

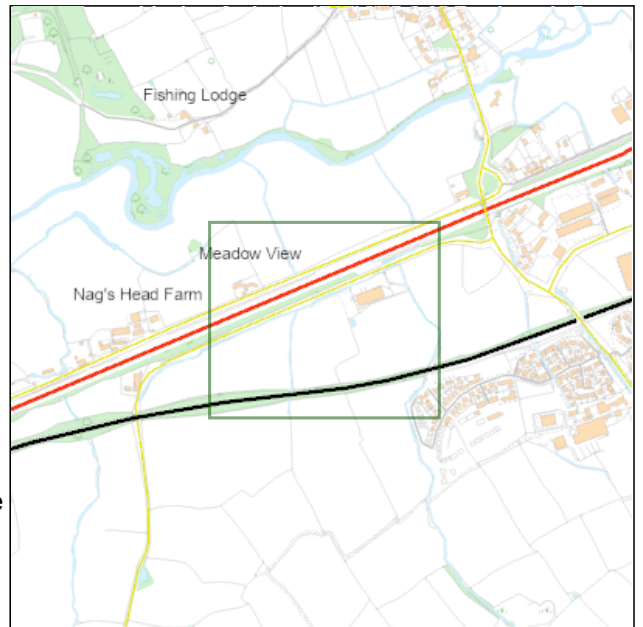
Ward Feniton

Reference 22/2723/FUL

Applicant Mr Justin Lascelles

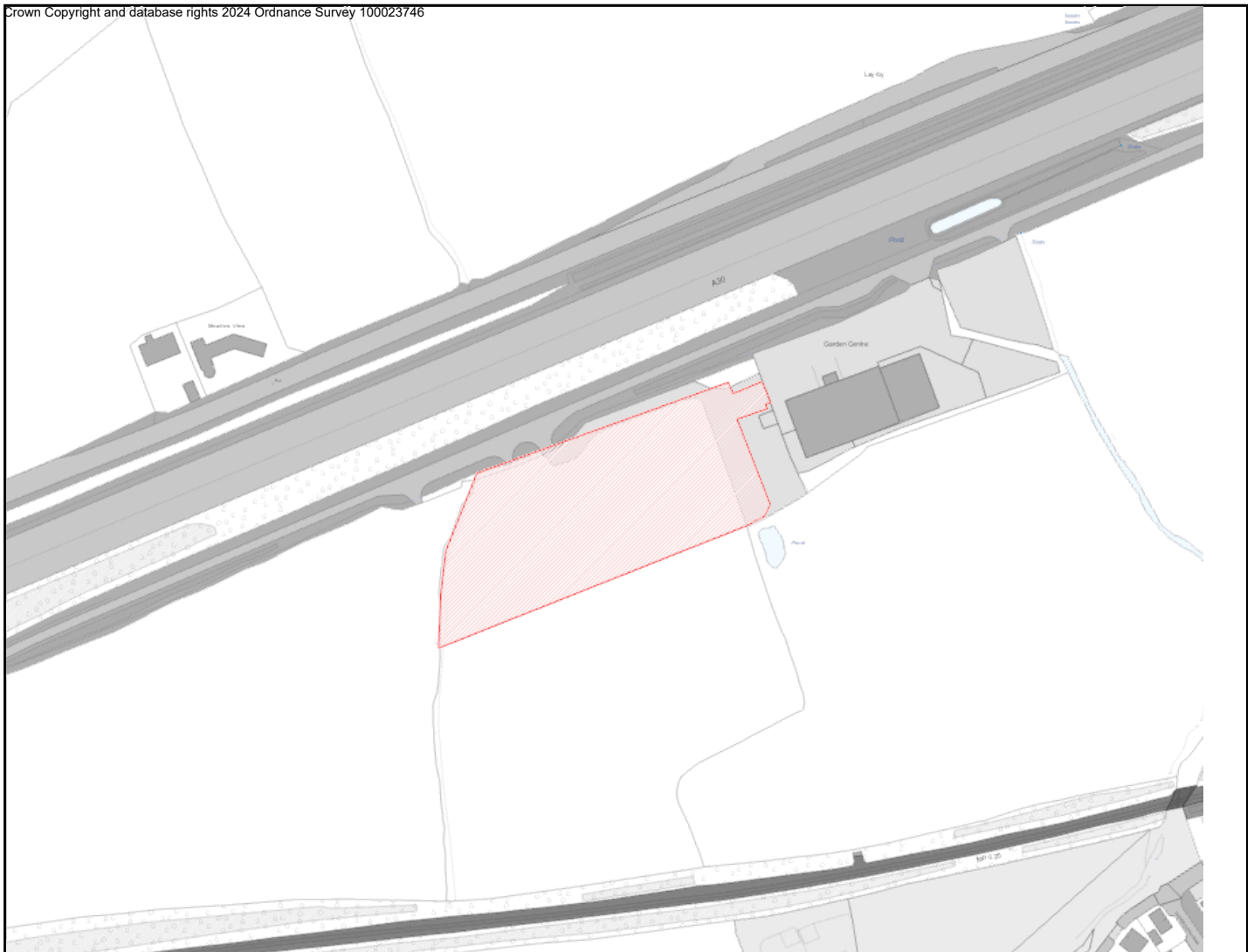
Location Combe Garden Centre Hayne Lane Gittisham
Devon EX14 3PD

Proposal New farm shop and associated landscaping
works adjacent to the site of the existing Combe
Garden Centre.



RECOMMENDATION: Approval with conditions

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		Committee Date: 18.06.2024	
Feniton (Gittisham)	22/2723/FUL	Target	Date:
		13.02.2023	
Applicant:	Mr Justin Lascelles		
Location:	Combe Garden Centre Hayne Lane		
Proposal:	New farm shop and associated landscaping works adjacent to the site of the existing Combe Garden Centre.		

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is brought before the Planning Committee as the proposal is a departure from the adopted Local Plan.

The proposal relates to the development of a farm shop and ancillary cafe and kitchen, storage, office, staff room and toilet facilities, together with provision of outside car parking, deliveries/storage yard, eating area/garden and play area, on a portion of a field immediately to the west of the existing Combe Garden Centre.

Both the application site and the garden centre premises form part of the Combe Estate and are located alongside Gittisham Lane, around 250-300 metres to the west of Hayne Lane. Both are also located within the defined Built-up Area Boundary of Honiton as well as an area of around 15 hectares that is allocated in the adopted Local Plan for employment development and to which Strategy 23 of the Plan directs B class uses. The proposal would therefore be a departure from this allocation.

On the face of it the development, whilst clearly providing for some employment, may not achieve the objectives of the Local Plan, which are to increase the supply of employment land, improve average income levels and diversify the sectors where jobs can be found. There is also a risk that the attraction of the location to B class businesses could be reduced as a result of the introduction of a form of retail use.

However, the garden centre aside, no part of the remainder of the allocated land has been developed since the adoption of the current Local Plan in 2016 and there are currently no plans in place for such development. Moreover, the evidence presented by existing development on the nearby Heathpark Industrial

Estate, where retail uses sit alongside B class uses, would suggest that the development would be unlikely to diminish the appeal of the location to businesses.

The location of the site would also not affect access to the remaining land within the allocation or the potential for the future development of larger scale business units.

Any future proposals for non-B class uses would be considered by the Authority on their particular merits having regard to the sequential approach of directing such uses to town centre or edge of centre sites first. Furthermore, in the event that B class uses are not forthcoming, the requirement to ensure that the employment and economic growth objectives of the Local Plan and the potential for the site to attract larger businesses, is not undermined would remain.

Such proposals would also need to be assessed in light of prevailing economic circumstances at the time, including demand for employment land and updated employment projections that may emerge as part of the new Local Plan.

Fundamentally, the development would provide a use that, by its very nature, would be largely ancillary to the current agricultural use of the surrounding land that forms part of the extensive Combe Estate and, more specifically, the setting for the application site itself.

A farm shop would provide employment as well as an outlet for the sale of produce from the Combe Estate land. Moreover, it would enable the diversification and ongoing sustainability of the operations of the Combe Estate as a whole. It is also likely that it would support other local businesses supplying products for sale and underpin, and potentially enable the growth of, local employment.

Taken together with the absence of any objections based on other material considerations, the overall balance of factors is considered to weigh in favour of the development and approval is recommended subject to conditions, mainly to ensure that a policy-compliant level of produce that is sold is sourced locally so as to avoid potential adverse effects upon the vitality and viability of Honiton town centre but also to address more contextual issues.

CONSULTATIONS

Local Consultations

Parish/Town Council

Parish councillors resolved to object to this application for reasons of prematurity, highways and flooding. The highway upgrade required is not addressed by this application to enable decision-making, and there is no secure pedestrian access to the centre (contrary to information provided in this application). The road approaching the centre is single carriageway, with no provision for pedestrians. However, pedestrians use this road currently including parents with pushchairs, and

it is impossible to hear approaching traffic because of the noise created by the A30. Additional facilities in the application would potentially increase the footfall and therefore risks to pedestrians and other road users.

The area already has issues with run-off and flooding.

Technical Consultations

County Highway Authority

No objections subject to conditions (Full consultation response at end of report)

EDDC Landscape Architect

No objection subject to conditions (Full consultation response at end of report)

National Highways

Recommend conditions be attached to any planning permission granted

EDDC Trees

I am pleased to note the design of the access has been amended to enable more of the hedgerow/scrub adjacent to Hayne Lane to be retained.

I have no objection subject to a revised tree protection plan (TPP) being submitted in support of the amended access arrangements.

If consent is granted for the application there should be a condition requiring submission of a TPP and arboricultural method statement (AMS)

DCC Flood Risk SuDS

No objection subject to condition (Full consultation response at end of report)

Environmental Health

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

Devon County Archaeologist

I refer to the above planning application and the receipt of the report setting out the results of the archaeological field evaluation undertaken at the above site.

In the light of the results of these archaeological investigations no further archaeological mitigation is required. As such, I would like to withdraw the Historic Environment Team's previous comments and instead offer no comments on this planning application.

(This consultation response follows earlier consultation comments that are set out at the end of the report.)

EDDC Economic Development

Support.

Other Representations

26 representations of support and one 'neutral' representation have been received.

Summary of Grounds of Support

1. Relocation of farm shop would relieve increase in traffic on Hayne Lane resulting from the new housing, which is not safe.
2. Easier access to the proposed site with better parking facilities, especially for those with mobility issues.
3. Combe garden centre and farm shop are linked enterprises, so it can be expected that a shared location would provide opportunities to improve sustainability, co-managing the site to maximise energy efficiency and environmental sensitivity.
4. Increased employment opportunities for local people and enhanced marketing opportunities for local food producers and other suppliers, boosting the local economy.
5. A successful local business that always has the community at the centre of its development plans.
6. Access for pedestrians no different to the current location so should not be used as a reason to object.
7. Combe Garden Centre is an example of what the building would look like and how its natural appearance is sympathetic to its surrounding area.
8. Relocation and expansion of the farm shop would provide a valuable platform to showcase and celebrate local produce.
9. By reducing food miles and promoting seasonal produce, the shop contributes to minimising carbon footprint and encouraging a more responsible approach to consumption.
10. Development on land allocated for employment use.
11. Farm Shop is a valuable asset to the area and is only being held back in providing an even better service by its present location and the size of its current facilities.
12. The site is serviced by an existing bus route, so provides an additional means of transport.
13. Development will encourage more people to shop for locally produced, sustainable produce, thereby further supporting the wider local economy.
14. With the large numbers of public visiting the garden centre, the position next door will help both businesses.

Summary of 'Neutral' Representation

1. Increased usage of narrow access road which, combined with the garden centre, will further increase numbers of vehicles using the road.
2. There is only one small passing place before the garden centre is reached when approaching from Hayne Lane.
3. The road needs to be widened and a pedestrian footway provided to allow traffic to pass easily and prevent accidents and so pedestrians can feel safe to walk to the garden centre and farm shop.

RELEVANT PLANNING HISTORY

07/0858/COU - Change of use and alterations to outbuildings to form farm shop (Full). Approved 26/11/07.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 23 (Development at Honiton)

Strategy 30 (Inward Investment, Communication Links and Local Benefits)

Strategy 31 (Future Job and Employment Land Provision)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 50 (Infrastructure Delivery)

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)

E2 (Employment Generating Development in Built-Up Areas)

E11 (Large Stores and Retail Related Uses in Town Centre Areas)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

(There is no neighbourhood plan in force for Gittisham parish.)

Government Planning Documents

NPPF (National Planning Policy Framework 2023)

ANALYSIS

Site Location and Description

The site, which extends to approximately 0.88 hectares in area, comprises the northern portion of a field to the immediate west of the Combe Garden Centre premises. Both the site and the garden centre are accessed via a 'C' class road (Gittisham Lane) that extends west off Hayne Lane, around 400 metres to the east, and connects it with Gittisham village. However, the lane and part of a hedge that defines the site frontage with it are incorporated within National Highways' 'soft estate' along the southern side of the adjacent A30 Trunk road to the north.

Neither the site nor the surrounding area are the subject of any landscape or other designations. However, the wedge of land between the road and the railway line to the south - which extends to around 15 hectares in total and of which the site forms part - is within both the Built-up Area Boundary (BuAB) of Honiton (albeit in Gittisham parish) and an Employment Allocation as defined in the adopted Local Plan.

Both the application site and wider employment allocation are within the ownership of the Combe Estate.

Proposed Development

The application proposal relates to the development of a new farm shop complex.

The applicants have indicated that it is intended to replace the existing outlet at nearby Hayne Farm. However, it is not known at this stage what the future intentions are for these premises.

The scheme would comprise a main building, incorporating retail floor space with ancillary cafe/sitting area and kitchen, toilets, storage areas and a staff room and office, with, externally, a deliveries/storage yard and associated access road, outdoor eating/garden and play areas and a car park with 57 spaces indicated on the submitted site layout plan, including 5 spaces for disabled users.

The main building itself would exhibit a form, design, scale and external appearance to largely match that of the comparatively recently constructed garden centre building on the adjacent site to the east. This comprises a principal two storey core of gabled form, oriented north west/south east, off which a pair of identically proportioned subservient single storey 'wings' - again gabled in form and with shallow, wide-spanning pitched roofs - would extend to the east and west. Externally, the building would be finished with vertical timber cladding on a face brick plinth under profiled roof sheeting. Full height powder-coated aluminium-framed windows, incorporating glazed doors, similarly framed, are featured on the main (north west) elevation of the principal two storey core and within part of the south western elevation; the latter to provide light to, and access/egress to and from, the proposed

cafe/sitting area. A lean-to entrance canopy with glazed roof would be attached to the latter.

The installation of arrays of solar photovoltaic panels to the rear (south eastern) and south western elevations of the building are also shown, indicatively, together with a series of roof lights on the front, south western and north eastern elevations.

The building would measure 26 metres in width, with the inclusion of the two single storey wings, by a maximum depth of 26 metres with the two-storey core presenting a roof ridge height of 7.9 metres. The two single storey wings would themselves both measure 8.4 metres in width by a depth of 22.1 metres with maximum roof ridge heights of 5.2 metres (the proposed outdoor sitting and entrance areas would be slightly raised above surrounding ground levels).

Internally, total floor space provision at ground and (mezzanine) first floor level, the latter housing a storage area together with the staff room and office, would amount to 582 sq. m. and 82 sq. m. respectively (664 sq. m. in total). The proposed retail area would comprise around 320 sq. m. with the cafe/sitting area a further 170 sq. m. and a 'tradeable floor area' of 450 sq. m. Storage space provision would total 131.5 sq. m. with 33 sq. m. of B1 office space also provided.

Vehicular access would be taken from a new entrance off Gittisham Lane to be formed at the western corner of the site a short distance to the west of an existing field gateway. The latter would be stopped up through native hedge planting with the existing hedge between this and the prospective new entrance reinforced with additional planting. However, since these are in part outside of the site and on land within the control of National Highways, their agreement would be required.

A hedge/tree belt would also be introduced along the southern boundary of the site with the remainder of the field area.

During the course of the application, revised site layout details have been submitted to show the retention of a greater length of the existing hedge along the Gittisham lane frontage of the site; this owing in part to the partially ownership of the hedge by National Highways but also to address concerns raised by the Council's Landscape Architect regarding the loss of a significant length of the hedge.

Considerations/Assessment

The proposal falls to be considered having regard to the following material issues that are discussed in turn.

Principle of Development

As stated above, the site forms part of a much larger strategic land allocation for employment development. This is in line with Local Plan Strategies 1 (Spatial Strategy for Development in East Devon), which plans for provision of 150 hectares of land for employment purposes across the District, and 23 (Development at Honiton), which allocates the land for such purposes, in so doing specifying B Use Classes, as part of this provision. For this reason, the proposal, relating to a farm shop (i.e., retail) development, is regarded as a 'departure' from the development plan and has been publicised as such in accordance with statutory requirements.

(For clarification, and in the light of the changes to the Town and Country Planning (Use Classes) Order (UCO) introduced in 2020, reference to 'B' Class uses in the following paragraphs include former Class B1 (Business) uses now incorporated within Class E(g) of the UCO.)

As was the case with the proposal for the adjacent garden centre development submitted in 2017, there are two aspects of the employment strategy of the Local Plan to consider; first, the extent to which the provision of employment associated with the farm shop would conflict with the underlying reason for allocating the land for B Class uses and, secondly, whether the provision of a retail use would undermine the future provision of B Class uses on the remaining land by constraining neighbouring uses or 'opening the door' to further retail or other non-B Class uses.

The Local Plan sets out four key plan objectives in relation to jobs and economic growth. These are:

- a) Improve average income levels.
- b) Diversify the sectors where jobs can be found.
- c) Improve local job opportunities.
- d) Reduce the need to travel by car to secure work and jobs.

Increasing the supply of land for all forms of employment (both B Class and non-B Class uses) is part of the solution but meeting the objectives also relies on attracting skilled jobs across a variety of sectors and providing employment opportunities close to where people live.

Chapter 11 of the Local Plan identifies the vision for Honiton as helping to sustain a vibrant and economically active town, meeting its own needs and those of the wider countryside. It goes on to state:

"We will seek to secure indigenous employment growth as well as inward investment to establish Honiton as a major employment and commercial focal point in East Devon."

This reflects the town's central location within the district and its excellent road and rail links which make it suited to accommodating larger occupiers. Allocation of the land for B Class uses rather than non-B Class uses ensures that sufficient land for B Class uses is available in a location which is likely to be attractive to businesses. If businesses can be attracted which require skilled employees, then most or all of the Local Plan objectives would be met in relation to jobs and employment.

In this context, on the face of it the provision of a farm shop would fail to secure the outcomes envisaged in the Local Plan. It would reduce the amount of land available for B Class uses, create mainly low paid jobs and fail to diversify the sectors where jobs can be found. There is also a risk that the presence of a retail use may deter some businesses who perceive the use to be incompatible with their operations.

However, this is likely to be a very small risk owing to the amount of land remaining within the allocation and is not borne out by existing development at Heathpark where retail uses sit alongside B Class uses. Furthermore, the position of the farm

shop site is such that it would not affect access to the remaining land or the potential for large scale business units to be developed.

In addition, no development of any part of the allocated land to the west of Hayne Lane for employment uses has been carried out since the approval of the 2017 application for the neighbouring garden centre development or, indeed, since the earlier adoption of the Local Plan in January 2016.

There are currently no plans for the development of the remainder of the allocated land and any such future proposals would be considered on their merits. Other proposals for non-B Class uses may well come forward, such as a gym, supermarket or restaurant. Retail and retail-related developments would be subject to the same policy requirements as the current proposal and such development would be directed to town centre or edge of centre sites in the first instance. Expansion of the farm shop, if permission is forthcoming, is perhaps the greatest risk as the same land owner owns most of the adjoining land.

If demand for use of the land for B Class uses does not arise then expansion of the farm shop or development of other non-B Class uses may be harder to resist. However, any such proposal would still be required to demonstrate that the employment and economic growth objectives of the Local Plan and the potential for the site to attract larger businesses would not be undermined.

These considerations aside, future proposals would need to be assessed in light of prevailing economic circumstances at the time, including demand for employment land and updated employment projections that may emerge as part of the emerging new Local Plan.

It is also recognised that the proposal would amount to the provision of a use that, by its very nature, would be largely complementary to the current agricultural use of the surrounding land that presently forms part of the extensive Combe Estate and, more specifically, the setting for the application site itself. Whilst it is acknowledged that it forms part of an Employment allocation, with an expectation that it would be eventually developed out, it is also part of the wider, predominantly rural estate that is managed by the applicants.

Whilst not a traditional B Class use, the farm shop would provide employment as well as an outlet for the sale of produce from the Combe Estate land. Moreover, it would enable the diversification and ongoing sustainability of the operations of the Combe Estate. It is also likely that it would support other local businesses supplying products for sale and underpin, and potentially enable the growth of, local employment.

In terms of the more detailed justification for the development, the applicants advise the following:

'The size of the (existing) shop, its layout and position make it sub optimal as a retail/café space. It is extremely energy inefficient making the cost of light, power and heat in the current climate circa 40% higher than it could and should be for a similar sized modern space with a better layout. The shop is very much off the beaten track and we benefit from very little passing trade. The fact that the

preparation, wash up and kitchen space are in the middle of the café and retail area mean that these also have to act as a thoroughfare making for a very inefficient use of space. The initial conversion carried out by the previous incumbents was done in a low-cost manner with little attention paid to insulation. The shared access with the residential and agricultural element of the complex means that there is often conflict with deliveries and other traffic.'

It is also highlighted that 'The EDDC environmental health officer has pointed out some improvements that need to be made which will be extremely costly and disruptive. For example, it is noted that the entire floor covering for the butchery area needs to be replaced. This alone will involve closure for a significant period of time and a significant investment in a sub optimal space as explained above.'

In relation to potential employment benefits that would arise, it has been advised that the existing employment at the current farm shop – comprising one full-time manager, a part-time and a full-time butcher, a full-time retail assistant and two part-time café/retail assistants – would transfer to the new location. Moreover, with the new premises intended to be larger, there would be the potential for an increase in employment as necessary.

Concerns regarding the duplication of existing ancillary café, kitchen, office, parking, etc. spaces between the neighbouring garden centre site and the proposed replacement farm shop in light of the perceived commonality of ownership have been addressed by the applicant as follows:

'(The two) will not be within the same ownership. Combe Garden Centre is a partnership between Richard Marker (Combe Estate) and his daughter Karissa Marker. The Farm Shop is wholly owned by Combe Estate. Having both businesses adjacent to each other helps provide more of a destination for shoppers who are coming out to the Garden Centre and provides a clear economic boost to both businesses which is especially important in the increasingly difficult economic climate and changing shopping habits. Support for local businesses is critical in the face of growing online competition and the hopefully complimentary nature of the two businesses will help to secure the future for both.'

At this stage, the future use(s) for the existing farm shop buildings at Hayne Farm are not yet known. It should be noted that there is nothing to prevent the existing farm shop use continuing should this new farm shop be approved and developed.

Notwithstanding the future intentions regarding the existing outlet, the current relocation proposals are required to be considered on their own merits.

In this regard, it is also drawn to Members' attention that the Council is currently engaged in the preparation, in partnership with the Combe Estate, of a masterplan for the allocated employment site (of which the application site forms part) as a whole owing to ongoing challenges, principally relating to viability issues, to the bringing forward of the land for development.

The allocation is the largest employment land allocation, in land area, within the District and, owing to an ongoing shortfall in employment provision across the District as a whole, there is a clear desirability to enable it to be developed. In addition, the

Council has ownership of a portion of the allocation close to the eastern Hayne Lane end. The masterplan is therefore intended to seek to address the implementation challenges to its development so as to unlock its potential.

The document identifies the application site for the farm shop 'relocation' project to which this current application relates.

In consideration of all of the above factors therefore, the principle of the development is thought to be acceptable.

However, as has been the case regarding previous farm shop proposals, there would be a need to apply, by condition, restrictions upon the proportions of produce/products for sale that are produced away from the holding on which the premises would be located, namely the Combe Estate, to ensure that these are in the overall minority.

A less restricted retail use of the prospective development could otherwise harmfully impact the viability of Honiton town centre unless such controls are in place.

The provisions of Local Plan Policy E9 (Town Centre Vitality and Shopping Areas) state, among other things, that the establishment of new shops that are outside of defined town centres, as in this case, would not be permitted if they would harm the convenience, vitality or viability of the town centre.

A condition is therefore recommended to control the proportion of produce/products that is/are sold from the proposed shop that is sourced both within the Combe Estates holding and elsewhere. The wording of this is in line with the provisions of Local Plan Policy E15 (Retail Development in Rural Areas outside Built-up Area Boundaries) which, although not strictly material to the consideration of the proposal owing to the site being within the BuAB of Honiton, are nevertheless thought to be relevant in terms of seeking to meet the objective of ensuring that the vitality and viability of the town centre is protected as referenced above.

Impact on Character and Appearance of Area

From both near distance and wider views that are available of the site from points of public vantage, along Gittisham Lane and the Weston road beyond Hayne Lane to the north east respectively, the development - and in particular the farm shop building itself - would appear very similar to that of the existing neighbouring garden centre.

It would also be viewed against a very similar backdrop of pastoral open countryside, interspersed with hedge and tree lines that rises gently behind the site to its south.

To an extent therefore, there would be some localised landscape harm arising from the proposal.

However, since the site forms part of the much larger land allocation for employment development, there is clearly an expectation that in future years the surrounding area will become intensively developed and will therefore be of markedly changed visual character to that at present in the medium to longer term.

Indeed, and notwithstanding this, even in the absence of the allocation, in the event that a farm shop proposal for the site were brought forward, it is considered doubtful whether an objection on the grounds of any adverse or harmful landscape/visual impact could be readily sustained.

The scale, form, design and appearance of the farm shop building itself would, as stated, directly reflect that of the adjacent garden centre. It is not considered therefore that these would be unduly out of character with the immediate site context or the wider open countryside of which the site currently forms part.

The scheme would therefore comply with Local Plan Policy D1 (Design and Local Distinctiveness) which, of generic application, requires (among other criteria) that proposals respect the key characteristics and special qualities of the area and relate well to their context.

Highways/Access/Parking

Access would be from Gittisham Lane which, although of single vehicle width for much of its length in the vicinity of the site, has passing places and a good level of forward visibility of oncoming traffic in both directions. It is likely that most of the trips generated by the farm shop would involve approach to the site from Hayne Lane which provides connections to the wider road network, including the A30, as well as the Heathpark Industrial Estate.

The County Highway Authority (CHA) raises no objection to the proposal; this being principally on account of the view that Gittisham Lane offers better visibility, both forward visibility and inter-visibility, than the entrance to the existing farm shop premises at Hayne Farm off Hayne Lane due, by comparison, to its more favourable geometry and largely level topography.

The consultation comments also acknowledge the absence of a dedicated footway/cycleway along Gittisham Lane. However, again it is felt that its width, road surface and verge maintenance is better than that of Hayne Lane adjacent to the existing farm shop.

The proposed vehicular access to the development would provide satisfactory levels of visibility in both directions whilst the proposal also includes an acceptable level of off-road parking and manoeuvring space for vehicles that would deter the likelihood of parking on the verges of Gittisham Lane.

Finally, the site is located where it is close to both a bus stop and a bus bay/passing place adjacent to the entrance to the garden centre. The road forms part of the route of Stagecoach services no. 44 and 44a connecting Honiton and Exeter that operate daily as well as a Dartline service linking Sidmouth and Taunton that incorporates Gittisham Lane as part of its route twice a day on Mondays and Thursdays.

By way of contrast, the present farm shop is a greater distance from a bus route which, aside from Gittisham Lane, extends along Devonshire Road within the Heathpark Industrial Estate to the east of Hayne Lane.

As such, although the likelihood is that the majority of trips that would be generated by the development would be car-borne, there would be greater potential for access by public transport than currently exists.

Reference is also made in the CHA's comments to the absence of any recorded accidents along Gittisham Lane or accidents associated with the adjacent garden centre site.

Taking these various factors into account therefore, no objections are raised to the proposal on highway safety grounds subject to recommended conditions to secure appropriately sized visibility splays, the laying of a hardened and drained entrance for a minimum of the first 10 metres off of the highway and the setting back of any entrance gates a minimum of 7 metres from the highway so as to ensure that larger service, delivery, etc. vehicles are able to stand clear of the road without causing any obstruction in the event that these are closed.

Separately, National Highways (NH) has, in its consultation comments, also acknowledged that the majority of vehicle trips that would be generated by the development would occur outside of the peak hours of 8.00 - 9.00am and 5.00pm - 6.00pm.

Moreover, it is also recognised that a proportion of such trips would be likely to be linked with those generated by the adjacent garden centre and therefore not additional to the road network.

Although the NH findings are made expressly in relation to the anticipated impacts of the scheme upon the safe operation of the A30 Trunk road, it is thought that the same arguments can be applied in relation to those upon Gittisham Lane.

As such, it is not thought that any objection to the proposal on grounds relating to the inadequacy of Gittisham Lane to accommodate any additional vehicle movements that are likely to be generated (notwithstanding the above) by the proposed farm shop could be readily sustained.

The proposal would therefore meet with the requirements of Local Plan Policy TC7 (Adequacy of Road Network and Site Access).

Furthermore, it is accepted that the level of on-site parking provision, which would be comparable with that serving the adjacent garden centre premises, itself of comparable size and scale to the proposed development, would satisfy the provisions of Policy TC9 (Parking Provision in New Development).

As such, although the sustainability credentials of the site and its location could be considered to be less than ideal in relation to the centre of Honiton, and more especially so if the present farm shop were also to continue operating, they arguably compare favourably relative to farm shops that occupy more isolated rural locations; more particularly given that the site, although within a currently largely undeveloped area, is within the town's BuAB. In the circumstances therefore, it is not considered that a strong highway-based objection to the proposal could reasonably be supported.

Drainage

The application is accompanied by a completed foul drainage assessment that satisfactorily demonstrates that a foul sewer connection would not be available.

It is therefore proposed that foul drainage from the development be discharged via a package treatment plant to be installed in a position close to the site access so as to enable provision of an area for maintenance vehicles when emptying, cleaning and maintaining it. This would discharge to a watercourse.

This arrangement would be similar to that existing at the neighbouring garden centre.

A foul drainage assessment has been submitted with the application, the details within which comply with the standing advice issued by the Environment Agency in relation to the use of non-mains drainage systems.

As such and given that the use of package treatment plants represents the preferred option within the non-mains drainage hierarchy of preference as set out in Building Regulations, it is considered, subject to details, that this means of foul drainage disposal would be acceptable and in line with Local Plan Policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems).

In terms of surface water drainage, preliminary details of a drainage strategy for the site have been submitted.

Ground investigation and soakaway testing have demonstrated, to the satisfaction of the Lead Local Flood Authority (LLFA), that the ground is not suitable for infiltration.

The proposed strategy would therefore principally involve the creation of a swale along the rear of a section of the existing road frontage hedge together with the installation of a cellular storage/attenuation tank beneath the proposed outdoor eating area and garden to provide an appropriate rate of controlled discharge during storm events, up to and including a 1 in 100 year plus 50% allowing for climate change, to an existing stream/ditch just beyond the existing hedge that defines the western site boundary.

The extent of the proposed impermeable surface areas within the site has also been decreased by around half from that originally proposed and it is now intended that the proposed parking spaces, outdoor eating/garden and play areas and access path be surfaced with either permeable block paving or gravel.

The detail supplied is now acceptable to the LLFA and is therefore, subject to the agreement of further details that can be secured by condition, considered to satisfy the requirements of Local Plan Policy EN22 (Surface Water Run-Off Implications of New Development).

Concerns raised by the parish council regarding flooding that occurs on Gittisham Lane and the attendant risks that this could be worsened in the event of a grant of permission for further development are acknowledged. However, this is not thought to represent a substantive ground upon which to resist the current proposal provided

that surface water that is generated by the development itself is appropriately attenuated.

In the light of the proposed surface water drainage strategy set out above, and subject to the conditioning of further details, it is considered that the development and site would be capable of being appropriately drained so as to avoid any increased risk of flooding along the highway.

Ecology

The application particulars include an ecological impact assessment (EIA) report containing the results of an extended U.K. Habitat Classification survey together with subsequent Hazel dormouse, reptile and Great Crested Newt eDNA surveys carried out during the period March - July.

These established the presence of dormouse nests in both dense scrub to the north of the site and within the southern hedgerow boundary to the field, indicative of a wider presence within boundary hedgerows, together with a number of slow worms.

Mitigation and enhancement measures are therefore recommended in the form of: supervision of hedgerow, scrub and bank removal, sensitive timing of operations to avoid harm to nesting birds and dormice, habitat manipulation - principally through the mowing of grass - to dissuade reptiles prior to construction, provision of bat and bird boxes on the proposed farm shop building itself and the planting of new species-rich hedgerow to both compensate for the loss of hedge from part of the northern boundary and provide a net gain in habitat for a variety of wildlife. (New hedge and supplementary hedge planting are proposed along the southern and northern site boundaries respectively.)

The report also recommends, in order to avoid the risk of potential adverse effects upon foraging and commuting bats within and around the site, that any lighting should be designed so as to avoid any increase in light levels along the hedgerow boundaries and trees in accordance with Bat Conservation Trust and Institute of Lighting Professionals guidance.

A condition is therefore recommended, alongside a more generic landscaping condition, to ensure compliance with the mitigation and ecological enhancement measures set out in the ecology report.

In light of this, it is accepted that the development would comply with the provisions of Local Plan Policy EN5 (Wildlife Habitats and Features).

Additional to this, the EIA report acknowledges the separate additional requirement to obtain a protected species licence from Natural England for dormice, triggered by the intended removal of dense scrub and hedgerow.

National Planning Practice Guidance (PPG) requires that the Local Planning Authority is satisfied that a licence is likely to be granted before it grants planning permission.

To this end, it is required to consider proposals against three licensing tests for European protected species. If these are not satisfied, a licence cannot be issued and the developer may not be able to implement a grant of planning permission.

The proposals are assessed against the following three tests:

1. The activity is for a certain purpose

The removal of scrub and a comparatively short length of hedgerow is necessary to facilitate the creation of suitable and safe access to the site for both service and customer vehicles. When considered in the balance with the economic benefits that would be derived from the development, alongside the net additional hedge planting that would be introduced and overall biodiversity gain resulting from this, it is accepted that the proposed activity is justified.

2. There is no satisfactory alternative to the activity that will cause less harm to the species

The need to provide an independent vehicular entrance to the proposed farm shop is not considered to be unreasonable; more especially given the intention to both stop up an existing nearby field entrance with native species hedge planting and add to this by reinforcing it with additional planting. Any alternative proposal to adapt the existing entrance in order to create suitable access would equally likely require removal of some lengths of existing hedgerow to either side.

3. The development does not harm the long-term conservation status of the species

As stated, the proposals would incorporate the planting of new species-rich hedgerow to compensate for that lost along the northern boundary, as well as to reinforce the hedging to be retained, with the objective of providing an overall net gain in habitat for a variety of wildlife. As such and taken together with the other mitigation and enhancement measures set out above, it is accepted that the long-term conservation status of the protected species would not be harmed.

Trees

The application is also accompanied by an arboricultural appraisal report, incorporating an arboricultural impact assessment, tree/hedge protection statement and plan (TPP) and arboricultural method statement (AMS) that sets out proposals for the installation of protective fencing in relation to the hedges along the Gittisham Lane frontage and existing western and eastern boundaries.

However, it is based upon the layout details that were originally submitted, which envisaged the removal of a more substantial length of the road frontage hedge than now proposed. There will therefore be a need to submit a revised TPP and AMS to reflect the layout changes. A condition requiring these to be provided is therefore recommended.

Subject to these amended documents being acceptable, there are no concerns or issues regarding the proposal from an arboricultural perspective. The site is otherwise entirely open and devoid of tree cover.

The development would, as a result, satisfy the requirements of Local Plan Policies D2 (Landscape Requirements) and D3 (Trees and Development Sites).

Archaeology

Archaeological site investigation, in the form of a programme of intrusive field evaluation comprising the excavation of five trenches, was carried out earlier this year in line with the recommendations of the County Council's Historic Environment Team (HET).

However, despite the site being located adjacent to known prehistoric and Roman-British settlement occupation, with evidence previously found beneath the site of the adjacent garden centre site, no further features, deposits or finds dating to these periods were present in the trenches.

Nevertheless, as a result of these investigations, the proposal meets with the provisions of Local Plan Policy EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance).

Conclusion

In concluding, it is thought that the proposed development would be acceptable given the prevailing circumstances and balance of the material considerations set out above.

Whilst there is some concern in relation to delivery of the Local Plan strategies for jobs, the economy and new retail development, the conflicts are considered to be relatively minor. In this case, there is every indication that the proposal would bring a number of benefits to the local economy which may be long lasting. Given the ability of the applicants to deliver the scheme and the proximity of the site to residential areas and complementary businesses in Honiton, the benefits are considered to outweigh the harm.

The scheme is also thought to be acceptable in terms of the remaining contextual issues set out above; namely landscape impact, highways safety (including access and parking), drainage, ecology, trees and archaeology.

Approval is therefore recommended subject to conditions, principally to ensure that the sources of produce for sale are consistent with the requirements of Local Plan Policy E11; this being to ensure that an open retail use is avoided in the interests of maintaining the vitality and viability of Honiton town centre.

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 goods available for sale from the premises shall only be sold from within the part of the building identified as 'Farm Shop' on the floor plan (drawing no. 1764-PL04 Rev. P1) hereby approved, of which a minimum of 60% of produce and products sold shall be sourced from produce solely grown or produced on land within the Combe Estate, a maximum of 30% being sourced and produced within 16 km. (10 miles) of the site and a maximum of 10% being sourced and produced elsewhere. A list of goods available for sale at the premises, including their source, or origin, shall be permanently maintained and made readily available to the Local Planning Authority upon request.
(Reason - The proposal has been approved on the basis of it being a farm shop selling local agricultural produce linked to the production from the holdings of the applicant and in order to prevent unrestricted sales of goods produced from outside the local area which could impact on the vitality and viability of Honiton and other nearby settlements in accordance with Policy E11 (Large Stores and Retail Related Uses in Area Centres) of the adopted East Devon Local Plan 2013-2031.)
4. The 'Bar', 'Staff Accommodation' and 'Welfare Facilities' areas shown on the floor plan (drawing no. 1764-PL04 Rev. P1) hereby approved shall only be used for purposes ancillary to the farm shop and not as retail floor space.
(Reason - To define the permission and to ensure that the scale and nature of the uses permitted are appropriate to their location and setting so as to avoid any potential adverse impact upon the vitality and viability of Honiton and other nearby settlements in accordance with Policy E11 (Large Stores and Retail Related Uses in Area Centres) of the adopted East Devon Local Plan 2013-2031.)
5. The areas identified as outdoor eating area and garden and play area on drawing no. 1764-PL03 Rev. P6 hereby approved shall be used solely for those purposes and only in association with the farm shop use of the site.
(Reason - In the interests of the amenity of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order, with or without modification), no mezzanine or other form of internal floor to create a first-floor level (other than that shown on drawing no. 1764-PL04 Rev. P1) shall be constructed in the farm shop building hereby permitted.
(Reason - To enable the Local Planning Authority to retain control over the creation of additional floor space within the building and consider any potential

effects arising from such proposals upon the vitality and viability of Honiton town centre and other nearby settlements in accordance with Policy E11 (Large Stores and Retail Related Uses in Area Centres) of the adopted East Devon Local Plan 2013-2031.)

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order, with or without modification), no enlargement of the building hereby permitted shall be carried out without a grant of express planning permission from the Local Planning Authority.
(Reason - To enable the Local Planning Authority to retain control over the creation of additional floor space within the building and consider any potential effects arising from such proposals upon the vitality and viability of Honiton town centre and other nearby settlements in accordance with Policy E11 (Large Stores and Retail Related Uses in Area Centres) of the adopted East Devon Local Plan 2013-2031.)
8. No development above foundation level shall take place until a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development has 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 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.)
9. No development above foundation level shall take place until a scheme of hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of hard surfaced areas and 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 - 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 adopted East Devon Local Plan 2013-2031.)
10. No development above foundation level shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 30 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 accompanied by a plan showing areas to be adopted, maintained by management company or other defined body and areas to be privately owned/ maintained.
- Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
- A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- Landscape and ecological aims and objectives for the site.
- Condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
 - o Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
 - o New trees, woodland areas, hedges and amenity planting areas.
 - o Grass and wildflower areas.
 - o Biodiversity features - hibernaculae, bat/ bird boxes etc.
 - o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- Arrangements for Inspection and monitoring of the site and maintenance practices.
- Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

Management, maintenance and monitoring 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 adopted East Devon Local Plan 2013-2031.)

11. Prior to its installation, details of any play equipment to be installed within the play area hereby permitted, including its siting, height, design and appearance,

shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To enable the Local Planning Authority to consider the details of play equipment in the interests of amenity and 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.)

12. Prior to the commencement of development, including demolition, a Construction Management Plan (CMP) shall be submitted and approved in writing by the Local Planning Authority. The CMP shall include:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays (inc.); 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

(Reason - A pre-commencement condition is required to ensure that adequate facilities are available for construction and other traffic attracted to the site in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)
13. Prior to the commencement of development, including demolition, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The measures set out within the approved CTMP shall be carried out in full, unless otherwise agreed in writing by the Local Planning Authority. The CTMP shall remain in place for the duration of the construction phase of the development.

(Reason – A pre-commencement condition is required in the interest of the safe and efficient operation of the A30 trunk road and the road adjacent to the site in

accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)

14. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Proposed Surface Water Drainage Layout (Drawing No. 001) dated 21st March 2024) prepared by Cadworks South West Ltd.

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be brought into use until the works have been approved and implemented in accordance with the details under (a) - (d) above.

(Reason - The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and local and national policies, including Policy EN22 (Surface Run-Off Implications of New Development) of the adopted East Devon Local Plan 2013-2031 and guidance as set out in the National Planning Policy Framework and Planning Practice Guidance. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign/unnecessary delays during construction when site layout is fixed and to prevent building works taking place without certainty of the drainage scheme being delivered.)

15. The building hereby permitted shall not be brought into use until the vehicular site access, internal access road, parking spaces and deliveries and storage area shown on drawing no. 1764-PL03 Rev. P6 have been laid out, surfaced and completed in full in accordance with the approved details. These shall thereafter be retained and kept available for those purposes at all times and shall not be used for any other purpose.

(Reason - To ensure that adequate and safe provision is made for the development in the interests of highway safety in accordance with the requirements of Policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the adopted East Devon Local Plan 2013-2031.)

16. No development above foundation level shall take place until details of external lighting of the building and site have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details. No further external lighting shall thereafter be installed, either on the building or within the site, without the prior written approval of the Local Planning Authority.

(Reason - In the interests of the amenity of the locality, the safe and efficient operation of the A30 trunk road, and to protect the integrity of the trunk road

embankment in accordance with Policies EN14 (Control of Pollution) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)

17. The development hereby permitted shall be carried out in full accordance with the measures for the mitigation of the impacts of the development upon protected species and ecological enhancement set out within the Preliminary Ecological Appraisal report prepared by Richard Green Ecology Ltd. dated 7th October 2022

(Reason - In the interests of maintaining biodiversity in accordance with the provisions of Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031).

18. Notwithstanding the submitted details, prior to the commencement of any operations on site (including site clearance or tree works), a revised arboricultural method statement (AMS) and tree protection plan (TPP) for the protection of all retained trees and hedges shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

The TPP and AMS shall adhere to the principles embodied in B.S. 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process.

Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Local Planning Authority for approval and final discharge of the condition.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees and hedges on the site during and after construction. The condition is required 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 D3 (Trees and Development Sites) of the adopted East Devon Local Plan 2013-2031.)

19. Notwithstanding the provisions 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 floor spaces within the building hereby permitted shall be used solely for the respective purposes specified on drawing no. 1764-PL04 Rev. P1 and for no other purpose, including any purpose within Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended).

(Reason - To enable the Local Planning Authority to retain control over the use(s) of the premises in the interests of avoiding any potential adverse impact upon the vitality and viability of Honiton and other nearby settlements in

accordance with Policy E11 (Large Stores and Retail Related Uses in Area Centres) of the adopted East Devon Local Plan 2013-2031.)

20. The development hereby permitted shall not be brought into use until secure cycle/scooter storage facilities have been provided within the site in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. These shall thereafter be retained in perpetuity. (Reason - In the interests of promoting sustainable travel in accordance with Strategy 5B (Sustainable Transport) and Policy TC4 (Footpaths, Bridleways and Cycleways) of the adopted East Devon Local Plan 2013-2031.)
21. Before any development commences, details of final finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - A pre-commencement condition is required to ensure that adequate details of levels are available and considered at an early stage in the interests of 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.)
22. Prior to the first use of any part of the farm shop building hereby permitted, a pedestrian link between the site and the adjacent Combe Garden Centre premises shall be provided and laid out in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The approved pedestrian link shall thereafter be retained and maintained to enable access between the two sites in perpetuity. (Reason - To facilitate pedestrian access between the approved farm shop site and the neighbouring garden centre premises so as to minimise pedestrian activity on the adjacent highway in the interests of safety for all road users in accordance with the provisions of Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)
23. Prior to the first use of any part of the development building hereby permitted, provision shall be made within the site for the installation of infrastructure to enable the charging of electric vehicles in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. (Reason - In the interests of encouraging sustainable means of travel to and from the site and to comply with the provisions of Policy TC9 (Parking Provision in New Development) of the adopted East Devon Local Plan 2013-2031.)
24. Prior to the first use of the vehicular access hereby permitted, visibility splays shall be provided, laid out and maintained for that purpose at the site access, where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway/drive level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.

(Reason - To provide adequate visibility from and of emerging vehicles in the interests of highway safety and to comply with the provisions of Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)

25. Prior to the first use of any part of the building hereby permitted, the site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 10 metres back from its junction with the public highway.

Reason - To prevent mud and other debris being carried onto the public highway in the interests of highway safety and to comply with the provisions of Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)

26. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 7 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

(Reason - To prevent the obstruction of visibility and the free flow of traffic in the interests of highway safety and to comply with the provisions of Policy TC7 (Adequacy of Road Network and Site Access) 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:

1764-PL04 REV P1	Proposed Floor Plans	12.12.22
1764-PL05 REV P1	Proposed roof plans	12.12.22
1764-PL06 REV P1	Proposed Elevation	12.12.22
1764-PL07 REV P1 : A+B	Sections	12.12.22
1764-PL01 REV P2	Location Plan	03.08.23
1764-PL03 Rev P6	Proposed Site Plan	09.04.24

001: Proposed Other Plans
Surface Water
Drainage Layout

09.04.24

List of Background Papers

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

Statement on Human Rights and Equalities Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation

APPENDIX – Technical Consultations - Full consultation comments

County Highway Authority

Observations:

I have visited the site and reviewed the planning documents of this application.

The development intension is to relocate the farm shop from the existing nearby site of Hayne Farm to adjacent with the Combe Garden Centre.

Hayne Lane is this location offers far better visibility, both in terms of forward visibility and inter-visibility than that of the vicinity of Hayne Farm due to the geometry and topography of the existing carriageway Lane.

Though it is accepted that there is no dedicated footway/cycleway to Combe Garden Centre, the width, road surface and verge maintenance of Hayne Lane in that location is better than the lane adjacent to Hayne Farm. Whilst also maintaining a single vehicle lane, a shared carriageway as seen in many residential estates, helps to maintain a reduced speed with caution from both the driver and pedestrian alike.

The proposed access provides suitable visibility in both the East and West direction in accordance with our current best practice guidance Manual for Streets 1 and 2. In addition to suitable off-carriageway parking and space for vehicles to turn, to deter on-carriageway parking.

The Combe Garden Centre location also includes a bus stop and bus bay/passing place adjacent to the access.

Therefore in summary the County Highway Authority has no objections to this planning application.

Addendum 30/05/2024

Upon reviewing initial comments DCC would like to take the opportunity to provide further comment to help the LPA make a decision on the development proposed.

Whilst it is appreciated that the location and environment is different to a shared surface residential street in terms of Manual for Streets, consideration is also given for the existing arrangement and activity on the site that the approach road already serves as well as the proximity of an existing bus stop which serves the garden centre. Our road records indicate that there have been no recording accidents along this stretch or associated to the site over the last 5 years.

Based on the information received, the proposal as existing, is likely to see a modest increase in footfall associated to the farm shop/new application with the large majority of associated visitors likely to be using independent travel, and a degree of parties coinciding their travel with the extant use already at the site. In its isolation, the additional traffic generated to/from the site was not considered to have a severe impact on the local network.

As such and with the above and the relevant policies in mind should members be minded to recommending a favourable decision notice, the following conditions are recommended to be attached:

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

Visibility splays shall be provided, laid out and maintained for that purpose at the site access, where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway/drive level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles.

The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 10 metres back from its junction with the public highway

REASON: To prevent mud and other debris being carried onto the public highway

Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 7 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

REASON: To prevent the obstruction of visibility and the free flow of traffic.

EDDC Landscape Architect

1 INTRODUCTION

This report forms the EDDC's landscape response to amended information received in respect of the full application for the above site.

2 REVIEW OF AMENDED DETAILS

The amended site plan addresses concerns in the previous response regarding the impact of the development proposals on the existing hedgerow to the northern site boundary and the internal layout.

Concerns remain regarding the appropriateness of creating a new access onto Gittisham Lane and the resultant impact of development on the character of Gittisham Lane and walkers, cyclists and pedestrians who use it for recreational access.

In the event that 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 full set of hard landscape details for proposed walls, fencing, gates, retaining structures, pavings and edgings, play equipment, site furniture and signage.
 - b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation. External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK
 - c) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.
 - d) A full set of soft landscape details including:
 - i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.
 - ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.

- iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period.
- iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.
- e) 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.

2) No development shall take place until a schedule of landscape maintenance for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.

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

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), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to 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.)

Addendum response (to revised layout plan incorporating proposed swale)

1 INTRODUCTION

This report forms the EDDC's addendum landscape response following submission of amended details in respect of 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 REVIEW OF AMENDED DETAILS

The amended layout largely resolves the concern noted in my previous response dated 15 March 2023 regarding the proximity of parking to the northern roadside hedge bank and the consequent likely impact on it. The revised layout is still likely to impact the existing hedge bank at its western end. There is scope to move the proposed parking further away from it by omitting the proposed 3m access paths

between the parking bays and the building, which appear to serve little purpose. This would allow the parking area to be shifted southwards 2.5-3m clear of the hedge bank and allowing more space to accommodate the proposed swale and the layout should be amended accordingly.

In other respects the concerns noted in my previous response remain.

3 CONDITIONS

Notwithstanding the above, should the application be approved, the following conditions should be attached:

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

a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, site furniture and signage.

b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.

External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK.

d) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by three sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.

e) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.

f) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:

- a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, 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.

g) A full set of soft landscape details including:

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

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

- iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.

- iv) Tree pit and tree staking/ guying details

- h) Measures for protection of existing perimeter trees/ hedgerow 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.

2) No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 30 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 accompanied by a plan showing areas to be adopted, maintained by management company or other defined body and areas to be privately owned/ maintained.

- Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.

- A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.

- Landscape and ecological aims and objectives for the site.

- Condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.

- Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:

- o Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
- o New trees, woodland areas, hedges and amenity planting areas.
- o Grass and wildflower areas.
- o Biodiversity features - hibernaculae, bat/ bird boxes etc.
- o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.

Arrangements for Inspection and monitoring of the site and maintenance practices.

- Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

Management, maintenance and monitoring shall be carried out in accordance with the approved plan.

3) 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.

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 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to 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.)

Devon County Archaeologist (Original consultation comments)

Application No. 22/2723/FUL

Combe Garden Centre Hayne Lane Gittisham Devon EX14 3PD - New farm shop and associated landscaping works adjacent to the site of the existing Combe Garden Centre: Historic Environment

My ref: ARCH/DM/ED/38247a

I refer to the above application. The proposed development lies in an area of known high archaeological potential. Archaeological investigations in advance of the

construction of the A30 and the extant garden centre to the east (application 17/1053/MFUL) revealed the presence of a substantial Bronze Age ditched enclosure that lay beneath the A30 and the garden centre, as well as evidence of Iron Age settlement (beneath the extant garden centre).

While the results geophysical survey undertaken of the site and submitted in support of this current planning application do not identify any anomalies that may indicate the presence of significant heritage assets with archaeological interest within the application area, it only partially identifies the alignment of the field boundary shown on the historic mapping and highlights that the site has been affected by agricultural practices. Two areas of burning were also identified and given the presence of a known iron extractive industry that operated on the Blackdown Hills from the Roman period these could relate to industrial activity from this or later periods. The efficacy of the geophysical survey and the significance of any heritage assets within the application area cannot be determined by non-intrusive methods and I would consider that further heritage information is required to support this planning application.

Given the high potential for survival and unknown significance of below ground archaeological deposits associated with the Bronze and Iron Age activity adjacent to the site 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 the Historic Environment Team would recommend the refusal of the application. The requirement for this additional information to be submitted in support of this planning application 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 194 and 195 of the National Planning Policy Framework (2021).

The additional information required to be provided by the applicant would be the results of a programme of intrusive archaeological field evaluation.

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/>.

DCC Flood Risk SuDS

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed drainage design based upon the approved Proposed Surface Water Drainage Layout (Drawing No. 001, Rev. -, dated 21st March 2024).
- (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

Following my previous consultation response FRM/ED/2723/2023, dated 23rd April 2024, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant have submitted Combe Garden Centre, Gittisham Geotechnical Assessment Report (Report Ref. 9540, Rev. 1, dated December 2017) to demonstrate that a ground investigation was previously carried out in December 2017 as part of the adjacent garden centre development. The soakaway testing carried out indicated that the ground is not suitable for infiltration.

The submitted greenfield runoff rate calculation indicates that the current proposed impermeable area is 0.253ha, compared to the previous area of 0.5ha out of the total site area of 0.88ha. The Impermeable Area Layout Plan (Drawing No. 002, Rev. -, dated 21st March 2024) indicates that the road, farm shop, deliveries and storage areas are impermeable and the parking spaces, path, play area and outdoor eating area and garden are excluded from the impermeable area.

The Proposed Surface Water Drainage Layout (Drawing No. 001, Rev. -, dated 21st March 2024) shows that the path, play area and outdoor eating is currently proposed to be porous with gravel or permeable paving. The applicant shall confirm this during the detailed design as this may result in additional impermeable area to be attenuated.

The location of the proposed swale would also need to be investigated in detail as it is either located on top of an existing watercourse or ditch. This may compromise the proposed drainage strategy. A clear plan and cross sections showing both these features shall be submitted during detailed design.

The applicant may wish to consider rainwater harvesting, reuse rainfall, SuDS Planter (or similar rain gardens) in the detailed design.