaps in the metal sheeting on the side elevations in addition to some of the vertical timber

posts displaying evidence of rotting. Additionally the applicant took the opportunity to explain that the building is also currently used for various artistic projects. However the existing building is deteriorating, partially open fronted and exposed to adverse weather. The applicant states that there is a need for a more secure environment to operate from and to store the various equipment, tools and provide a weatherproof area to dry paint in. This is a reasonable request and sound reason to justify a replacement building.

As the application is for a simple replacement building with no change of use proposed on a previously developed site, it is supported in principle by Strategy 7 and Policy E5 of the Local Plan.

Impact on Neighbouring Amenity

The use of the workshop, particularly for woodwork, has the potential to cause pollution through noise and dust. Despite this, the level of activity detailed within the application in addition to what was noted onsite is considered to be fairly low scale and would be unlikely to have a detrimental impact upon the nearest neighbour at 2 Lowe Court Cottages.

The Environmental Health Team have reviewed the application and have not raised any objections. Despite this, it is recommended that any permission should be conditioned to ensure that the replacement building is only used for purposes ancillary to the occupation of 1 Lower Court Cottages as any intensive commercial or industrial use could be inappropriate in this countryside location. It is anticipated that the applicant could utilise the building for the purposes outlined in the application without significant adverse impacts upon the enjoyment of the immediate area or upon the amenity enjoyed by nearby residents.

Impact on Character and Appearance of the Area

From aerial imagery available to the Local Authority, it appears that the existing building has been in situ prior to 2010. As such, despite there being a lack of planning history for the construction of the existing building, it is highly likely that the structure has obtained lawfulness due to the significant amount of time that it has been present on site.

The existing building to be removed appears to be located just outside the extent of the garden area associated with 1 Lower Court Cottages that is defined and enclosed by a timber post and rail fence. Filtered views of the existing building are available from the public highway immediately west of Shute Farm as you approach the site from the sewage works. The application site and Lower Court Cottages forms part of the entrance to the hamlet. As you approach the site on the unclassified highway immediately north of Lower Court Cottages the building becomes screened by the existing boundary line that consists of mature vegetation and hedgerow.

Comments have been made by a Local Ward Member expressing concerns over the proposed buildings appearance compared to what exists. However, the most notable change to the building is considered to be the construction of the principle elevation that would enclose the front. The proposed building seeks to replicate the dimensions

of the existing open fronted structure albeit with solar panels on the flat roof. It is acknowledged that the provision of new windows and folding doors would give the building a more domestic appearance, however the use of timber framed windows and corrugated timber sheets for the exterior is considered appropriate for this rural location.

As such, it is deemed that the magnitude of change experienced from public view is relatively low and the chosen schedule of materials acceptable for this rural location. Whilst the impact upon the wider character and appearance of the area is deemed acceptable, further consideration shall need to be given to the development's impact upon the significance of the heritage asset.

Impact Upon the Setting of Lower Court Cottages

Both number 1 and 2 Lower Court Cottages are a grade II listed building. Historic aerial photographs, from 1947, suggest that the curtilage of the building included the land where the existing building lies. However, overtime, as ownership changed and the host property was subdivided, the layout of the respective garden areas has altered. At some point in the last 5 years the southern boundary of the applicant's garden was altered to provide access into the adjoining field. The existing garden serving 1 Lower Court Cottages has also been further subdivided by the provision of a timber post and rail fence. The proposed replacement building would be located in this western end of the former garden.

In this case special regard has been given to the impact of the development upon the significance of the heritage asset. The replacement building would be located approximately 23 metres away from the listed building. However, owing to the filtered public views available of the application building and the host property the building is considered to form part of the heritage asset's setting. The impact of the development, owing to the proposed scale, form and bulk of the scheme, is not considered to cause undue harm to the listed building's setting. From public view, the application building would read as a subservient outbuilding and therefore have a similar impact to the existing building. The application has received support from the Conservation Officer and is considered to meet the requirements of EN9 (Development Affecting a Designated Heritage Asset) of the Local Plan.

Trees

The application site is characterised by a number of small trees dotted around the garden area between the application building and host property. However it is not anticipated that the proposal would result in the loss of any of these individuals or the hedgerow in-between the proposed building and highway to the west. The applicant has confirmed that the existing concrete base is to be retained with the steel uprights utilising the same type of concrete footings. There are no additional structural elements that are considered to pose a threat to the retention of the existing hedge bank.

During the construction phase the most logical and practical means of access would be through the gate of the field to the south which is land all within the applicant's

ownership. As such it is highly unlikely that materials or tools used during construction would be stored in the garden near existing trees.

Ecology

The application is accompanied by an ecological survey conducted by Devon Wildlife Consultants. The survey found no evidence of roosting bats however if bats were discovered during the proposed works then a license would need to be obtained from Natural England prior to further works.

The survey states that there is low potential for nesting birds. Despite this it is recommended that when constructing the replacement work that this is conducted during the months outside the nesting season.

Overall, in light of the conclusions drawn from the survey, the proposed development is considered to be in accordance with Policy EN5 (Wildlife Habitats and Features) of the Local Plan subject compliance with the recommendations within the Ecological Report.

CONCLUSION

In light of the issues raised above it is considered overall, in the planning balance, that the development is acceptable. The application has received support from the Parish Council with no objections received from third parties.

Concerns raised by the Local Ward Member are duly acknowledged but the proposal is seeking a building of almost identical dimensions. For the reasons already highlighted within the main body of the report, the development is not considered to unduly harm the character and appearance of the area or setting of the listed building. Despite this further details regarding materials shall be sought to ensure that the corrugated cladding and windows are of a suitable finish and appearance. Furthermore, concerns raised regarding potential future uses of the building shall be addressed through a condition ensuring that the use of the building remain ancillary to the residential use of 1 Lower Court Cottage.

The application is recommended for approval subject to the conditions listed below.

RECOMMENDATION

APPROVE subject to the following conditions:

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

(Reason - For the avoidance of doubt.)

3. No development above foundation level shall take place until samples of the materials to be used in the construction of the external cladding of the walls of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

4. The building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 1 Lower Court Cottages.

(Reason - The building is in a sensitive countryside location and is only justified in connection with the residential use of 1 Lower Court Cottage. The condition is therefore necessary to comply with Strategy 7 - Development in the Countryside of the East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

Location Plan	30.11.20
Proposed Elevation	30.11.20
Proposed Floor Plans	30.11.20
Proposed Site Plan	30.11.20

List of Background Papers

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

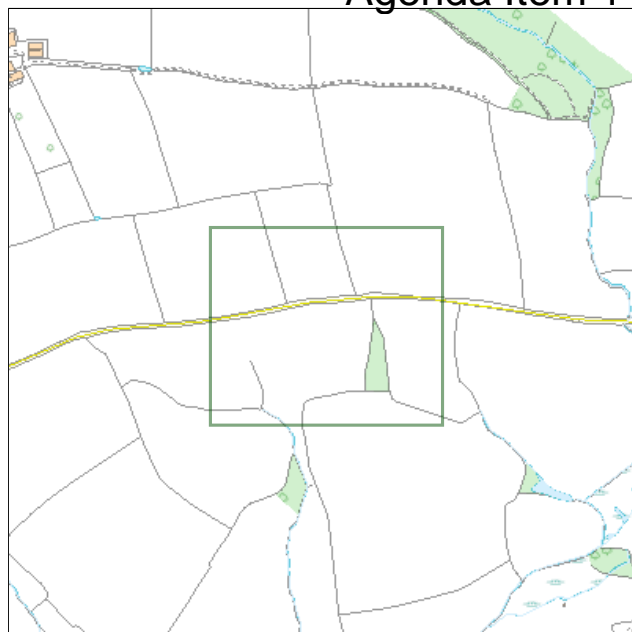
Ward Exe Valley

Reference 20/1517/FUL

Applicant Mr T Stuart (Stuart Partners Limited)

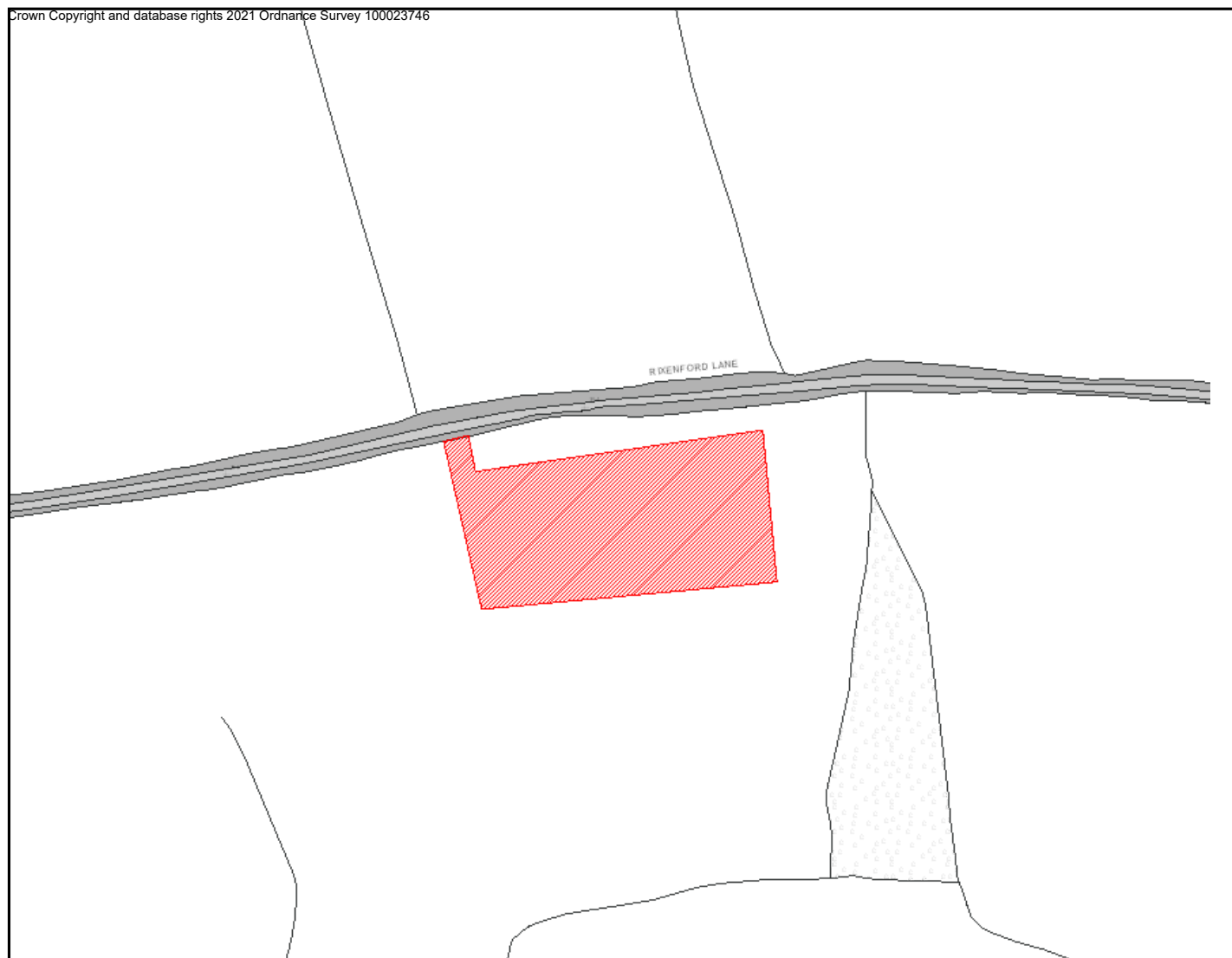
Location Land South Of Rixenford Lane Upton Pyne

Proposal Construction of digestate storage lagoon, with associated hardstanding and 2.4 metre high security fencing



RECOMMENDATION: Approval with conditions

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		Committee Date: 9th June 2021
Exe Valley (Upton Pyne)	20/1517/FUL	Target Date: 09.10.2020
Applicant:	Mr T Stuart (Stuart Partners Limited)	
Location:	Land South Of Rixenford Lane Upton Pyne	
Proposal:	Construction of digestate storage lagoon, with associated hardstanding and 2.4 metre high security fencing	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before members as the officer recommendation differs to the view of the ward member.

The application relates to part of an agricultural field situated approximately 2.5km (measured in a straight line) north of Upton Pyne. The site is outside a built-up area, and is rural in nature. There is a single track public highway running along the northern edge of the site, which is known as Rixenford Lane. The boundary between the road and the site consists of a mature hedge, which includes some trees, but also a gateway into the site. The aforementioned highway also forms the boundary between East Devon District Council and Mid Devon District Council. The safety zone around a high pressure gas pipe line is located close to the site. The area around the application site is also known for archaeology. The site is not located within any flood zone. There are no residential properties located immediately adjacent to the site; however, there are a small number within approximately 1km of the site.

Planning permission is sought for the construction of a digestate storage lagoon, with associated hardstanding and 2.0 metre high security fencing. The supporting statement says that the proposed facility would be used to store materials from Enfield Farm AD unit. It is understood that by storing digestate on site for use on the farm, it aids the more efficient spreading of the digestate (as it is readily available in good weather) and avoids periods where numerous vehicle movements may occur to collect and spread digestate. A need for the facility in accordance with Policy D7 has therefore been demonstrated.

The farm on which the site is located is one which is able to receive, and spread, material from Enfield Farm, near Clyst St, Mary, so a key part of the justification of the proposal is that the proposal would enable a reduction in the number of vehicle movements between the host farm and the Enfield Farm. The agents acting

on behalf of the applicants have confirmed that the material would be used on the host farm, but were unable to confirm the times and locations for this, on the basis that it varies depending upon the use of a particular field and any one time.

The impact of the proposal on highways, especially through the perceived increase in vehicle movements and the types of vehicles it is proposed to use, has been a significant source of the concern for residents local to the site. When assessing the application as originally submitted, the County Highway Authority (CHA) objected to the proposal. In response, the applicants commissioned a 'Transport Technical Note' which acknowledges the concerns relating to the application, and confirms that the applicant is able to change the proposal from using HGV's to transport material to using a tractor and trailer; the method which is currently approved. This would reduce the size of the vehicles used - reducing the impact on the highway and the impact on other road users - but would result in an increase in the number of movements required from 500 annual return trips if using HGV's to 875 with a tractor and trailer, and compared to consent as part of the AD Plant. This is because a tractor and trailer has a lower capacity than an HGV. Upon receipt of this information, the CHA provided updated comments and confirmed that the revisions to the scheme in highway terms were sufficient for their objection to be removed.

There are no residential properties located immediately adjacent to the site. Therefore, the development of the site itself would not have an impact on the amenity of the occupiers of any other properties, in terms of its visual appearance. However, other factors could have an impact. Most notably, is the impact the proposal would have on traffic levels on the surrounding highways, which are narrow and pass close to houses. Clearly, some vehicle movements connected to the transportation of material from the Enfield AD Plant to the farm are already permitted. The development would alter these but, as discussed above, the movements associated with the development are not considered to be detrimental. Given these factors, and as stated above, the impact on highway safety is considered acceptable, it is considered that the vehicle movements associated with the development would not be detrimental to the occupiers of properties in the area.

The Council's Environmental Health Department has considered the application has not raised any objections. Therefore, it is considered that the proposal would not have any detrimental noise or odour impacts on the occupiers of properties in the area, in accordance with the relevant local plan policies.

The proposed development would be modest in size. However, it would be located in an area of relatively flat land, with the only existing screening immediately adjacent to the site being the hedge to the north. Further from the site, there are other landscape features which would provide some screening; such as the rising land to the north, and areas of woodland or hedges to the south east and west. Despite that, the proposal would alter the landform, through the introduction of an access, bund, fencing and hardstanding. Therefore, it is considered reasonable to impose a condition to ensure that suitable landscaping is installed in order to reduce the visual impact of the development on the countryside, and also to protect the existing hedge to the north of the site. Whilst the proposal would have

a visual impact, lagoons of this type in the countryside are not uncommon features.

The Ecology Report submitted with the application concludes that the site is considered to be of "low ecological value", and details various mitigation measures which could be undertaken to ensure that any biodiversity present is not harmed. A Habitats Regulations Assessment is not considered necessary as the development would not permit the spreading or transportation of more material than that already permitted.

The application site is located close to a high pressure gas pipeline. The Health and Safety Executive has not objected to the proposal, and their guidance confirms that development of the type proposed does not present a risk in this location.

The County Archaeologist has recommended a condition to secure a Written Scheme of Investigation. This is considered reasonable.

The site is not located in a flood zone, and the Environment Agency (EA) has not objected to the proposal. Also, the site is not within 10 metres of a watercourse or 50 metres of a well, spring or borehole, which are the parameters detailed by the EA in their consultation response with regard to pollution.

It is clear that this proposal has generated considerable interest from local residents and other consultees. However, given the considerations discussed above, it is considered that, on balance, and subject to conditions, the proposal is acceptable. Therefore, it is recommended that this application is approved.

CONSULTATIONS

Local Consultations

Parish/Town Council

The application contends that the construction of the storage facility will reduce the level of traffic currently passing through the village in concentrated bursts to spread the digestate. This is misleading as the total movements required to fill the facility spread over the whole year will exceed those seen at present. The condition of the roads, particularly Rixenford Lane itself which is particularly unsuitable for large articulated tankers additionally becomes impassable with floodwater on numerous occasions each winter.

No mention is made of the exact route that the tankers would propose to take but there is a junction at Nomans Chapel which would be impassable for large arctics approaching through Upton Pyne and we understand the alternative route approaching Rixenford Lane through Langford Road is subject to restriction on movement of large arctics serving an existing business. Also, no reference is made to the monitoring of the traffic flow.

We are also very concerned that the Environmental report has skimmed over the potential pollution risk ignoring the fact that a large part of the site and surrounding fields are under standing water each winter and drain via Jackmoor Brook into the

River Creedy. The screening proposed does not hide the fact that the site sits at the low point of the valley and is therefore visible from numerous points. There is also a new wedding/social meeting venue (which although not in our parish), would be affected by the aromas released from the operation of the site.

For these reasons we do not support application.

Further comments:

Upton Pyne and Cowley Parish Council have commented below regarding the above application:

This does not alter any of the main objections. The main points, that is, the Highways objections regarding the size of vehicles has been addressed by saying they will revert back to using tractor /tanker combo, this will in fact increase the volume of traffic movements substantially.

The Parish Council feel that this amendment does not address concerns, therefore they do not support this amended application.

Exe Valley - Cllr Fabian King

Rixenford Lane Digestate Storage Lagoon.

OBJECTS: This Application proposes to introduce a significant Logistics Distribution Hub for toxic liquid, with all its feeder traffic to a currently deserted narrow, clay bedded country lane. I object for the following reasons.

HIGHWAYS & TRAFFIC

The Support Document boasts of traffic and trip reductions which hides the truth. Rixenford Lane has never before experienced regular heavy axle loads from 45 tonne HGVs, nor was the road constructed for it. The road has been thinly laid on clay and current traffic movements require it regularly to have large expanse pot-hole repairs. Winter heavy traffic tends to break up the road in places. It is occasionally flooded in Winter.

Rixenford Lane is a narrow single lane with few passing places and is constrained by ditches each side. The Eastern end at Nomans Chapel has a very tight corner that an HGV would not currently be able to take. The other entrances to Rixenford Lane invite traffic through Langford, which has recently succeeded in restriction orders on some notable current users due to very heavy fast traffic serving another facility near Shute Cross.

There has been no traffic movement information provided with the Application, but if there is a well balanced calculation of use with choosing a 7,000 cubic metre lagoon: Say, 10,000 tonnes moved each year, then there would be 800 trips each way for the 28 tonne tankers alone, and a further 2,000 round trips for tractors and their 10 tonne trailers. Add to that the service and maintenance personnel and you have 3,000 trips per year in one remote location where there are currently very few vehicle movements at all which is why it is a favourite corner of England for horse riding, cycling and walking.

The Enfield Anaerobic Digester was approved in 2014 (14/0858/MFULL) to be built to operate within a maximum limit of 26,537 tonnes imported material. This limit was confirmed in Decision 17/0650/VAR on 1st Nov 2017, and at the same time a request was refused to operate 2 HGV tankers per day as a Variation of the original 2014

conditions. Note also that a more recent, 2019, planning application was also refused. This was to increase capacity by 249%, from 26,537 tonnes p.a. to 66,000 tonnes p.a. - 18/2173/VAR, date of decision 4th June 2019.

LICENCES, LOGS & RECORDS

Many believe the Enfield Anaerobic digester is operating already beyond its approved limit. If this were true, the transport plans for both inbound outbound waste will therefore be operating further afield and at higher throughput than what was approved. To avoid Rixenford Lane having a proposal for a logistics distribution hub placed there unnecessarily I ask that the proposers show the production capacity records and transport records for the Enfield AD, so as to verify that the enterprise is operating within licenced limits. Licences for transporting the digestate and for its end use would also be worth checking to ensure compliance in this nascent industry which is starting to show it is having a life of its own that goes far beyond the original permissions for AD to help home farm economies. It is being taken up as an industry in its own right.

POLLUTION

In 2001 the Exe Valley becomes one of 40 pilot studies in the UK for the Environment Land Management Scheme (ELMs). It is a government initiative funded by DEFRA, managed by the Soil Association to record changes in about 20 variables in the local habitat, water, soil, air and so judge how well the landowner is contributing to the well being and upkeep of the countryside, etc. The purpose is to see how to reward landowners for such care. The soil and water of the Exe Valley and Creedy will come under the spotlight very soon.

This Application choses a site involved within ELMs and environmental pollution is the headline consideration. However, the Application presents no risk assessment of spillage during loading and unloading, nor of vehicle movement on-site and in the lanes. My experience in heavy industry knows that these events are the reality and you assess and plan for them. No monitoring of loading/unloading is proposed In the Application for recording the provenance and destinations of the digestate. There are no plans in place for handling a severe spillage yet the water table leads directly into the stream, the Creedy and the River Exe. The lack of considering these points seriously causes me to doubt the integrity of the proposed operation.

RECOMMENDATION

I object to this Application for the reasons above and recommend that it should not be approved.

If this Application were to be approved, then I request that conditions are imposed requiring that written logs must be maintained for all cargo in - out movements and with load, source and destination details, for the records, etc. These must be retained for inspection, e.g. at times when new developments are applied for to support significant growth of operating capacity.

Further comments:

In addition to my objection dated 11th September, I must add that I have been inundated with residents objecting to the digestate lagoon proposed to be installed on the Rixenford Lane. The main concern is the transport aspects of the proposals and its recent revisions. Residents are also concerned for their welfare because of this application

The villages and the lanes leading to the proposed location for the lagoon are not capable of sustaining the proposed increase in traffic. The roads will collapse and be effectively closed for the local residents. We do not want that to happen, because it

will completely hamper their daily lives ' going to school, to the doctor's surgery, etc. The round trips will be trebled in distance and other villages will have an overflow of traffic.

The records show another road from Upton Pyne towards Rixenford Lane became unusable for over two years because it had collapsed due, not to fully loaded HGVs, but to increased quantity of traffic when a farm opened some business units after converting some of its buildings for that purpose. Residents have bitter experience of this outcome and dramatically increased their mileage, time, costs and CO2 emissions to compensate, for more than 2 years.

The claims about minimal risk of danger and harm to the villagers and users of Rixenford Lane are preposterous. The current records do not relate to the proposed excessive traffic. The revision to the proposal is a carefully crafted document that understates the true impact of the transport to and from the lagoon.

As a transport/logistics storage depot, it has a capacity of 7000 cubic metres. The calculation of road trips pretends that there is no churn of storage during the year which would result in the trips increasing by a multiple of the product of calculating 7000 divided by 16 tonnes. The churn could result in 10,000 cubic metres or more travelling through the lagoon in a year. Do the arithmetic now, then read the next paragraph.

The calculation of road trips pretends there are no further trips involved, as if the lagoon is never emptied or never has its contents distributed in onward delivery. A crude adjustment would therefore double the concluded number of trips, but there is more besides.

I have seen the transport maps and believe they count for very little. The tractor drivers have schedules to keep and will use their GPS or any other means to find a quick way through, this causes a lot of traffic to go through Upton Pyne with really difficult results for the residents.

I have received many horror stories of residents having to reverse long distances to get out of the way of the tractor trailer units during the Maize harvest, then they proceed with their journey after the tractor has passed only to find another tractor trailer unit coming at them again; and even a third time, because they travel in spaced out convoys.

A further account reports a person walking their dog and finding they have to walk back up the lane more than a hundred metres, because the tractor-trailer is so wide there is no space in the narrow lane for them to pass. And because they walk at a walking pace the tractor driver becomes impatient and is following right behind them hunting their engine in a terrifying manner. These lanes are not fit for this type of traffic. I object to this application.

Further comments:

Thank you for this report and especially for the efforts made in Conditions 3 and 8, to cater for the anxieties running strongly in the villages affected by this application.

I set out the bones of the recommendations for the lagoon here; that it should be:

1. no more than 7000 cubic metres of digestate is permitted to be delivered to the new lagoon annually
2. said digestate may only come from **Enfield Farm (Gorst/Ixora AD/Biodigester)** at Clyst St Mary, and nowhere else

3. said digestate may only be used on the farm where the lagoon is to be sited, and those few farms permitted under **17/0650/VAR**
4. if the lagoon is not use for more than 6 months it must be removed and the site restored.

The intended outcome is that the tractor-trailer traffic should be more evenly distributed through the year and that it should amount to no more traffic than prevails today for digestate coming from Enfield Farm. The transport route plan is to be agreed.

My comments on the report are:

The prevailing opinion is that the heavy tractor trailer traffic has grown substantially over the last three years and that this lagoon will, in a few years, come to serve the growing network of ADs/Biodigesters around Devon.

The proposed Conditions are commendable, but such conditions have not stopped the AD/Biodigester at Enfield Farm more than doubling its original size and the geographical reach of its operations extending from its original two farms to reach the other side of Devon.

It is not enough to park this criticism as belonging to Enforcement, and therefore it has no consideration in Planning Approval. To do so would be setting something up to fail. It has failed at Enfield and there is a firm belief it will fail at Upton Pyne. We all acknowledge that enforcement is underpowered and ineffectual.

There are fears that, just like the lamentable history of the AD/Biodigester at Enfield Farm, incremental development by the owner and associates, using means available will take place, such that with the inclusion, in due course, of other AD/Biodigesters as sources of digestate, this lagoon will achieve its full potential as a storage and distribution hub with traffic flowing to maintain balanced capacities between the different AD/Biodigesters around Devon and beyond. This is the traffic that we fear and, using the vernacular language, our lanes "will be stuffed". I have described these deplorable circumstances at length in my statutory comments during Consultation. The Planning Team have done an admirable job, but all credit for that evaporates in the face of the anticipated failure of performance according to the conditions.

This fear is based upon the experience at Clyst St Mary and upon the history of the operators of that plant and the interested parties of the biodigester industrial base, of which this Applicant is one.

I maintain my objection on the basis that the history of the AD/Biodigester industry in Devon, of which this application is a part, has a record of deviating from the agreed conditions and from the intentions declared when the application is made. In short, promises are not kept after permission is granted.

In the event that this application is approved, I ask that the Condition3 be amended so that "weight of the vehicle" is broken down into

1. Tare (net) weight of trailer
2. weight of load
3. weight of combined tractor with loaded trailer

and that details of the Owners of the tractors are better recorded.

I Object to this application

I echo the opinion in Exe Valley, which is that the lagoon should not be built.

Technical Consultations

Devon County Highway Authority

09.09.20

I appreciate that the vehicle movements from this proposal may be reduced but the size of the proposed vehicles would eliminate any mitigation due to the impact onto the carriageway formation of roads around Upton Pyne which consists of lanes in the majority. Due to constrained authority funds, the maintenance hierarchy of the lanes is low.

Additionally passing is difficult in this location and larger vehicles than the existing tractor system will only exacerbate this problem.

It is for these reasons that the County Highway Authority recommends refusal.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

1. The roads giving access to the site are by reason of their inadequate width and condition unsuitable to accommodate the form of traffic likely to be contrary to paragraph 32 of the National Planning Policy Framework.

Further comments:

Addendum 14/12/2020

Through discussion with the applicants transport consultant, SLR, it has been greatly received in the October 2020 Transport technical note the associated vehicle movements would only be carried out through a system of tractor and trailer as opposed to HGV movements should the application gain permission. This will greatly reduce point load damage to the highway network, especially being only of lane composition.

Additionally the proposed storage lagoon can only accommodate 7000 tonnes, however it was made clear in the latest technical note that the Upton Pyne area has a designated approved 7500 tonne slurry reception from a previous planning application, the entirety of which is to remain, therefore it must be made clear that this additional

500 tonne movement figure is missing from the trip generation figures quoted in the transport technical note. i.e the proposed 16t Tractor and trailer two-way movements of 875 plus the remaining two-way movements of 64 actually gives a proposed increase from 762 to 939.

However, with the restriction of conditioning the route of these movements to and from Clyst St Mary to avoid the now evident problems of north Rixenford lane. Along with the reduced highway impact of tractor and trailers, the highway authority is able to remove its stance of refusal to this application and awaits a suitable condition for the routing plan, to recommend.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF
DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

Apologies for the delay in getting a response to you.

I have assessed the applications trip generation calculations which outlays the existing and proposed movements. Both Mid Devon district council and my colleague for Mid Devon district council have been consulted on this application and have both not raised an issue of cumulative trip generations should this application gain permission. Therefore I do not feel the latest information is substantial enough for me to change my stance on this application.

Environment Agency

Thank you for consulting us on this application.

Environment Agency position

We have no objections to the proposed development provided that the store is not located within 10 metres of a watercourse or 50 metres of a well, spring or borehole. The reason for this position and advice is provided below.

Reason - As outlined in our previous consultation response, the applicant should construct the store taking account of CIRIA guidance 759 and 736. Therefore the lagoon lining must be impermeable and comply with the standards set out in CIRIA 759. The storage of the digestate in this situation does not require a permit from us, however the applicant must ensure that the digestate is managed, stored and used correctly to avoid the potential for pollution.

Please contact us again if you require any further advice.

The Health & Safety Executive

HSE is a statutory consultee on relevant developments within the consultation distance of a hazardous installation or a major accident hazard pipeline. Planning Authorities should use HSE's Planning Advice Web App to consult HSE on such applications and produce a letter confirming HSE's advice. This service replaces PADHI+ HSE's on-line software decision support tool.

The Web App can be found here;

<http://www.hsl.gov.uk/planningadvice>

All planning authorities were contacted prior to the launch of the Web App with log in details to set up an administrator. This administrator will be able to set up other users within the organisation. If you require details of the administrator for your organisation please contact us.

Planning Authorities should use the Web App to consult HSE on certain developments including any which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

- o residential accommodation;
- o more than 250m² of retail floor space;
- o more than 500m² of office floor space;
- o more than 750m² of floor space to be used for an industrial process;
- o transport links;
- o or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

There are additional areas where HSE is a statutory consultee. For full details, please refer to annex 2 of HSE's Land Use Planning Methodology: www.hse.gov.uk/landuseplanning/methodology.htm

There is also further information on HSE's land use planning here: www.hse.gov.uk/landuseplanning/

Devon County Archaeologist

The proposed development lies in an area of known archaeological potential with regard to prehistoric or Romano-British activity in the surrounding landscape. To the south-east of the application area the county Historic Environment Record indicates the presence of a possible Neolithic mortuary enclosure, that has been identified through aerial photography, and due to the rarity and nature of such sites should be regarded as a significant heritage asset. To the north-east lies a rectangular ditched enclosure of unknown date but is likely to be prehistoric or Romano-British in date. The proposed development involves a substantial amount of ground disturbance which will impact upon any archaeological and artefactual deposits that maybe present. However, the information submitted in support of this application is not sufficient to enable an understanding of the significance of the heritage assets that may be present within the application area or of the impact of the proposed development upon these heritage assets.

Given the high potential for survival and significance of below ground archaeological deposits associated with the known prehistoric archaeology in the immediate vicinity of the proposed development and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. The requirement for this information is in accordance with East Devon Local Plan Policies EN7 - Proposals Affecting Sites Which May Potentially be of Archaeological

Importance - and EN8 - Significance of Heritage Assets and their Setting, and paragraphs 189 and 190 of the National Planning Policy Framework (2018).

The additional information required to be provided by the applicant would be the results of:

- i) An archaeological geophysical survey, followed by
- ii) A programme of intrusive archaeological investigations.

The results of these investigations will enable the presence and significance of any heritage assets within the proposed development area to be understood as well as the potential impact of the development upon them, and enable an informed and reasonable planning decision to be made by your Authority.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Further Comments:

Application No. 20/1517/FUL

Land South Of Rixenford Lane Upton Pyne - Construction of digestate storage lagoon, with associated hardstanding and 2.4 metre high security fencing: Historic Environment

My ref: Arch/DM/ED/35798b

I refer to the above application and the results of the archaeological geophysical survey. In the light of the results of the geophysical survey the Historic Environment Team is able to withdraw its previous objection to this planning application and does not consider that the site contains heritage assets that require any mitigation by alteration of the design of the proposed lagoon.

However, due to the proximity of the proposed development to prehistoric archaeological sites recorded in the county Historic Environment Record there is potential for groundworks associated with the construction of the lagoon to expose artefactual deposits associated with the known prehistoric activity in the surrounding landscape that would be destroyed by the development. The Historic Environment Team would therefore recommend that any such impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme

of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2019) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of the archaeological monitoring and recording of all groundworks associated with the proposed development to allow for the identification, investigation and recording of any artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Historic England

Thank you for your letter of 5 November 2020 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Environmental Health

I have considered the application and do not anticipate any environmental health concerns

EDDC Landscape Architect - Chris Hariades

1 INTRODUCTION

This report forms the EDDC's landscape response to the full application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 LOCATION, SUMMARY PROPOSALS, SITE DESCRIPTION AND CONTEXT

2.1 Location and brief description of proposals and means of access

The site is situated to the south side of Rixenford Lane approximately 2.8km north of Upton Pyne and 2.7km south west of Thorverton. Access is from an existing field gate directly off Rixenford Lane. The proposal comprises the construction of a digestate store comprising an excavated pit measuring 83m x 40m x 2m deep to house a 7000m³ storage bag, surrounded by 2.4m high mesh fence on a 1m high earth bund with adjacent new concrete surfaced access track.

2.2 Site description and context

The application site is located towards the northeast corner of a large arable field close to the northern field boundary adjacent to Rixenford Lane. The existing field extends to 8Ha and is bounded by low cut, species poor hedgerow, predominantly consisting of elm. The hedgebank to the north of the application site includes a mature ash to the east of the field entrance and a mature oak further to the east. A small deciduous copse lies adjacent to the eastern field boundary.

The field is low lying at an altitude of approximately 35m AOD and slopes gently to the southeast towards Jackman's Brook.

The surrounding landscape is open, gently rolling intensively managed farmland, mostly arable, with medium-large sized fields bounded by low cut hedgebanks with occasional trees and scattered copses.

There are no permanent structures on site or visible from it within the wider landscape. Views from the site are extensive to the north and south and more restricted to the east and west by tree cover and hedgerows

There is no public access within the site. Rixenford Lane which is a narrow county road following the northern field boundary is well used by walkers, runners and cyclists and provides limited views into the site. There are no other footpaths, roads or buildings in the vicinity from which views into the site can be obtained.

2.3 Landscape Character

The site lies within the Lowland Plains landscape character type (LCT) as defined in the East Devon and Blackdown Hills Landscape Character Assessment, key characteristics of which are:

- Level to gently sloping landform
- Mixed farmland, often in arable cultivation
- Small discrete broadleaf woodlands
- Regular medium to large field pattern with local variation
- Wide low roadside hedges and banks with hedgerow oaks
- Long views over low hedges
- Surprising feeling of remoteness in some parts, despite general level of

development Management guidelines for this LCT include:

- Encouraging gapping up of hedges with locally indigenous species
- Encouraging the appropriate management of hedges, in particular to benefit elm hedgerows and ensure their survival in the face of Dutch Elm Disease
- Encouraging the maintenance and increased planting of hedgerow oaks, to provide vertical elements and help screen development
- Where development is permitted, including woodland and copses in development proposals, to increase screening and ecological links

The surrounding landscape is generally of good quality albeit lacking trees, but with few modern detractors and is generally representative of its LCT description. The site itself contributes positively to this character.

2.4 Landscape, Conservation and planning designations

Jackmoor County Wildlife Site noted for wet rush pasture lies 700m to the south. There are no other landscape, conservation or planning designations within or in the vicinity of the site.

3.0 RELEVANT NATIONAL, REGIONAL AND LOCAL LANDSCAPE RELATED POLICY

The following landscape policies and guidelines are considered relevant to the application:

East Devon Local Plan 2013-2031

Strategy 7 - Development in the Countryside

Development in the countryside will only be permitted where it is in accordance with

a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

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

Development will need to be undertaken in a manner that is sympathetic to, and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty.

D1 Design and Local Distinctiveness Proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
3. Do not adversely affect inter alia:
 - Important landscape characteristics, prominent topographical features and important ecological features.
 - Trees worthy of retention.
4. Have due regard for important aspects of detail and quality and should incorporate inter alia:
 - Use of appropriate building materials and techniques respecting local tradition and vernacular styles as well as, where possible, contributing to low embodied energy and CO2 reduction.
 - Appropriate 'greening' measures relating to landscaping and planting, open space provision and permeability of hard surfaces.

Landscaping

- 21.4 Natural and artificial landscaping can enhance the setting of new buildings and enable them to be assimilated into surroundings. Landscaping can also assist in nature conservation and habitat creation particularly in urban areas.
- 21.5 Tree planting and retention should form an integral part of a landscaping scheme submitted with a development proposal either initially or at a detailed planning stage. Such a scheme may include ground and shrub cover together with hard surfaces and paving materials, adequate lighting and grass verges. Continuity of fencing, walling or hedging with existing boundary treatments, which contributes to the street scene, will be sought where appropriate. Schemes will need to include integration of areas of nature conservation value and provision of new areas into proposals.

D2 Landscape Requirements

Landscape schemes should meet all of the following criteria:

1. Existing landscape features should be recorded in a detailed site survey, in accordance with the principles of BS 5837:2012 'Trees in Relation to Construction' (or current version)
2. Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. This should be in addition to the requirement for new landscaping proposals. Where appropriate, existing habitat should be improved and where possible new areas of nature conservation value should be created.
3. Measures to ensure safe and convenient public access for all should be incorporated.
4. Measures to ensure routine maintenance and long term management should be included.
5. Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping.
6. The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

D3 - Trees and Development Sites

Permission will only be granted for development, where appropriate tree retention and/or planting is proposed in conjunction with the proposed nearby construction. The council will seek to ensure, subject to detailed design considerations, that there is no net loss in the quality of trees or hedgerows resulting from an approved development. The development should deliver a harmonious and sustainable relationship between structures and trees. The recommendations of British Standard 5837:2012 (or the current revision) will be taken fully into account in addressing development proposals.

No building, hard surfacing drainage or underground works will be permitted that does not accord with the principles of BS 5837 or Volume 4 National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees – Issue 2 (or the current revision or any replacement) unless, exceptionally, the Council is satisfied that such works can be accommodated without harm to the trees concerned or there are overriding reasons for development to proceed.

The Council will as a condition of any planning permission granted, require details as to how trees, hedges and hedge banks will be protected prior to and during and after construction. The Council will protect existing trees and trees planted in accordance with approved landscaping schemes through the making of Tree Preservation Orders where appropriate or necessary.

Planning permission will be refused for development resulting in the loss or deterioration of ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

4 REVIEW OF SUBMITTED INFORMATION

4.1 Reports & Surveys

4.1.1 Ecological Survey – The Preliminary Ecological Survey (PEA) submitted with the proposals does not accurately record the mature trees (one ash and one oak) growing in the hedgebank to the north of the application site. On the accompanying habitat map the existing ash tree is incorrectly labelled as oak and the existing oak is unlabelled. The text also wrongly states the tree species in various places which should be corrected.

The PEA makes recommendations for new hedgerow creation to the south and east side of the application site and for management of surrounding hedgerow at 3-4m in height. However this does not reflect local landscape character and should the application be approved more appropriate plantings should be provided as indicated in Appendix A below.

4.1.2 Topographic survey – There is no topographic survey submitted with the application. A detailed survey will be required to accurately show existing site levels and hedgerow and trees in the vicinity.

4.2 Design

4.2.1 Site plan - The locations of nearby hedgerow and trees are not included on the submitted site plan. The plan should be amended to show accurately the existing hedgebank and ditch to the northern boundary and including the location and canopy extent of mature trees. If necessary the location of the pit should be adjusted to ensure the proposals and the necessary construction access will not encroach on tree and hedgerow root protection areas. The site plan should also show how vehicles will enter, turn and exit the site.

5 LANDSCAPE AND VISUAL EFFECTS OF PROPOSED DEVELOPMENT

5.1 Landscape effects

The principal landscape effects of the proposed development will be the loss of a small area of arable land and the introduction of new infrastructure into an open agricultural landscape with few modern detractors evident. It is also likely that there will be an increase in traffic required to service the site resulting in some loss of tranquillity and resulting damage to the verges and surface of Rixenford Lane which is generally narrow.

5.2 Landscape value and sensitivity to change

The site is considered to be of moderate landscape value, comprising elements typical of the wider landscape with few detractors but being outside of any area of special designation/ conservation interest and having limited recreation value or any cultural associations. This together with the scale of the proposals and the retention of prominent site features confers a low to moderate sensitivity to change of the type proposed.

5.3 Visual effects

Visual effects of the proposal are likely to be limited to the length of the site adjacent to Rixenford Lane and a short distance on the road approaches to either side.

The principal visual effects will be the construction of the perimeter bund and fence which will stand 3.4m above existing ground level and the construction of a wide concrete access track.

The digestate storage bag itself could be visible from Rixenford Lane especially when filled and during the winter when trees and hedgerow are not in leaf.

5.4 Potential mitigation

Mitigation measures that should be considered to reduce the landscape and visual impacts identified include:

- a) Additional tree and hedgerow planting – Refer Appendix A
- b) Reducing the height of the security fence to 2m and placing it off the perimeter bund.
- c) The colour of the digestate storage bag should be dark to blend better with surrounding landscape. Details of proposed colour should be confirmed.
- e) Constructing the access track in grass-crete (concrete cellular blocks) to reduce visual impact and increase permeability.

The principal receptors (people visually effected by the proposal) are likely to be pedestrians, runners and cyclists, using Rixenford Lane for recreational purposes and who are likely to have a moderate to high sensitivity to change. As the site itself is visible for only a very short length of Rixenford Lane the principal visual effect is likely to be changes arising from increased use by large vehicles and any associated damage to the road and verges.

6 CONCLUSION & RECOMMENDATIONS

6.1 Acceptability of Proposals

The site is situated within open countryside and is therefore subject to Local Plan Strategy 7 which only permits development where it is in accordance with a specific Local Plan or Neighbourhood Plan policy and the LPA should satisfy itself that the application is in accordance with a specific local plan policy which permits it.

A further requirement of Strategy 7 is that development should not harm the distinctive landscape, amenity and environmental qualities within which it is located. In relation to landscape and visual impact the greatest concern is the loss of tranquillity and amenity and damage to the road and adjacent verges which may arise along Rixenford Lane due to an increase in large vehicles accessing the site. From a green infrastructure perspective such increase in traffic could be a deterrent

to present recreational usage of Rixenford Lane.

It is likely that other landscape and visual effects could be adequately mitigated as noted at section

5.4 above and subject to the LPA satisfying itself that the proposal meets relevant policy and vehicular movements can be adequately controlled/ restricted the proposal could be considered acceptable in terms of landscape and visual impact subject to amendments as noted at section 4 and 5 above.

6.2 Landscape conditions

Should satisfactory additional information be received as noted above and the application is approved the following landscape conditions should be imposed:

1) No development work shall commence on site until the following information has been submitted and approved:

a) A detailed site plan and sections based on accurate topographic survey showing proposed and existing ground levels and nearby trees and hedgerow and means of proposed drainage.

b) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

c) A soil resources plan which should include:

- *a plan showing topsoil and subsoil types, and the areas to be stripped and left in-situ.*
- *methods for stripping, stockpiling, re-spreading and ameliorating the soils.*
- *location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).*
- *schedules of volumes for each material.*
- *expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.*
- *identification of person responsible for supervising soil management.*

d) Construction details for proposed site access and entrance gates.

e) A full set of soft landscape details including:

- i) Planting plan(s) showing locations, species and number of new tree, hedge shrub and herbaceous planting, type and extent of new grass areas, existing vegetation to be retained and removed.
- ii) Plant schedule indicating the species, form, size, o/a numbers and density of proposed planting.
- iii) Soft landscape specification covering soil quality, depth, cultivation, planting and grass sowing, mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.

iv) Tree pit and tree staking/ guying details.

2 The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the facility with the exception of planting which shall be completed no later than the first planting season following first use.

3 No development shall take place until a 25 year landscape management plan has been submitted and approved in writing by the Local Planning Authority which should include the following details:

- *Extent, ownership and responsibilities for management and maintenance.*
- *Inspection and management arrangements for existing and proposed trees and hedgerows.*
- *Management and maintenance of trees, hedgerows and grass areas for landscape and biodiversity benefit.*

Maintenance shall be carried out in accordance with the approved plan.

4 Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

5 Should the site cease to be used for the approved operations, within 6 months of its last use the infrastructure shall be removed from site and the ground restored to its original state prior to development.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

Further comments:

Having reviewed recent additional information submitted by the applicant I note that an updated site plan has not been provided to include the accurate plotting of the existing roadside hedge, trees and ditch and the proposed entrance showing vehicle sweep paths for the proposed articulated lorries delivering digestate to site and other mitigation measures as noted in my landscape response.

This should be provided prior to determination of the application.

Mid Devon District Council

Thank you for your consultation request which was received on the 5th November 2020. It would appear that this consultation in part has arisen further to changes made to this application in response of the objection received from the Local Highway

Authority. As a result, there has been a change in the type of transport movements to the site from HGVs to agricultural vehicles.

Mid Devon Council does not have any specific comments to make on this development other than to note that it is considered that this change could result in an increase in movements to the site given the size and type of vehicle that would now be delivering to the site. In addition to this, traffic movements from the site of the digestrate storage lagoon which could involve further traffic movements west into the district of Mid Devon along country roads (which has resulted in concerns being received from residents within the district of Mid Devon) should be taken into account and not only just those traffic movements involved in making deliveries to the site. Therefore the acceptability or otherwise of these associated movements should be discussed in further detail with the Local Highway Authority prior to determining the planning application.

Other Representations

At the time of writing the report, forty-six letters of objection have been received (including multiple letters from the same property). The concerns raised in these can be summarised as follows:

- Impact of the proposal on hedges.
- The application requires an EIA.
- The proposal is not justified.
- The site would be connected to Enfield Farm.
- Impact of the proposal on highway safety.
- Flooding.
- Pollution.
- The number of vehicle movements, and the type of vehicles used.
- Impact on the countryside and biodiversity.
- The proposal is not sustainable.

PLANNING HISTORY

None.

Adopted East Devon Local Plan 2013-2031 Policies Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

D7 (Agricultural Buildings and Development)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN18 (Maintenance of Water Quality and Quantity)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC7 (Adequacy of Road Network and Site Access)

Devon Waste Plan

W1: Presumption in Favour of Sustainable Development

W2: Sustainable Waste Management

W3: Energy Recovery

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Site Location and Description

This application relates to part of an agricultural field situated approximately 2.5km (measured in a straight line) north of Upton Pyne, and a similar distance (also measured in a straight line) north-west of Brampford Speke. The site is outside a built-up area, and is rural in nature. There is a single track public highway running along the northern edge of the site, which is known as Rixenford Lane. The boundary between the road and the site consists of a mature hedge, which includes some trees, but also a gateway into the site. The aforementioned highway also forms the boundary between East Devon District Council and Mid Devon District Council. The safety zone around a high pressure gas pipe line is located close to the site. The area around the application site is also known for archaeology. The site is not located within any flood zone. There are no residential properties located immediately adjacent to the site; however, there are a small number within approximately 1km of the site.

Proposed development.

Planning permission is sought for the construction of a digestate storage lagoon (approximately 85m by 40m), with associated hardstanding and 2.0 metre high security fencing (amended from 2.4m high as originally proposed). The supporting statement says that the proposed facility would be used to store materials from Enfield Farm AD unit for spreading on the applicant's farm. In particular it will allow for storage of digestate during the closed spreading period from the 31st September to the 1st March (there can be no spreading of nitrate between October to February in Nitrate Vulnerable Zones such as this).

The application was originally submitted on the basis of HGV's transporting the digestate to the site (thereby minimising/reducing vehicle movements), but has been subsequently amended to tractor and trailer movements in light of concerns raised by the Highway Authority, local residents and officers.

ANALYSIS

The main issues for consideration are the principle of development, highway impacts, impact upon residential amenity and visual impact.

Principle

A key part of the justification of the proposal is that by storing material on site for later use on the farm (as opposed to collecting from the AD Plant as and when needed), it makes for a more efficient operation of the farm. Rather than reacting to weather or other circumstances and having to make numerous journeys to the AD Plant to collect digestate, the storage facility will mean that the digestate is on hand as and when needed. This should enable a more even distribution of vehicles travelling to and from the AD Plant. Storage in the lagoon on site will also reduce the risk of run-off and pollution.

The farm on which the site is located is one which is able to receive, and spread, material from Enfield Farm AD Plant so, on the face of it, this justification would seem reasonable. The agents acting on behalf of the applicants have confirmed that the material would be used on the host farm, but were unable to confirm the times and locations for this, on the basis that it varies depending upon the use of a particular field and any one time.

Policy D7 of the Local Plan supports new agricultural buildings and activities where there is a genuine agricultural need and as the facility will provide support for the farm, it is acceptable in principle under Policy D7 subject to meeting the criteria to the policy in relation to its visual impact, impact upon amenity and highway safety.

Highway impacts

The impact of the proposal on highways, especially through the perceived increase in vehicle movements and the types of vehicles it is proposed to use, has been a significant source of significant concern for residents local to the site, who have raised a number of highway related objections. Indeed, when assessing the application as originally submitted, the County Highway Authority (CHA) also objected to the proposal on the basis that of the impact that larger HGV vehicles would have on the minor highways, and the difficulties larger vehicles would cause for other road users.

In response to these concerns, the applicants commissioned a 'Transport Technical Note' to support their application, and also consulted the CHA regarding their concerns. Consequently, the aforementioned technical note acknowledges the concerns relating to the application, and confirms that the applicant is able to change the proposal from using HGV's to transport material to using a tractor and trailer; the method which is currently approved. This would reduce the size of the vehicles used - reducing the impact on the highway and the impact on other road users - but would

result in an increase in the number of two-way movements required from 500 annual return trips if using HGV's to 875 with a tractor and trailer (and compared to approximately 762 consented as part of the AD Plant). This is because a tractor and trailer has a lower capacity than an HGV. In effect therefore, the application is reverting back to the use of tractors and trailers as granted as part of the AD Plant consent and it can be argued that there will be no significant increase in vehicle movements (an additional 113 two-way movements equalling less than 1 per day) – although given the ability to store digestate on site, the frequency and times of these movements may change with the ability through storage on site to be able to spread such movements out.

Upon receipt of this information, the CHA provided updated comments, following their assessment of the new information, in addition to consulting Highway Officers responsible for the Mid Devon and Exeter City area. The updated comments from the CHA confirmed that the revisions to the scheme in highway terms were sufficient for their objection to be removed, subject to a condition to agree the route which would be used by vehicles accessing the site, and also a condition to ensure that only tractors and trailers are used to transport material to the site.

It is noteworthy that, at no stage, has the CHA objected to the proposed entrance to the site, which would utilise an existing entrance onto Rixenford Lane.

With such conditions in place, and given that the CHA no longer objects to the proposal, it is considered that the proposal is acceptable with regard to the impact on the highway and the safety of other road users, in accordance with the relevant local plan policies.

Impact on residential amenity

There are no residential properties located immediately adjacent to the site. Therefore, the development of the site itself would not have an impact on the amenity of the occupiers of any other properties, in terms of its visual appearance. However, other factors could have an impact. Most notably, is the impact the proposal would have on traffic levels on the surrounding highways, which are narrow and pass close to houses.

Clearly, some vehicle movements connected to the transportation of material from the Enfield to the host farm are already permitted and the amount of digestate travelling to the farm will not change as a result of this application.

The development would alter the timing of the vehicle movements as they will now be able to store digestate on site for quicker dispersal at appropriate times, but, given that HGV's are no longer proposed to be used, and given that no more digestate will be received and the Highway Authority do not consider the movements to be detrimental, a refusal of planning permission would be hard to substantiate. Given these factors and, as stated above, the impact on highway safety is considered acceptable, it is considered that the vehicle movements associated with the development would not be detrimental to the occupiers of properties in the area. If approved, it would be considered reasonable to agree a route which is most suitable in terms of highway safety and also resident's amenity.

The Council's Environmental Health Department has considered the application has not raised any objections. Therefore, it is considered that the proposal would not have any detrimental noise or odour impacts on the occupiers of properties in the area, in accordance with the relevant local plan policies.

Impact on the countryside and biodiversity.

The proposed development would be modest in size. However, it would be located in an area of relatively flat land, with the only existing screening immediately adjacent to the site being the hedge to the north. Further from the site, there are other landscape features which would provide some screening; such as the rising land to the north, and areas of woodland or hedges to the south east and west. Despite that, the proposal would alter the landform, through the introduction of a bund, fencing and hardstanding. Therefore, it is considered reasonable to impose a condition to ensure that suitable landscaping is installed in order to reduce the visual impact of the development on the countryside. It was also considered reasonable to request that the height of the fencing proposed (coloured green) be reduced to 2m in height in accordance with the comments from the Landscape Architect.

Furthermore, in order to protect the tree and hedge to the north of the site, which provide some screening and contribute to the rural character of the area, it is considered reasonable to impose a condition to ensure that suitable protections are put into place whilst the development is under construction.

Some concerns have been raised that there may be damage to, or removal of, parts of the hedge close to the existing entrance, either during development, or in order to create sufficient visibility. It is considered that any loss of this nature can be mitigated against through the above-mentioned landscaping scheme, as this would provide for additional planting and the agreed details can ensure that suitable native planting is agreed.

Whilst the proposal will result in the loss of a small section of hedgerow, accesses into existing farm field are not unusual and would not harm the wider area to a degree that could justify refusal of planning permission.

The Ecology Report submitted with the application concludes that the site is considered to be of "low ecological value", and details various mitigation measures which could be undertaken to ensure that any biodiversity present is not harmed. Consequently, subject to a condition to ensure that the works are carried out in accordance with the conclusions and recommendations of the Ecology Report, it is considered that the development could take place without causing undue harm to biodiversity.

Given the above, it is considered that the proposed development could be undertaken without causing visual harm to the countryside, or harming biodiversity, in accordance with the relevant local plan policies.

Habitats Regulations.

A Habitats Regulations Assessment (HRA) is required to be undertaken where a proposal is likely to have a significant effect on a European Protected site's conservation objectives.

It has been suggested that the proposed storage facility has the potential to impact upon the Exe Estuary SPA through run off from the site and adjacent fields, where the digestate would be spread by an umbilical spreader, into an adjacent stream which connects into the Exe Estuary SPA basin further downstream.

To determine the likely impacts that the proposed development (the storage facility) would have on the protected area it must be borne in mind that the farm where the storage facility would be located is an approved farm where digestate from the Enfield Farm bio-digester can be transported to and spread, the spreading is managed and approved under license from the Environment Agency.

Without any increase in the tonnage of digestate that can be transported to the site and spread, the approval of the storage facility will not increase the run off of digestate from the land and into the adjacent watercourse. It is of course necessary to consider whether there would be any in combination effects with other development approved in the area. Having consulted with Mid Devon District Council and the Environment Agency on this proposal and neither raising any concerns or other developments that may in combination increase the risk to the SPA, it is concluded that the screening stage of the HRA has been passed and found to not have a likely significant impact and therefore there is no need to undertake an appropriate assessment for the storage facility.

High pressure gas pipeline.

The application site is located close to a high pressure gas pipeline. The Health and Safety Executive has not objected to the proposal, but has indicated that officers should consult its methodology for assessing applications, to determine whether the proposed development is safe with regard to its impact on the pipeline. That document divides developments into four categories depending upon their sensitivity. In this case, the development would fall into category 1, as the development site would not be accessed by the public and would only be used for people at work. With that in mind, the document states that whether the development would be taking place in the inner, middle or outer zone of the safety area around the pipeline, the HSE would not advise against development. Consequently, the development is considered to be acceptable in this regard.

Archaeology

The County Archaeologist has assessed the application, due to the known archaeological potential with regard to prehistoric or Romano-British activity in the surrounding landscape.

Initially the County Archaeologist objected to the proposal as it was considered that insufficient information had been supplied relating to archaeology. In response the applicants submitted further information, which was then assessed by the County Archaeologist. The new information was sufficient for the County Archaeologist to

withdraw their objection. However, a condition to secure a Written Scheme of Investigation is recommended by the County Archaeologist. This condition is considered to be acceptable and, therefore, with that condition in place, the proposal would be acceptable in terms of its impact on archaeology.

Flooding and pollution

Concerns have been raised by a number of people commenting on the proposal about the potential for flooding and/or pollution from the proposed development, and these concerns are noted. However, the site is not located in a flood zone. Furthermore, the Environment Agency (EA) has not objected to the proposal, and the site is not within 10 metres of a watercourse or 50 metres of a well, spring or borehole, which are the parameters detailed by the EA in their consultation response. The EA refer to standards that the store must meet, in terms of being impermeable, but this is would be a matter outside of planning control. Instead, if the development did not meet the criteria to which the EA referred, and pollution occurred, this would be a matter which the EA would deal with.

It is also noteworthy that the Council's Environmental Health Department has not raised any concerns regarding the proposal.

Given the above comments, it is considered that the proposal is acceptable with regard to flooding and pollution risks.

Sustainability

Some objectors have questioned the sustainability of the proposal, in terms of transporting material from one site to another, and whether that is sustainable from an environmental or economic perspective. Whilst these comments are understood, it is not for the Local Planning Authority to determine whether a particular farming practice is economical for a farm, and it would be unreasonable to refuse a planning application on the grounds that additional agricultural vehicle movements were created by it when these can already occur. The applicant argues that this is a sustainable form of development with the digestate spread being of a high quality without pollutants and with the production process creating energy. These benefits are argued to off-set any associated vehicle movements.

The proposal represents an agricultural activity in a rural area and, therefore, is considered acceptable in sustainability terms.

CONCLUSION

It is clear that this proposal has generated considerable interest from local residents and other consultees. However, given that there is an agricultural need/benefit from the proposal, given that the visual impact can be made acceptable through planting and conditions, given that HGV movements have been removed from the proposal and there will be no increase in the amount of digestate received by the farm, and therefore no significant increase in vehicle movements to those already consented, the proposal is considered to be acceptable and it is recommended that this application is approved subject to a number of conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Material shall only be moved between Enfield Farm and the site to which this permission relates using tractors and trailers, with a maximum weight of 16 tonnes, and no more than 7000 tonnes shall be transported to the site in any calendar year. Material shall not be transported to, or stored at, the site from any location other than Enfield Farm. A record shall be kept of all vehicle movements and loads relating to the site, which shall be made available to the Local Planning Authority for inspection at any time; this shall include details of the date and time of vehicle movements, the type of vehicles involved, the start and finish locations of the journey, the route taken and the weight of the vehicle and its contents.
(Reason - In the interests of highway safety, and to protect the amenity of residents, in accordance with Policies D1 (Design and Local Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031).
4. No development work shall commence on site until the following information has been submitted and approved in writing by the Local Planning Authority:
 - a) A detailed site plan and sections based on accurate topographic survey showing proposed and existing ground levels and nearby trees and hedgerow and means of proposed drainage.
 - b) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.
 - c) A soil resources plan which should include:
 - a plan showing topsoil and subsoil types, and the areas to be stripped and left in-situ.
 - methods for stripping, stockpiling, re-spreading and ameliorating the soils.
 - location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
 - schedules of volumes for each material.
 - expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.

- identification of person responsible for supervising soil management.

d) Construction details for proposed site access and entrance gates.

e) A full set of soft landscape details including:

i) Planting plan(s) showing locations, species and number of new tree, hedge shrub and herbaceous planting, type and extent of new grass areas, existing vegetation to be retained and removed.

ii) Plant schedule indicating the species, form, size, o/a numbers and density of proposed planting.

iii) Soft landscape specification covering soil quality, depth, cultivation, planting and grass sowing, mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.

iv) Tree pit and tree staking/ guying details.

The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the facility with the exception of planting which shall be completed no later than the first planting season following first use. Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

5. No development shall take place until a 25 year landscape management plan has been submitted and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance.

- Inspection and management arrangements for existing and proposed trees and hedgerows.

- Management and maintenance of trees, hedgerows and grass areas for landscape and biodiversity benefit.

Maintenance shall be carried out in accordance with the approved plan.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031).

6. Should the site cease to be used for the approved operations, within 6 months of its last use the infrastructure shall be removed from site and the ground restored to its original state prior to development.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable

Development), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031).

7. Prior to the development hereby approved being brought into use, the route which will be used by vehicles travelling to/from the site shall be submitted to, and agreed in writing by, the Local Planning Authority. The agreed route shall then be used, unless an alternative is agreed in writing with the Local Planning Authority.

(Reason - In the interests of highway safety, and to protect the amenity of residents, in accordance with Policies D1 (Design and Local Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031).

8. Material stored at the development hereby approved may only be spread on the land which material transported from Enfield Farm, under planning permission 17/0650/VAR, is permitted to be spread.

(Reason - To define the permission, and in the interests of highway safety, and to protect the amenity of residents, in accordance with Policies D1 (Design and Local Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031).

9. The development hereby approval shall be undertaken in accordance with the findings, conclusions and recommendations contained within the Preliminary Ecological Appraisal, produced by Ecological Surveys Ltd, and dated June 2020 (version 2).

(Reason - To ensure that the development does not result in harm to, or loss of wildlife or habitats, in accordance with the provisions of Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 - 2031).

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

archaeological survey	Additional Information	05.11.20
transport technical note	Additional Information	05.11.20
CS 2020 001 B	Sections	20.05.20
SP 2020 001 B	Proposed Site Plan	20.05.20
LP2020_001	Location Plan	17.07.20

	Ecological Assessment	17.07.20
0702 Rev P1: Vehicle Swept Path Tacker and Trailer Unit	Other Plans	07.01.21

List of Background Papers

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

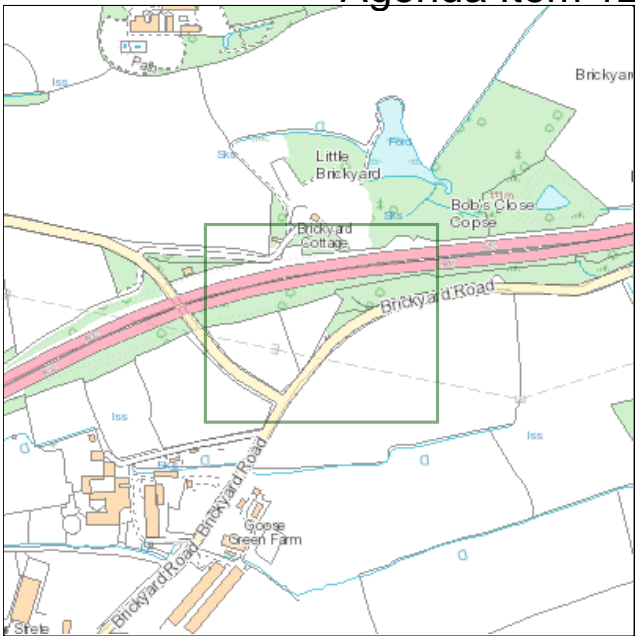
Ward Whimble And Rockbeare

Reference 20/2896/FUL

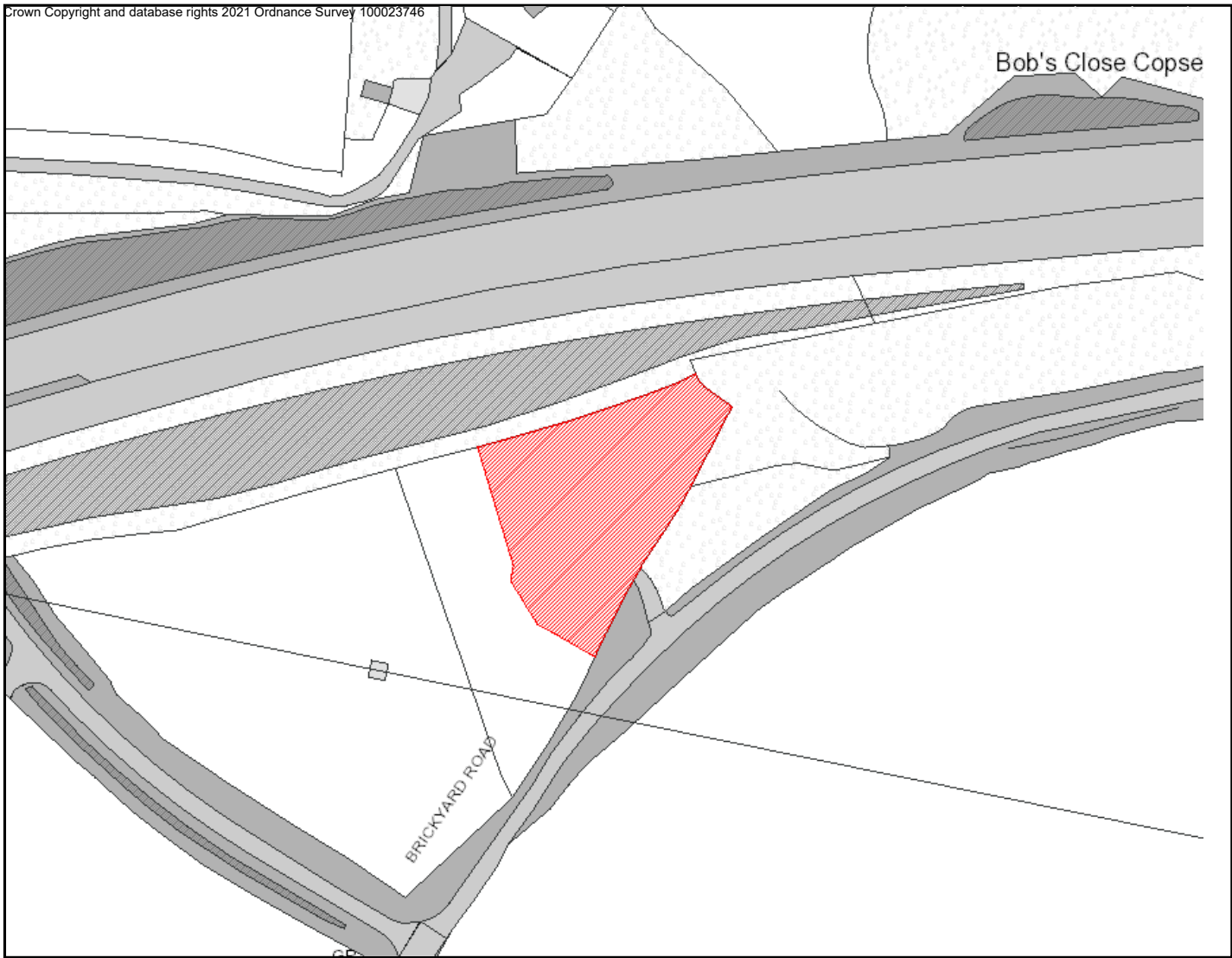
Applicant Mr Simon Hart (Hartwood Treeworks Ltd)

Location Land North Of East Strete Farm Strete Raleigh Whimble

Proposal Erection of a storage and workshop building, and an office building to facilitate the change of use of the land to commercial.



RECOMMENDATION: Refusal



		Committee Date: 9th June 2021
Whimble And Rockbeare (Whimble)	20/2896/FUL	Target Date: 03.03.2021
Applicant:	Mr Simon Hart (Hartwood Treeworks Ltd)	
Location:	Land North Of East Strete Farm Strete Raleigh	
Proposal:	Erection of a storage and workshop building, and an office building to facilitate the change of use of the land to commercial.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before the Planning Committee because the Officer view differs to that of the Ward Member.

The application relates to a site situated approximately 1000 metres west the 'Daisymount' junction on the A30. However, access to the site through an existing vehicular entrance off a narrow unclassified road, known as Brickyard Lane, which runs along the southern boundary of the site. To the north, the site is adjoined by woodland on the embankment of the A30. There is also woodland adjoining the site to the east. To the west, the site is bounded by an open field. The site currently appears to be used for the storage of various vehicles and other equipment, which it is presumed relates to the applicants business.

Planning permission is sought for the erection of two buildings on the site; a storage and workshop building, and an office building. Furthermore, consent is also sought to change the use of the land to commercial.

The applicants seek to justify the proposal on the grounds that:

- The existing site, near Awliscombe, is no longer large enough.**
- The application site is more conveniently located in terms of access to the highway network, their work locations, and where their current staff reside.**
- The company plans to expand.**

The application site is located outside of any built-up area boundary. There is no settlement immediately adjoining the site, with West Hill being the nearest residential area, the built-up area boundary of which is approximately 1.5 kilometres from the site, when measured in a straight line. Consequently, the

overriding Local Plan strategy under which this proposal must be considered is Strategy 7 (Development in the Countryside). This states that development in the countryside will only be permitted where it accords with a specific local or neighbourhood plan policy, and where it would not harm the character and appearance of the area. There is no 'made' Neighbourhood Plan for the area in which the site is located. Consequently, the key policy under which this proposal must be considered is Local Plan Policy E5 (Small Scale Economic Development in Rural Areas).

As no conversion of buildings is proposed, and the site is not on previously developed land, the proposal cannot comply with some elements of that policy. However, when the site is green field, which is the case in this instance, Policy E5 allows development which is "well related in scale and form and in sustainability terms to the village and surrounding areas". This is to ensure that development is located close to services and facilities and to prevent development into the countryside away from existing development. The applicants feel that the proposal meets that criteria. However, officers hold a different view, and the key reasons for this are:

- The site is in an unsustainable location. The nearest access to public transport is at least 1.2km from the site, and some sections of a walk from that to the site would be along unlit and/or narrow or busy highways, upon which many people would consider it undesirable to walk. The site cannot therefore be described as being well related to the village or surrounding area;
- The site is accessed off a narrow, unclassified, rural lane, and the proposal would increase traffic on this. This is considered unsuitable.
- It is noted that a cycle route runs past the site, which uses the aforementioned minor road. Whilst this may encourage some staff to cycle, it is considered that this factor would not lead to the site being sustainable.
- The applicants highlight that the location of the site would enable staff to car share. However, this would still involve the use of private vehicles, and the staff working for the company is likely to change over time, which could impact on the practicality of car sharing. Again, it is considered that this factor would not lead to the site being sustainable.
- The applicants highlight that the location of the site would enable some staff to walk to work. However, there is no guarantee that these staff will always work for the company so, again, it is considered that this one factor would not lead to the site being sustainable.
- No objections relating to trees or highway safety have been received. However, the increase in traffic could be considered detrimental to the safety of other users on narrow parts of Brickyard Lane.

Given the comments above, it is considered that there are no factors sufficient to overcome the fact that the site is located in a rural location, away from services, with a narrow and rural access. It remains the case that, in all likelihood, the site

would be most often accessed by vehicle. When this is combined with the rural location, and the factors considered, the site cannot be seen as sustainable. Consequently, it is considered that the proposal does not meet criteria 3 of Policy E5. Therefore, it is considered that there is no policy of principle support for the proposal from the Local Plan. Also, as the site is unsustainable, it also fails to comply with the NPPF.

CONSULTATIONS

Local Consultations

Parish/Town Council

Whimble Parish Council has no objection to this application. The site is surrounded by trees and hedges. The new build could offer 4 additional local employment opportunities and would also save unnecessary travel from the current 'set up'.

Whimble and Rockbeare – Cllr Richard Lawrence

As the new Councillor for the Ward I wish to make the following comments regarding this application.

With regard to the site it is in Brickyard Road not Lane and there are a number of neighbouring businesses not least a substantial construction company and a poultry farm.

I have it on good authority that the site in question is not a greenfield site as wrongly stated by the applicant's agent, more an overgrown brownfield site which was the original brickyard.

The applicant is under notice to vacate his existing premises in Awliscombe and without a suitable alternative site could be in danger of losing his ARB approval which could have serious ramifications when attempting to procure larger contracts such as Local Authority work. He is so concerned about this point that he may have to seriously consider scaling back his organisation or indeed closing down, with the subsequent loss of employment this would bring about.

I am in favour of this application.

Whimble And Rockbeare - Cllr Mike Howe (Substitute)

Support - Relevant planning observations on the planning application to support my recommendation:

I believe the evidence to show that the relocation of the business and that this location hidden from view allows me to support this as it will protect the jobs that this company supports.

Technical Consultations

Environmental Health

I have considered the application 20/2896/FUL and do not anticipate any environmental health concerns.

1 INTRODUCTION

This report forms the EDDC's landscape response to the full application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 LOCATION, SUMMARY PROPOSALS, SITE DESCRIPTION AND CONTEXT

2.1 Location and brief description of proposals and means of access

The site is situated off Brick Lane south of A303 and east of the A303 over bridge at East Strete. Access is from an existing gateway off Brick Lane.

2.2 Site description and context

The site is a roughly triangular plot comprising paddock area with trees and an area of hard standing by the entrance. It is surrounded by established boundary hedgebanks along adjacent roads which limit views in and out.

The site is gently sloping with a westerly aspect. Surrounding land use is predominantly agricultural. A block of woodland to the east separates the site from the existing timber yard.

Modern detractors include a pylon within the paddock and road noise from the A303 which lies immediately to the north.

2.3 Landscape, conservation and planning designations

There are no landscape, conservation or other planning designations within the site or nearby that would be effected by the proposals.

3 CONCLUSIONS & RECOMMENDATIONS

3.1 Acceptability of proposals

The scheme is considered acceptable in terms of landscape and visual impact. Should the application be approved the following conditions should be imposed:

3.2 Landscape conditions

1) No development work shall commence on site until the following information has been submitted and approved:

a) Surface water drainage scheme incorporating appropriate SuDS features and details of proposed foul drainage and incoming water and electricity supply routes.

b) Details of locations, heights and specifications and means of control of proposed external lighting.

c) Planting plan(s) showing locations and number of new tree and shrub planting and notes on planting, staking and protection and 5 year maintenance schedule.

d) Measures for protection of existing perimeter trees during construction phase in accordance with BS5837: 2012 together with Arboricultural Method Statements covering works to trees and within RPAs including no-dig construction methods where necessary. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

2) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.

3) Any new planting which fails to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees and development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

Other Representations

One third party representation has been received. This is in support of the proposal for the following reasons:

- The site is well screened.
- The site is tidy.
- The proposal would support a local business.

PLANNING HISTORY

None.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

E5 (Small Scale Economic Development in Rural Areas)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Site Location and Description

This application relates to an area of land to the north of Brickyard Lane. This site is located outside of any built-up area boundary, and is situated approximately 1000 metres west the 'Daisymount' junction on the A30. However, access to the site through an existing vehicular entrance off a narrow unclassified road, known as Brickyard Lane, which runs along the southern boundary of the site. To the north, the site is adjoined by woodland on the embankment of the A30. There is also woodland adjoining the site to the east. To the west, the site is bounded by an open field. The site currently appears to be used for the storage of various vehicles and other equipment, which it is presumed relates to the applicants business.

Proposed Development:

Planning permission is sought for the erection of two buildings on the site; a storage and workshop building, and an office building. Furthermore, consent is also sought to change the use of the land to commercial.

The storage and workshop building would be 18 metres in length, and 9 metres wide. It would be just over 6.3 metres high.

The office building would be 8 metres in length and 6 metres wide. It would be on stilts, so its overall height above the current ground level would vary.

The change of use would result in an extension of the surfaced area within the site.

ANALYSIS

The main issues for consideration are the principle of development, visual impact and highway safety.

Principle

The key justification provided by the applicants for the proposal is as follows:

- The proposal relates to a development which would be utilised by Hartwood Treeworks Ltd. Information supplied with the application indicates that the company currently operates from a site in Awliscombe. Although the same

information also states that the company already "store some of their agricultural and forestry machinery and a limited amount of timber and woodchip at the Brickyard Lane site." There is no planning permission for this and it would appear that the existing hardstanding is left over from the use of the site in relation to the construction of the A30 and historically a former brickyard (again for which there is no record of any planning permission).

- The application states that the Awliscombe base is not large enough for the needs of the company, and that using the Brickyard Lane site in addition to the Awliscombe site is impractical. The company considers that there is no scope to extend their current base. The applicants state that the Brickyard Lane site offers better access to the road network, which they consider important, as the company undertakes work covering a large area.
- Additionally, it is stated that the company is intending to expand staffing levels. Therefore, more space will be required to accommodate this.
- The supporting statement argues that the proposed site is more sustainable than the current site in Awliscombe. This is considered in more detail below.

The application site is located outside of any built-up area boundary and, therefore, is considered to be in the open countryside. There is no settlement immediately adjoining the site, with West Hill being the nearest residential area, the built-up area boundary of which is approximately 1.5 kilometres from the site, when measured in a straight line. Consequently, the overriding Local Plan strategy under which this proposal must be considered is Strategy 7 (Development in the Countryside). This states that development in the countryside will only be permitted where it accords with a specific local or neighbourhood plan policy, and where it would not harm the character and appearance of the area. There is no 'made' Neighbourhood Plan for the area in which the site is located. Consequently, the key policy under which this proposal must be considered is Local Plan Policy E5 (Small Scale Economic Development in Rural Areas), which states the following:

"In villages and rural areas small scale economic development (not including retail use classes/other uses in Classes A1 - A4) and expansion of existing businesses designed to provide jobs for local people will be permitted where:

- 1. It involves the conversion of existing buildings. Or*
- 2. If new buildings are involved, it is on previously developed land. Or*
- 3. If on a Greenfield site, shall be well related in scale and form and in sustainability terms to the village and surrounding areas.*

Provided that the following criteria are met: a safe highway access, the local highway network is capable of accommodating the forecast increase in traffic established by a Traffic Assessment, no detrimental impact upon the amenities of neighbouring properties, wildlife, landscape or historic interests. All new buildings shall be designed to blend into their location and shall meet sustainable construction and on site renewable energy production. In order to ensure that land is retained for the benefit of the local economy, permitted development rights allowing changes to alternative uses will be withdrawn."

In the case of the proposal in question, no conversion of buildings is proposed and the site is not on previously developed land. So, it is clear that the proposal does not meet the first two criteria. With reference to the third criteria, the site is greenfield and, therefore, it is necessary to assess whether the proposal would be well related in scale and form and in sustainability terms to the village and surrounding areas. The applicants have provided a statement detailing why they feel that the development, and site, would meet that criteria. However, the officers hold a different view, and the key reasons for this are:

Sustainability

As the site is located outside a built-up area boundary, in the countryside and a considerable distance from any settlement, it is considered to be in an unsustainable location. The applicants have drawn officer's attention to the bus routes which run along the B3180 and B3174. The presence of those bus routes is noted. Although, it is also noteworthy that none of those services run past the site, and the applicants own suitability statement details the following with regard to their location:

"The closest bus stop is at Daisymount roundabout, only an 11 minute walk from the proposed site. There is also the bus stop at the Hand & Pen on the London Road, which is a 20 minute walk, and one in Marsh Green, which is a 26 minute walk. These times are all taken from Google Maps and would be average times that could be reduced with a brisk walk."

The statement then highlights that, in the authors opinion, the route from the bus stop to the site would be on quiet rural roads. Whilst that may be the case, it is considered that the time and distance (around 1.2km to Daisymount) would be sufficient to prevent most people from accessing the site by bus, especially if the weather was poor or in winter months when dark given the lack of footpaths and street lighting. Therefore, it is not considered that the presence of these bus services is, in itself, sufficient for the site to be deemed sustainable.

The aforementioned statement, then draws attention to the use to trains to access the site. The nearest railway station to the site is in Whimple (around 3.3km from the site, and along some roads on which it would be undesirable to walk or cycle). Clearly, this distance, and the nature of the route to the site, is such that it is highly unlikely anyone would chose to access the site via the train.

The applicant's sustainability report also indicates the proximity of the site to the A30 and the possibility to car sharing. The presence of the A30 is noted, but it is not clear how close access to a major highway serves to make the site more sustainable, simply because the vehicular access to within around 1.2km of the site is easy. Whilst car sharing may be possible depending upon where staff are based, this cannot be relied on to consider a site sustainable, as staff, and there they reside, is likely to change over time. It is also relevant to note that the reason for the policy requiring a location close to a settlement is to reduce travel and to aid the possibility of shared trips (for example combining a trip to work with shopping or the school run).

The sustainability report also mentions that, currently, there are some staff who could walk to the proposal site, from home, within around 30 minutes. Again, there is no guarantee that these staff would work for the company in the very long term and, in any case, it would seem unlikely that they would wish to walk for around 60 minutes as part of every working day on unlit roads with limited footways. Therefore, it is considered that this factor also cannot be relied upon for the site to be deemed sustainable.

Also mentioned in the sustainability report is the possibility of cycling to the site. This may be possible for some people, and would reduce the need for those individuals to travel by vehicle. However, the possibility of some people cycling to the site is not sufficient for it to be considered acceptable.

The applicants also state that the location of the site would provide better, and easier, access to the areas that they work, and that it is more central to where their current staff reside. Whilst this may be the case, the staff may change over time and, while the advantages in terms of access to their work areas are understood, it is not considered that these factors are sufficient to consider the site sustainable. Travel to the site could not be easily combined with other trips.

Given the comments above, it is clear that there are many factors which the applicants feel make the site sustainable. Whilst these are noted, it is considered that none of those factors is sufficient to overcome the fact that the site is located in a rural location, away from services, with a narrow and rural access. It remains the case that, in all likelihood, the site would be most often accessed by vehicle. When this is combined with the rural location, and the factors considered, the site cannot be seen as sustainable and there is a concern that granting consent by stating that this site is sustainable in terms of Policy E5 would be difficult to defend should other development come forward in equally unsustainable locations.

The applicant is therefore encouraged to find a site at the edge of an existing settlement with a range of services and facilities, or seek to locate to an existing employment site or allocation.

Whether the development is 'small scale'.

A total floor area of 210 square metres is proposed, and the largest of the buildings would have a ridge height of just over 6.3 metres. Whilst this is not a large proposed floor area, it is also not a modest floor area given the rural nature of the area. The overall site area is around 1600 square metres. On balance, this is considered to be fairly small scale.

Vehicular access.

The applicants highlight that the site is located close to the A30 with the Daisymount junction around 1.2 kilometres from the site. This fact is not contested by the Council. However, the road from which the site is accessed is unclassified; it is rural and narrow in nature (except for a short distance at either end, where the road was realigned when the A30 dual carriageway was constructed), and not considered suitable as an access

to a business premises. Especially so as the location of the site away from any settlements would result in additional vehicle movements to and from the site.

Despite this, it is noted that there is an established vehicular access into the site from Brickyard Lane, which appears to provide sufficient visibility given the nature of the highway at that point.

Overall assessment of criteria 3 of policy E5.

Whilst the proposal is, on balance, considered to be small scale, it is considered that the site is not sustainable, for the reasons detailed above. The bottom line is that the site is located within the countryside quite a distance from any settlement and not attractive for non-car drivers to access. There is no near-by settlement for the site to relate to. Consequently, it is considered that the proposal does not meet criteria 3 of Policy E5. Therefore, it is considered that there is no policy of principle support for the proposal from the Local Plan.

Visual Impact

The application site is located in a rural location, with few buildings in the immediate vicinity. There is some screening of the site provided to the north and east by existing trees. There is less screening on other directions. However, some landscaping is appears to be shown on the proposed site plan which, if installed would provide additional screening. Given that the site is not located within any landscape designation, and as the buildings proposed, especially the storage building, would be agricultural in appearance, it is considered that the proposal would not be detrimental to the character and appearance of the countryside. The Council's Landscape Architect concurs with this view, and has also recommended a condition to ensure that suitable landscaping is installed. In the event that this application is approved, such a condition is considered reasonable.

Highway safety.

The proposed development would utilise the existing entrance off Brickyard Lane into the site. This entrance is located on the outside of a bend with, given the likely speed of traffic on the highway, reasonable visibility. Despite the relatively wide nature of the highway at the site entrance (due to the reconstruction of the highway when the new A30 was constructed), many sections of Brickyard Lane between the site at the B3180, and the increase in traffic on that section of road which would result from the development could increase the risk to other road users, particularly people using the cycle route which utilises Brickyard Road. No comments from the County Highway Authority have been received.

Impact on trees.

There are some trees on the northern and eastern edges of the site. The most notable of these are those on the eastern boundary, and the submitted tree report indicates that many of these are category A or B trees. The Council's Arboriculturalists have been consulted on this application, and have not objected to the proposal.

Impact on other residents.

There are no domestic or other properties located close to the site. Therefore, the proposal is considered to be acceptable in this regard.

CONCLUSION

Whilst the proposal is considered to be acceptable in some respects and would provide employment benefits, there are considerable concerns relating to the sustainability of the site for the proposed use.

The site is located in the open countryside, and is accessed off a minor unclassified road. There is no public transport available close to the site and, therefore, it is most likely that the site will be accessed by motor vehicle. Consequently, the site is considered to be unsustainable. Therefore, neither Policy E5 or Strategy 7 of the local plan offer support for the development. Given these factors, despite the applicant's case in support of the proposal, it is considered that the application cannot be supported. Therefore, it is recommended that this application is refused.

RECOMMENDATION

REFUSE for the following reasons:

1. The application site is located in an unsustainable rural location, remote from any settlement or built-up area boundary, and is accessed off a narrow, unclassified, highway, with no direct access to public transport. Consequently, the proposal will result in reliance upon the use of the car contrary to criteria 3 to Policy E5 (Small Scale Economic Development In Rural Areas) of the East Devon Local Plan 2013-2031 and, therefore, also contrary to Strategy 7 (Development in the Countryside) of the same plan.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

8409 : Drainage	Other Plans	24.12.20
2025-24	Proposed Combined Plans	24.12.20

2025-23	Proposed Combined Plans	24.12.20
2025-22	Proposed Floor Plans	24.12.20
2025-21	Proposed Site Plan	24.12.20
002 A : Tree survey	Other Plans	24.12.20
001 A : Tree survey	Other Plans	24.12.20
	Location Plan	24.12.20

List of Background Papers

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

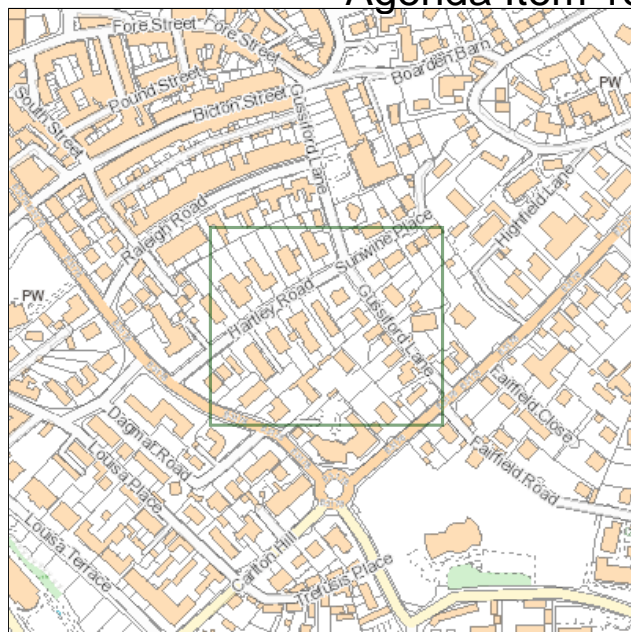
Ward Exmouth Littleham

Reference 20/2701/FUL

Applicant Mr Martin Jackson

Location 18 Hartley Road Exmouth EX8 2BQ

Proposal Construction of dwelling



RECOMMENDATION:

1. That the Habitat Regulations Appropriate Assessment outlined within the Committee Report be adopted; and,
2. That the application be **APPROVED** subject to conditions.



		Committee Date: 9th June 2021
Exmouth Littleham (Exmouth)	20/2701/FUL	Target Date: 30.03.2021
Applicant:	Mr Martin Jackson	
Location:	18 Hartley Road Exmouth	
Proposal:	Construction of dwelling	

RECOMMENDATION:

- 1. That the Habitat Regulations Appropriate Assessment outlined within the Committee Report be adopted; and,**
- 2. That the application be APPROVED subject to conditions.**

EXECUTIVE SUMMARY

This application is before Members because the view of officers differs to that of a ward councillor.

Planning permission is sought for the construction of a one bedroom dwelling at the end of an existing row of dwellings at 18 Hartley Road, Exmouth.

The site is located within the built up area of Exmouth and the principal of development is considered acceptable.

The proposed dwelling would be located to the rear of the current building where there are limited views of the proposal and the design and materials are set to match the adjacent dwelling. It is therefore considered that the proposal would not be out of character with development within the area.

The proposed dwelling is located within a very confined area but is not considered to result in a loss of privacy, light or have an overbearing impact. The proposed dwelling would provide sufficient amenity for the occupiers. It is therefore considered that there is no loss of residential amenity.

The proposal includes the formation of one additional parking space in the current car park. As it is a single bedroomed dwelling, this is considered to be sufficient.

Whilst the site is constrained, the proposal would be of a form, layout and design that is consistent with the adjacent two units of accommodation and be of type of accommodation (1 bedroom) that is much needed close to the town centre of Exmouth and this makes refusal of planning permission difficult to uphold.

The proposal is considered to be compliant with Policies D1 and TC9 of the East Devon Local Plan and Policy EB2 of the Exmouth Neighbourhood Plan. The application is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Technical Consultations

Exmouth Littleham - Cllr Bruce De Saram

1. I do not wish to attend Chair's delegation zoom. However please note I have made my comments for your kind consideration and would be grateful if you could take them into consideration.

2. Thank you for submitting this report for my consideration in line with the Planning process.

I have read the objections raised by the Town Council on 15/02/21 including the various other objectors and having made a site visit myself to the proposed development I find that I am in agreement with the original comments made by the Town Council namely that I do not support this proposal.

In particular I wish to refer to the following NPPF Paragraphs 127 "are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);.....and Para 131 In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings"

I would say that the design is not outstanding or innovative and it is not sympathetic to the surrounding environment.

I would support what the objectors have stated as can be seen in the report that "The proposal would extend into an area of the site which is currently used as recreational space. Objections have been received which have stated that the use of this area for a new dwelling would be overdevelopment of the site" This proposed development would in my opinion not be a positive and sustainable change especially for the occupant of number 7 as they stand to lose much valued garden space and I do not consider a cycle rack for the community would be a suitable exchange as the report suggests.

Therefore having been presented with all the facts as known at the present time and I note that we are in the BUAB "The site is located within the built up area boundary for Exmouth, however, there are no further constraints" I would not be able to support this application and recommend its refusal on the grounds of overdevelopment and lack of innovative design as per the NPPF guidance and Town Council consultee comments.

Parish/Town Council

Meeting 15.02.21

Objection; the proposal was considered to be over development and lack appropriate amenity space. The proposal would impact on the immediate neighbours in Gussiford

Lane effecting their residential amenity. The proposal was therefore, considered to be contrary to policy D1 (Design and Local distinctiveness) of the Local Plan.

Other Representations

Five letters of objections and one letter of representation:

- o Provision of parking
- o Overdevelopment
- o Intrusive and dominating
- o Out of character with the area
- o Overlooking and loss of privacy
- o Too close to the boundary
- o Loss of light
- o Lack of amenity space for occupants
- o Amenity of neighbouring properties

PLANNING HISTORY

Reference	Description	Decision	Date
05/1365/FUL	Alterations to form 7 flats	Approval with conditions	27.09.2005
05/3038/FUL	Amendments to planning permission 05/1365/FUL for the creation 2 dwellings.	Refusal – Appeal dismissed	06.03.2006
05/3039/FUL	Amendments to planning permission 05/1365/FUL for the creation of five flats.	Refusal	06.03.2006
06/0854/FUL	Amendments to units 1-5 including enlarged dormer windows, retention of porch, internal alteration and design and fenestration changes	Approval - standard time limit	22.08.2006
06/0856/FUL	Amendments to units 6 & 7 comprising part increased ridge and rear extension	Refusal – Appeal dismissed	22.05.2006
07/1414/FUL	Conservatory to unit 7	Refusal	18.07.2007

POLICIES

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

TC9 (Parking Provision in New Development)

Exmouth Neighbourhood Plan (2018 – 2031)

Policy EN1: Proposals for development within the Built-up Area Boundary (BUAB) will generally be supported (*Cont.*)

Policy EB2: New development should be mindful of surrounding building styles and ensure a high level of design (*Cont.*)

Site Location and Description

The site is a former dwelling which has been converted into seven flats. The area is characterised by large detached and semi-detached Victorian dwellings, many of which have been extended and converted into flats. The land level raises from the Rolle Road end of the street towards Gussiford Lane, creating a rising streetscape.

The site is located within the built up area boundary for Exmouth, however, there are no further constraints.

Proposed Development

This application seeks planning permission for the construction of an additional self-contained dwelling. The dwelling would be located to the rear on the end of an existing row of flats. It would be single storey in height and the materials would match the existing.

Consideration and Assessment

The main issues in the determination of the application are:

- The principle of the development
- Character and appearance of the area
- Residential amenity
- Parking and Access

Principle of Development

The site is located within the Built-Up Area Boundary of Exmouth and as such is considered to be in a sustainable location with good access to services and facilities as well as public transport. In accordance with policies within the Local Plan (Strategy 6 - Development within Built-Up Area Boundaries) and Exmouth Neighbourhood Plan (Policy EN1), the principle of new residential in this location is acceptable.

Impact on Character and Appearance of the Area

The proposed new dwelling is located to the rear of the current flats and would be attached to an existing tenement. There are no wider views from public spaces of the proposed dwelling. Therefore it is considered that the dwelling would not be an incongruous addition such that it is out of character with the area.

The proposal would extend into an area of the site which is currently used as recreational space. Objections have been received which have stated that the use of

this area for a new dwelling would be overdevelopment of the site. Previous applications in 2006 and 2007 for extensions and a conservatory to unit 7 were previously refused partially on these grounds. However, these applications were made under the previous Local Plan. Although the proposed dwelling would reduce the outside amenity space, it would leave a small space for the provision of a cycle rack and it would be hard to justify refusal of permission on this ground, particularly given the sustainable location of the site close to open space and the beach at Exmouth. It is considered that the dwelling would not be overdevelopment of the site.

The proposal therefore complies with Policy D1 of the East Devon Local Plan and Policy EB2 of the Exmouth Neighbourhood Plan.

Residential Amenity

A number of amenity issues have been raised during the consultation period of the application.

Privacy

The proposed dwelling would be single storey with a first floor in the roof space. There are windows and doors on the north east and south west elevation at ground floor level. As these are ground floor they are not considered to result in a loss of privacy.

At first floor level there are rooflights on the north east and south west elevations. The rooflight on the north eastern elevation would be to serve the en-suite bathroom and would therefore be obscure glazed. The rooflights on the south western elevation would be at a high level and views to adjoining amenity areas would not be possible from these windows.

The proposal is therefore not considered to result in a loss of privacy to any neighbouring properties. The proposal is therefore considered to be compliant with Policy D1 of the east Devon Local Plan and Policy EB2 of the Exmouth Neighbourhood Plan.

Loss of light and overbearing

The proposed dwelling would be a continuation of the existing line of dwellings. The total height and height to eaves of the proposed dwelling would match the existing line of dwellings. The proposed dwelling would not be closer to the boundary than the existing line to the north east. It is therefore considered that there would not be an overbearing impact or a loss of light.

To the neighbours on the south east, the proposal would be approximately 2.5 metres to the boundary with the neighbour. This is considered to be a sufficient distance as to not result in a loss of light or have an overbearing impact.

The proposal is therefore not considered to result in a loss of light or have an overbearing impact. The proposal is therefore considered to be compliant with Policy D1 of the East Devon Local Plan and Policy EB2 of the Exmouth Neighbourhood Plan.

Lack of amenity for occupants.

The proposed dwelling would have space for a kitchen, dining room and living room at ground floor level whilst a bedroom with an en-suite would be provided at first floor level. It is considered that the accommodation provided would be sufficient for independent use of the dwelling.

In terms of outside space, the site is located on the outskirts of Exmouth town centre where there are a number of outdoor recreational areas within walking distance. The proposal is therefore considered to provide sufficient amenity for any future occupiers.

It is however recognised that the proposal would result in the loss of a small area of on-site amenity space. Whilst this is less than ideal, it is considered that it would be difficult to uphold a refusal of planning permission on this ground given the close walking distance to the beach and other amenity facilities in Exmouth.

Parking and Access

Although the site is located close to the town centre of Exmouth, where a variety of facilities and services can be reached without the need of a private car, the plans indicates that the current bin store would be re-arranged and a parking spot made it its place. As the proposal is a single bedroomed dwelling it is considered that this is sufficient and compliant with Policy TC9 of the East Devon Local Plan.

Habitats Regulation Assessment and Appropriate Assessment

The nature of this application and its location close to the Exe Estuary and Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

CONCLUSION

The application is not considered to result in a detrimental impact upon the character of the area or have a negative impact to the amenity of any neighbour. The proposal would be of a form, layout and design that is consistent with the adjacent two units of

accommodation and be of type of accommodation (1 bedroom) that is much needed close to the town centre of Exmouth.

Although the site is small in nature, it is well located and with no harm to surrounding residents and providing a 1-bed unit for which there is a need in Exmouth, the application is considered acceptable and compliant with Policy D1 of the East Devon Local Plan and Policy EB2 of the Exmouth Neighbourhood Plan and is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule Part 1 Classes A, B, C or D for the enlargement, improvement or other alterations to the dwellings hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken.
(Reason - The space available would not permit such additions without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed in the north-east and south-west elevations of the building.
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
5. Before the dwelling hereby permitted is occupied the rooflight on the north-east elevation serving the en-suite bathroom shall have been glazed with obscure glass and the obscure glazing of these windows shall thereafter be retained at all times.
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Location Plan	23.12.20
	Proposed Site Plan	03.12.20
996 REV A	Combined Plans	21.04.21

List of Background Papers

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