

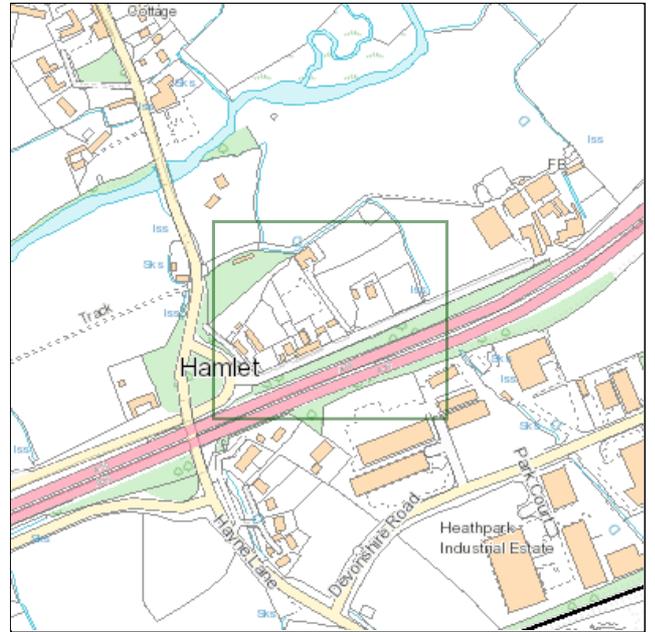
Ward Feniton

Reference 20/1726/FUL

Applicant Mr Shane Francis

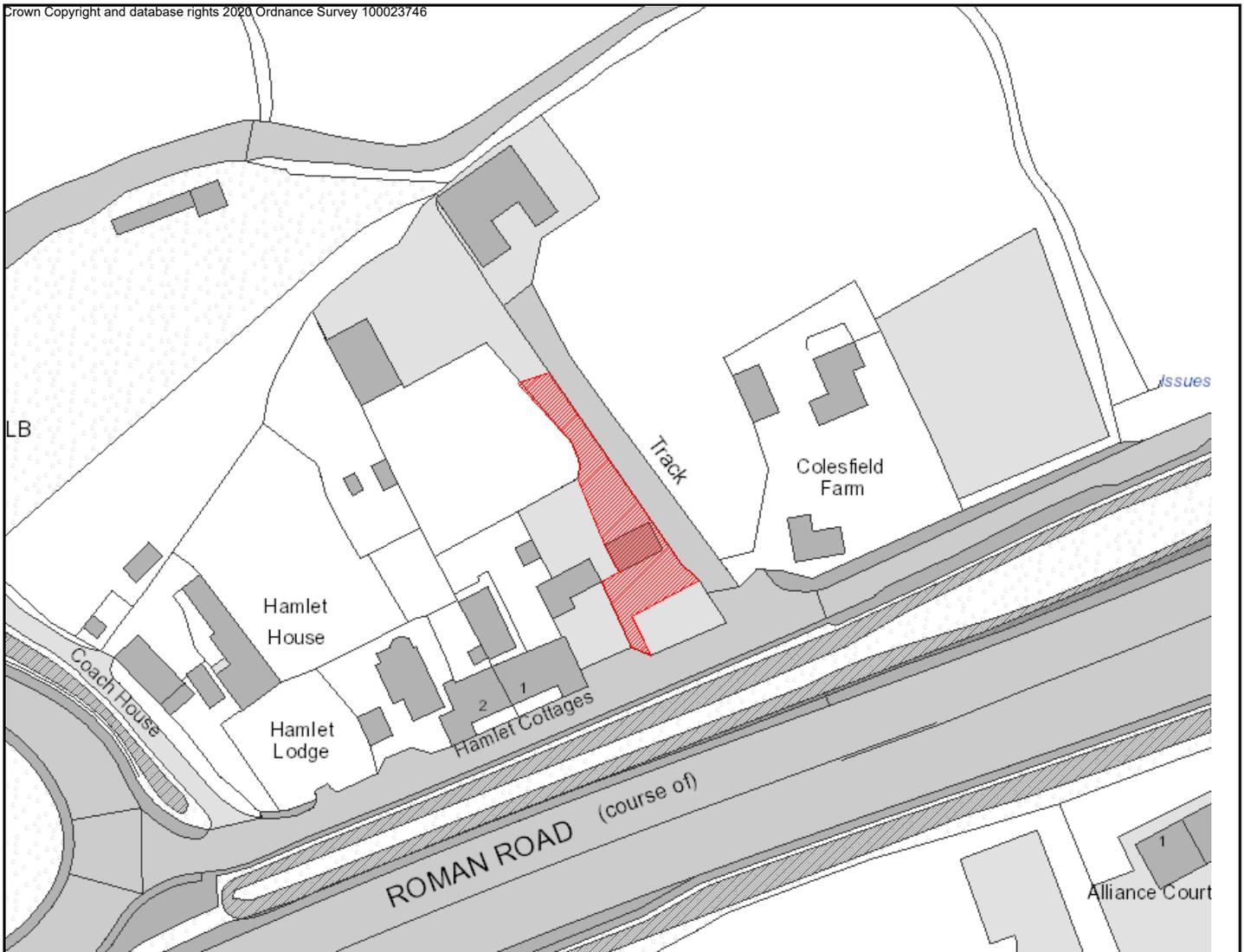
Location 1 Hamlet Cottages Weston Honiton EX14 3PB

Proposal Change of use of an existing workshop (use Class B1(c)) to a residential dwelling (use class C3) with minor alterations



RECOMMENDATION: Approval with conditions

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| | | Committee Date: 7th January 2021 |
| Feniton (Gittisham) | 20/1726/FUL | Target Date: 04.11.2020 |
| Applicant: | Mr Shane Francis | |
| Location: | 1 Hamlet Cottages Weston | |
| Proposal: | Change of use of an existing workshop (use Class B1(c)) to a residential dwelling (use class C3) with minor alterations | |

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the committee because the recommendation is contrary to the view of the Ward Member.

Planning permission is sought to convert a small workshop forming part of the premises occupied by a landscaping business. The proposal would provide a 1-bed single storey dwelling with associated garden and parking areas.

The site is in the countryside for policy purposes but close to Honiton and the amenities available at its western edge. Policy on the conversion of buildings in the countryside (D*) acknowledges opportunities for sustainable travel vary between urban and rural areas and to some degree the difference is offset by the benefits of re-using buildings. Relative to other rural locations, the occupants of this site are likely to be less car dependent being right at the edge of the BUAB for Honiton. On that basis the reuse of this building is considered to satisfy the requirements of the conversion policy.

Notwithstanding that conclusion, the proposal would result in the loss of a business premises. Although the landscaping business has no current need for the site, Strategy 32 seeks to ensure that all options for business use are explored first. In this case a restrictive condition and the proximity of residential properties on each side indicates that other business uses may not be forthcoming or appropriate. Consequently the loss is accepted.

The retained business premises comprising a yard and workshop would be about 30m beyond the rear of the site but the access would be alongside the plot and a parking area for vans would be retained adjacent to the dwelling. This would lead to some noise and disturbance which would only be partially mitigated by a robust boundary treatment.

Taking into account the wider benefits of the scheme, including re-use of the building, an improved relationship between the site and its neighbours and the moderately accessible location, the shortcomings associated with the proximity of the van and lorry movements are not considered to justify refusal.

CONSULTATIONS

Local Consultations

Feniton - Cllr Susie Bond

My initial view of this application is that it should be REFUSED.

The planning history at this site shows several attempts to develop the site for residential use over a number of years, contrary to Local Plan policies (Strategy 7). The retrospective application 19/2207/FUL approved last year has a strong Condition (condition 3) which precludes conversion of the workshop to a residential building.

However, I shall keep an open mind on this application until I hear all views for and against.

Parish/Town Council

Gittisham parish councillors resolved to object to this application at their meeting last night.

Members feel that granting permission would establish a new residential unit in the countryside without agricultural need being sought, and it will act as a precedent for other opportunities in the future which would be detrimental to the overall policy-making of EDDC.

Further comments:

Gittisham parish councillors resolved at their meeting to object to this application on the same grounds as previously.

Which was:

Members feel that granting permission would establish a new residential unit in the countryside without agricultural need being sought, and it will act as a precedent for other opportunities in the future which would be detrimental to the overall policy-making of EDDC.

Technical Consultations

Environmental Health

Change of use of an existing workshop (use Class B1(c)) to a residential dwelling (use class C3) with minor alterations

I have considered the above application with regards to Environmental Health matters.

The front of the premises appears to be on the north of the building which is referable as the site will be subject to road traffic noise from the A30. The south facade is imperforate and therefore offers good sound insulation along with some shielding to the rear garden. The low berm to the south of the access road will also offer some attenuation.

I have no objections to this COU

Further comments:

Further to my consultation and subsequent discussion with the case officer I can advise that as the land has previously been used for commercial use and potentially contaminative uses, a preliminary risk assessment report identifying the history and any evidence of sources of contamination should be provided

Condition - Contamination investigation and remediation strategy

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - I. all previous uses
 - II. potential contaminants associated with those uses
 - III. a conceptual model of the site indicating sources, pathways and receptors
 - IV. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

5. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 & 2 and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 3. This must be subject

to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.

6. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of plans on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's Land Contamination Risk Management (LCRM).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN16.

Further information and guidance can be obtained by contacting the Environmental Protection Team at East Devon District Council

Other Representations

None received.

PLANNING HISTORY

| Reference | Description | Decision | Date |
|------------------|---|-----------------|-------------|
| 96/P1185 | New Dwelling | Refusal | 24.10.1996 |
| 14/1284/FUL | Creation of 2no dwellings | Withdrawn | 15.01.2015 |
| 15/1585/FUL | Construction of 2 no detached dwellings | Refusal | 22.12.2015 |

| | | | |
|-------------|--|--------------------------|------------|
| 16/0831/FUL | Relocation of existing workshop/office/storage building and compound including formation of new vehicular access and extension to existing access drive. | Approval with conditions | 03.03.2017 |
| 18/0637/OUT | Removal of workshops and construction of detached two storey dwelling and detached garage (outline application with all matters reserved) | Refusal | 28.08.2018 |
| 19/2207/FUL | Single storey workshop unit (use class B1(c)) (Retrospective application). | Approval with conditions | 06.01.2020 |

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)

D1 (Design and Local Distinctiveness)

D8 (Re-use of Rural Buildings Outside of Settlements)

EN5 (Wildlife Habitats and Features)

EN16 (Contaminated Land)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

The site is located within the parish of Gittisham, between Weston and Honiton. It fronts onto the old A30 and is only 50 metres north of Heathpark Industrial Estate,

separated by the A30. It has recently been the base for a landscaping business which has expanded into larger premises at the rear where there is a yard and store/workshop. To the west there are five properties, the nearest being 1 and 2 Hamlet Cottages, and to the east there are two properties, Colesfield and then Roebuck Farm, where the old A30 terminates. Access into Honiton is via Hayne Lane. Although the site is in a relatively low-lying position, it is above the flood zones associated with the River Otter.

At the front of the site is a yard with fencing separating it from the parking area for 1 Hamlet Cottages. There is further fencing across the front of the site and a gate providing vehicular access. On the other side boundary there is a tall hedge screening the site from Colesfield. Beyond the yard is a modest workshop building in rendered masonry with a slate roof. The vehicular access continues alongside the building to a further yard area on the other side and onwards to the larger yard and workshop/storage building associated with the landscaping business.

ANALYSIS

This application seeks planning permission to convert the workshop to a one-bed dwelling. As well as the conversion of the building, the yard in front of the building and some land at the rear would become garden. The site plan was amended during the course of the application to include all of the front yard and to show the parking and garden areas.

The proposal involves minimal alterations externally and would use existing window and door openings with new fittings where necessary. Internally the space would be partitioned to create a double bedroom, a bathroom and a combined kitchen/dining/living room. The front door would be on the north side facing away from the road and onto a garden area. On the south side of the building there would parking spaces for three cars and a further garden area. Access from the road would be unaltered and would be shared with the business at the rear.

Background

It is understood that the commercial use of what was then a garden/orchard commenced around 20 years ago. Until 2009, the building in question was a less substantial and rundown structure, as can be seen on Google Streetview. In 2010, without planning permission, the building was improved or rebuilt becoming a more substantial structure with a pitched roof.

In 1996 the previous owner applied to replace the dilapidated building with a dwelling but was refused permission because it would have been "an intensification of sporadic development divorced from any town or village", as well as for drainage reasons.

The next application was in 2014 when it was proposed to demolish two single storey buildings and construct two two-storey dwellings. That application was withdrawn following advice that the proposal would not be supported owing to concerns about accessibility, loss of employment land and the effect on the character and appearance of the area.

A second attempt was made in 2015 with a different layout but the same concerns remained and the application was refused.

In 2016 permission was granted for a larger workshop building and yard to the north of the site. This proposal included the demolition of the smaller workshop to allow the access to be re-routed away from 1 Hamlet Cottages, but retained the land at the front of the site for receipt and handling of materials.

In 2018 an application for one dwelling was submitted which would have resulted in the loss of the small workshop and the yard at the front. This was refused because of its countryside location, accessibility concerns and its impact on the character and appearance of the area.

In 2019 an application was made to retain the small workshop building which was proposed for demolition in the 2016 application. This demolition was not a requirement of the 2016 permission and therefore consent was not needed to retain it. Furthermore, although the smaller workshop was constructed without permission, it was completed by 1 October 2010 according to the application and was therefore lawful by 2019. Nevertheless, the application was submitted and approved.

ANALYSIS

Having regard to this background and the location of the site in the countryside, the main issues to consider in the determination of this application are whether the location is appropriate for a new dwelling and whether the loss of business premises is acceptable. Although concerns have been raised previously about the impact of new development on the character and appearance of the area, as this proposal is for the conversion of an existing building, such considerations are secondary.

A further main issue is whether the proposal would provide acceptable living conditions having regard to the use of the land around the site and the means of access to it. This was not been a main issue before but previous schemes either replaced the business use or created greater separation.

Location

The site lies outside the Built-up Area Boundary for Honiton and is therefore in the countryside for planning policy purposes. The re-use of buildings in such locations is addressed in Policy D8 of the Local Plan which sets out the following requirements in criteria 1-5 and a-c:

1. The new use is sympathetic to, and will enhance the rural setting and character of the building and surrounding area and is in a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality.

A residential use would be compatible with the neighbouring residential uses. Visually there would be little change other than the change of use of the yard at the front of the site to garden. This would have a minor positive effect which, depending on its

treatment, would enhance the setting of the building and the character of the wider area.

Accessibility is considered in detail under criterion c) below.

2. The building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting;

The workshop is of masonry construction with no obvious defects. A structural survey confirms it is in sound condition and capable of conversion. The alterations proposed are very limited in extent and would conserve the character of the building and its setting. In this case no extensions are proposed and consequently the conversion would result in a very modest dwelling. With a floor area of 40 square metres, however, it would satisfy the nationally described space standard of 39 square metres for a 1-bed, 1-person, single storey dwelling.

3. The form, bulk and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials;

The materials and finishes used externally on the building match the nearest dwelling and would be retained in the conversion. As a result the proposed conversion would be compatible with its surroundings.

4. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures;

Given the small scale of the proposal, the character of the existing use, and the compatibility of the proposed use with neighbouring dwellings, there would be no harm to the countryside as a result of any of these impacts.

5. The proposal will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function.

There would be no impact on any agricultural business, but the issue of whether the proposal is likely to generate a need for a replacement building is still relevant to this proposal. To assist in making an assessment of the likelihood that a replacement building will be needed, an understanding of the applicant's previous proposals involving either demolition or retention of the existing building is useful.

The applications in 2014 and 2015 proposed the total loss of the employment site, including the buildings. However, a new storage yard at the rear of the site had been created in advance of the 2015 application and this was regularised in 2016 when a replacement workshop was also granted permission. At that time the smaller workshop was no longer needed and was proposed for demolition so that the access could be re-routed away from 1 Hamlet Cottages. This argument was repeated in the 2018 application.

In advance of the current application to convert the small workshop, an application was made seeking to establish that there was no requirement to demolish it under the

2016 permission. In the supporting information dated October 2019 and in subsequent correspondence the building was described as:

- being required for commercial purposes
- being necessary for workshop purposes owing to the expansion of the business
- serving a vital function to the wider landscaping business
- providing a facility for preparation and maintenance of equipment and machinery and construction of timber products

Less than a 10 months later (at the date of submission) the current application now describes the building as:

- disused and redundant due to differing requirements of the business

Two reasons have been put forward for this:

- a sudden drop in demand which has, in part, been intensified by Covid restrictions
- the building is surplus to the storage needs of the business

As set out above, the applicant has presented a changing narrative whereby in 2016 and 2018 the building was surplus to requirements, then in 2019 it served a 'vital function' and now it is once again surplus to requirements. This is unlikely to be explained simply by any fluctuation in the fortunes or needs of the business.

Taking the 2019 narrative as an anomaly, it is very likely that the small workshop building is redundant. Indeed, this would be consistent with the view that was reached in 2018 when the loss of employment land did not form a reason for refusal. Consequently it is considered unlikely that the applicant would have any immediate need for a replacement building and hence this criterion is satisfied.

For residential proposals it must be established that:

a) the building is no longer required for agricultural use or diversification purposes; and

The building is not an agricultural building nor does it serve an agricultural business that would benefit from diversification opportunities.

b) that its conversion will enhance its setting - e.g. through removal of modern extensions and materials, outside storage, landscaping etc.

The main enhancement would be the removal of goods stored in yard in front of the building, to be replaced by parked cars and domestic paraphernalia. This is considered to be a minor enhancement, subject to appropriate landscaping.

c) Development is located close to a range of accessible services and facilities to meet the everyday needs of residents

Previous applications for dwellings on this site have cited the distance from services and facilities as a reason for refusal. Since those decisions were taken there have

been some improvements in the availability of services and facilities in the locality. Within a walkable distance of the site there are the following amenities:

- The Otter Inn
- Heron Farm, a vineyard, cafe and farm shop
- Combe Garden Centre, including a cafe
- Combe Farm Shop
- B! Health & Fitness, a gym
- A bus stop served by the number 4 bus which connects the site to Honiton and Exeter

Slightly further afield are the amenities within and near to the Heathpark industrial estate, including DIY and food stores. Although it is unlikely that goods bought in these stores would be transported on foot back to the site, any car journeys would be short if the nearby bus service was not convenient.

The availability of these services and facilities close to the site places this location at the upper end of the scale of accessibility when compared to other rural buildings that would be considered under this policy. Although there may be a higher degree of car dependency than associated with a more urban location, the proposal is considered to satisfy this criterion for allowing the conversion of buildings in the countryside to residential use where reasonably well located.

In summary, there are a number of positive characteristics associated with the location such as its setting next to other residential development and its relatively good accessibility. Accepting that the building is redundant for the applicant's purposes, this proposal is considered to be in full accordance with Policy D8.

Loss of business premises

Strategy 32 of the Local Plan seeks to protect the availability of business premises. Where a loss would harm business and employment opportunities, it imposes a number of tests that must be satisfied before other uses are considered.

As already discussed, it is accepted that the building is no longer needed by the applicant for business purposes. The supporting information for the 2018 application also explained that the yard at the front of the site was not needed for storage purposes and that argument is repeated in the current application. Although the 2016 application explained that the yard would be used for receiving bulk deliveries, it is understood that materials are now delivered by lorry directly to the rear yard and stored there. At the present time, therefore, the applicant has no need for the yard or building at the front of the site.

In relation to other potential users of the site it is claimed that the site is too small for most businesses to operate efficiently. However, in the absence of further evidence the site is considered to offer a good quality workshop building and a generous yard which may be of wider interest. Based on this potential its loss would harm business and employment opportunities. In such circumstances Strategy 32 offers four scenarios in which the loss might be justified. Of those four, there are two scenarios that are potentially relevant: one would permit the change if there is evidence that

marketing of the site has been unsuccessful; the other would permit the change if the continued use or a new use would significantly harm amenity.

The site has not been marketed and the reason given is that a condition on the 2019 permission limits the use of the building to use "for purposes ancillary to the existing paving and landscaping contractors' business operated from the site and for no other purpose." The use of the yard in front is not subject to the same restriction but it is considered unlikely that the building is marketable without the yard and therefore the use of the yard is likely to remain in step with the use of the building. The reason given for the condition was "To define the use in the interests of the appearance and character of the area and to safeguard the amenities of the occupiers of neighbouring residential properties in accordance with the provisions of Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013 - 2031."

The condition was imposed to define the use. In other words, it was considered necessary to ensure that the building could not be used for other business purposes falling within Use Class B1. Such uses, it was considered, would have unknown impacts on the appearance and character of the area and the amenities of the occupiers of neighbouring residential properties on both sides of the site. The newer building and yard at the rear of the site are not limited in such a way and therefore could potentially be occupied by any business operating within Use Classes B1 or B8 (now Use Classes E and B8). The differing approach between the two buildings may be explained by the closer proximity of the small workshop and yard to residential properties at 1 Hamlet Cottages and Colesfield.

The restrictive condition and the uncertainty about whether it would be relaxed to allow other business uses of the site means that marketing is likely to be a fruitless exercise. Furthermore, although the occupant of 1 Hamlet Cottages currently has connections to the site, that relationship cannot be guaranteed in perpetuity. Consequently either the existing use or a new business use could potentially lead to an unacceptable relationship with future occupants.

The circumstances described fall outside the two scenarios provided in Strategy 32: the site hasn't been marketed but it is considered unmarketable; and another business use may not cause significant harm to amenity but residential use would remove any uncertainty about future impacts. The combination of these factors means that even if this application were to be refused, there is little prospect of any new business occupying the site. Consequently there would be no conflict with the main thrust of Strategy 32 which is to retain business premises in appropriate situations.

Living conditions

The proposal would provide a modest property of acceptable proportions with its main outlook to the north, away from the noisy A30. It would also enjoy ample parking as well as amenity areas at the front and back where there is space for bin and bicycle storage.

However, there would be little separation between the site and the landscaping business. The access would be shared and would run alongside the garden boundary and the western gable of the dwelling. A parking area for business vehicles would also

be retained adjacent to the northern area of garden and within a range of about 5-15 metres of the windows in the north elevation. The business operates several vans and trucks and also takes delivery of materials to the yard at the rear of the site. There are no restrictions on the operating hours of the business, nor is the use limited to the current business. Vehicle movements could take place at antisocial hours and give rise to noise and disturbance. There is also potential for headlights to partly illuminate the north elevation of the dwelling which has its main outlook facing the driveway.

In contrast to this setting, 1 Hamlet Cottages enjoys a greater degree of separation buffered by its own driveway and outbuildings. Although its garden also abuts the parking area, it benefits from space that is further removed from any of the business premises. It is also noted that the business use of the application site was established by the occupant without an express grant of planning permission about 20 years ago and therefore the relationship has not previously been subject to scrutiny by the Local Planning Authority. Consequently the relationship between the existing dwelling and the business does not justify the relationship with the new dwelling.

Activity in the workshop and yard at the rear takes place at a distance of 30m from any amenity space near the existing or proposed houses and therefore does not give rise to the same concerns. This does not address the impact of the access and parking area on the proposed dwelling, however.

The impacts associated with the shared access and van parking cannot reasonably be controlled by placing restrictions on the business in terms of hours of operation or in terms of where vehicles can be parked or materials loaded or unloaded. Nor would it be reasonable to limit the occupation of the dwelling to someone connected with the business because satisfactory living conditions should be provided for all dwellings and also because personal permissions for permanent forms of development should be avoided. Moreover, tying the dwelling to the business would create an encumbrance on the employment land which would limit its future potential.

The only potential for mitigation, therefore, is in the form of boundary screening. A robust fence or wall which is 2m in height would provide some protection from light and noise intrusion and resistance to damage from manoeuvring vehicles. Although supplementary planting within the boundaries could also be helpful, in this case it would result in a small garden dominated hedges which would restrict daylight and outlook.

Although the options for mitigation are very limited in this case, the scale of the business is such that it is unlikely to give rise to frequent vehicle movements. What vehicle movements do take place would be limited in number and mostly during normal business hours. The impact on the occupants of the dwelling is therefore likely to be limited. The proposal may not achieve the high standard of amenity which paragraph 127 of the NPPF seeks to ensure but the living conditions of future occupants of the dwelling are considered acceptable subject to good quality boundary treatment being provided.

Other matters

There is an existing access to the site which provides acceptable visibility for vehicles accessing the dwelling. However, the layout indicated would be likely to restrict the movement of larger vehicles and it is thought likely that a larger turning radius would be needed at the entrance and around the 90 degree bend by the corner of the proposed back garden. This is likely to result in a smaller garden than currently indicated and vehicles manoeuvring closer to the dwelling. This is unlikely to materially worsen the amenity impact but an appropriate boundary line will need to be drawn when the details of the boundary treatment are secured.

Foul drainage would be by means of a septic tank and soakaway at the rear of the site.

Soft landscaping of the hard surfaced yard at the front of the site would be necessary to achieve an enhancement to the setting of the building, as required by Policy D8. This can be secured by condition.

An ecology survey of the building has been undertaken and found no evidence of use by bats. There was, however, evidence of birds nesting in the roof and therefore mitigation is proposed in the form of new nesting features in suitable locations on the site. This can be secured by condition.

Owing to the use of the land for storage and business purposes the Environmental Health Officer has recommended a condition to ensure that the risk of land contamination is addressed during the development. Although there are several stages to the suggested condition, the preliminary risk assessment required in the first stage will ensure that any future actions are proportionate.

CONCLUSION

The proposal satisfies the requirements of Strategies 7 and 32 and Policy D8 of the Local Plan. There are, however, reservations about the quality of the living conditions of future occupants owing to the adverse impacts of van and lorry movements in very close proximity to the dwelling and its garden. Mitigation in the form of a robust boundary treatment would not be entirely effective but given the limited number of vehicle movements anticipated, it is considered sufficient in this case. When considering the wider benefits of the scheme, including re-use of the building, an improved relationship between the site and its neighbours and the moderately accessible location, the shortcomings associated with the proximity of the business are not considered to justify refusal.

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 approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 1. A preliminary risk assessment which has identified:
 - I. all previous uses
 - II. potential contaminants associated with those uses
 - III. a conceptual model of the site indicating sources, pathways and receptors
 - IV. potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

5. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 & 2 and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 3. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.
6. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of plans on the same must be prepared, both of

which will be subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's Land Contamination Risk Management (LCRM).

(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN16 - Contaminated Land of the Adopted East Devon Local Plan 2013-2031.)

4. No work to the exterior of the building shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the details are planned and considered at an early stage and to enhance the setting of the building in accordance with Policy D8 - Re-use of Rural Buildings Outside of Settlements of the Adopted East Devon Local Plan 2013-2031.)

5. The dwelling hereby permitted shall not be occupied until a wall or acoustic fence not less than 2m in height has been constructed on the western and northern boundaries of the garden on the north side of the dwelling. The design and specification of the wall or fence shall first 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 mitigate the noise impacts of adjacent vehicular traffic in the interests of the amenity of the occupants of the dwelling in accordance with Policy D1 Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

6. Development shall be carried out in accordance with the recommendations of the Ecology Report prepared by HT Ecology dated July 2020.

(Reason - To ensure that the wildlife impacts of the development are appropriately mitigated in accordance with Policy EN5 - Wildlife Habitats and Features of the Adopted 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:

| | | |
|--------|----------------------|----------|
| A.03 | Proposed Site Plan | 11.11.20 |
| T.01 C | Location Plan | 11.11.20 |
| A.01 | Proposed Floor Plans | 10.09.20 |
| A.02 | Proposed Elevation | 10.09.20 |

List of Background Papers

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