

Agenda for Development Management Committee

Tuesday, 7 August 2018; 11:00am



[Members of the Committee](#)

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

Contact: [Tabitha Whitcombe](#)

01395 517542, Issued 25 July 2018

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

[Speaking on planning applications](#)

In order to speak on an application being considered by the Development Management Committee you must have submitted written comments during the consultation stage of the application. Those that have commented on an application being considered by the Committee will receive a letter or email (approximately 9 working days before the meeting) detailing the date and time of the meeting and instructions on how to register to speak. The letter/email will have a reference number, which you will need to provide in order to register. Speakers will have 3 minutes to make their representation. **Please note there is no longer the ability to register to speak on the day of the meeting.**

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

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

The day before the meeting a revised running order for the applications being considered by the Committee will be posted on the council's website (<http://eastdevon.gov.uk/council-and-democracy/committees-and-meetings/development-management-committee/development-management-committee-agendas>). Applications with registered speakers will be taken first.

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Monday 30 July up until 12 noon on Thursday 2 August by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

A maximum of two speakers from the public are allowed to speak on agenda items that are not planning applications on which the Committee is making a decision (items on which you can register to speak will be highlighted on the agenda). Speakers will have 3 minutes to make their representation. You can register to speak on these items up until 12 noon, 3 working days before the meeting by emailing planningpublicspeaking@eastdevon.gov.uk or by phoning 01395 517525. A member of the Democratic Services Team will only contact you if your request to speak has been successful.

- 1 Minutes of the Development Management Committee meeting held on 3 July 2018 (page 4-7)
- 2 Apologies
- 3 Declarations of interest - Guidance is available online to Councillors and co-opted members on making [declarations of interest](#).
- 4 [Matters of urgency](#)
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

- 6 **Planning appeal statistics** (page 8-14)
Development Manager

- 7 **Applications for determination**
Please note the following applications are all scheduled to be considered in the morning, however the order may change – please see the front of the agenda for when the revised order will be published.

18/0607/FUL (Minor) (Page 15-28)
Sidmouth Sidford
48 Temple Street, Sidmouth, EX10 9BQ

18/1352/FUL & 18/1353/LBC (Other) (Page 29-38)
Coly Valley
3 Sunnyside
South Street, Colyton, EX24 6EP

18/0419/VAR (Minor) (Page 39-48)
Dunkeswell
Mansell Raceway
Dunkeswell Aerodrome, Dunkeswell, Honiton, EX14 4LT

18/0199/FUL (Minor) (Page 49-70)
Newton Poppleford and Harford
Former Coal Yard
Back Lane, Newton Poppleford, Sidmouth, EX10 0EY

18/0936/OUT (Minor) (Page 71-84)
Broadclyst
Land to the North of Southbrook Court, Southbrook Lane, Whimble,

Break

Afternoon Session – the applications below will not be considered before 12.30pm.

Please note the following applications are all scheduled to be considered in the afternoon, however the order may change – please see the front of the agenda for when the revised order will be published.

17/1270/FUL (Minor) (Page 85-129)

Axminster Rural

Land to the South of Pound Road

(North of Woodcote National Grid Sub Station), Hawkchurch, EX13 5TX

18/0623/VAR (Minor) (Page 130-139)

Axminster Rural

The Glebe Cottage

Hawkchurch, Axminster, EX13 5XD

18/0700/OUT (Minor) (Page 140-152)

Axminster Rural

Land at Pidgeons Lane

(South West of Hornbeam House), Axminster

Please note:

Planning application details, including plans and representations received, can be viewed in full on the Council's [website](#).

This meeting is being audio recorded by EDDC for subsequent publication on the Council's website.

Under the Openness of Local Government Bodies Regulations 2014, members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 3 July 2018

Attendance list at end of document

The meeting started at 10am and ended at 12.20pm.

***5 Minutes**

The minutes of the Development Management Committee meeting held on 5 June 2018 were confirmed and signed as a true record.

***6 Declarations of interest**

Cllr David Barratt; 18/0607/FUL; Personal interest; Sidmouth Town Councillor
Cllr Brian Bailey; 14/0330/MOUT; Personal interest; Exmouth Town Councillor
Cllr Geoff Jung; 18/0520/FUL; Personal interest; Woodbury Parish Councillor
Cllr Geoff Jung; 18/0760/COU; Personal interest; Woodbury Parish Councillor
Cllr Steven Gazzard; 14/0330/MOUT; Personal interest; Exmouth Town Councillor
Cllr Bruce de Saram; 14/0330/MOUT; Personal interest; Exmouth Town Councillor
Cllr Paul Carter; 18/0520/FUL; Personal interest; acquaintance of the applicant
Cllr Paul Carter; 18/0760/COU; Personal interest; applicant is a distant family member
Cllr Mike Allen; 18/0760/COU; Personal interest; acquaintance of the applicant
Cllr David Key; 18/0520/FUL; Personal interest; acquaintance of the applicant
Cllr Mark Williamson; 14/0330/MOUT; Personal interest; Exmouth Town Councillor

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution Cllr Mike Howe advised that he had been lobbied in respect of applications 14/0330/MOUT and 18/0520/FUL.

***7 Appeal statistics**

The Committee received and noted the report written by the Development Manager setting out appeals recently lodged and outlining the two decisions notified of which – both had been dismissed.

The Development Manager drew Members' attention to the appeal of application 17/1168/FUL which had been dismissed and advised that although the site was partly located within a green wedge, the appeal was dismissed on the basis of the lack of a suitable undertaking to secure habitat mitigation.

***8 Applications for Planning Permission and matters for determination**

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 2 2018/2019.

Attendance list

Present:

Committee Members present for all or part of the meeting

Councillors

Mike Howe (Chairman)

Colin Brown (Vice Chairman)
Mike Allen
Brain Bailey
David Barratt
Susie Bond
Paul Carter
Bruce de Saram
Steve Gazzard
Ben Ingham
Geoff Jung
David Key
Mark Williamson

Officers present for all or part of the meeting

Henry Gordon Lennox, Strategic Lead – Governance and Licensing
Chris Rose, Development Manager
Tabitha Whitcombe, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

Megan Armstrong
Maddy Chapman
Alan Dent
Rob Longhurst
Marianne Rixson

Apologies:

Committee Members

Councillors
Peter Burrows
Jim Knight
Helen Parr

Chairman Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Tuesday 3 July 2018; Schedule number 2 – 2018/2019

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:
<http://eastdevon.gov.uk/media/2539436/030718combinedDMCagenda.pdf>

Exmouth Brixington
and
Woodbury and
Lypstone
(EXMOUTH)

14/0330/MOUT

Applicant: Eagle Investments Ltd

Location: Land at Goodmores Farm, Dinan Way, Upper Lovering,
Exmouth, EX8 5BA

Proposal: Outline application for residential development (up to 350 dwellings) with associated roads and open space. The provision of land for mixed use employment; land for commercial and community uses and land for the provision of a primary school. All matters reserved with the exception of the proposed vehicular access points onto Dinan Way.

RESOLVED: APPROVED with conditions and subject to a Section106 Agreement as per officer recommendation

Sidmouth Sidford
(SIDMOUTH)

18/0607/FUL

Applicant: Mr and Mrs Downey

Location: 48 Temple Street, Sidmouth, EX10 9BQ

Proposal: Proposed new development on land to the rear of 48 Temple Street within the curtilage of a listed building.

RESOLVED: INSPECT
Reason: to assess the design and distinctiveness of the proposal and the impact upon the amenity of the adjoining residents.

Woodbury and
Lympstone
(WOODBURY)

18/0520/FUL

Applicant: Mr and Mrs P J and S A Glanvill

Location: Rydon Farm, Rydon Lane, Woodbury, Exeter, EX5 1LB

Proposal: Provision of an agricultural workers dwelling.

RESOLVED: APPROVED (contrary to officer recommendation) with delegated authority given to the Development Control Manager to impose appropriate conditions including an agricultural occupancy condition. Members considered that the size of the dwelling was commensurate to the size of the farm holding and that the proposal would cause no harm to the setting of the listed farmhouse.

(Cllr Carter left the Chamber during consideration of this application)

Raleigh
(WOODBURY
SALTERTON)

18/0760/COU

Applicant: FWS Carter & Sons Ltd

Location: Compound East 7 Greendale Business Park
Woodbury Salterton EX5 1EW

Proposal: Change of use of existing compound to B2 (General Industrial) and B8 (Storage and Distribution).

RESOLVED: APPROVED with conditions as per officer recommendation but with delegated authority to the Development Control Manager to impose, if deemed necessary, an additional condition removing any permitted development rights for any new buildings/structures on the site in the interests of the visual amenity of the area.

Tale Vale
(Awliscombe)

18/1316/PDP

Applicant: Mr and Mrs Williams

Location: Land To The Rear Of The Granary, Awliscombe, Honiton
EX14 3PJ

Proposal: Prior Approval for a Change of Use from storage (Class B8) to a use falling within Class C3 (dwelling houses).

RESOLVED: Approved as per officer recommendation.

East Devon District Council
List of Planning Appeals Lodged

Ref: 18/0768/FUL **Date Received** 09.07.2018
Appellant: Ms Natalie Jones
Appeal Site: Otter Valley Golf Centre Rawridge Honiton EX14 9QP
Proposal: Change of use of land and existing building from mixed agriculture and leisure use to mixed equestrian and agricultural use and change of use of existing mobile home to use as rural workers dwelling, for a temporary period
Planning Inspectorate Ref: APP/U1105/W/18/3205622

Ref: 17/2976/FUL **Date Received** 10.07.2018
Appellant: Mrs C Mills
Appeal Site: Hawkern Ladram Road Otterton Budleigh Salterton EX9 7HT
Proposal: Change of use to self-contained residential dwelling (Use Class C3)
Planning Inspectorate Ref: APP/U1105/W/18/3206768

Ref: 17/1481/MRES **Date Received** 13.07.2018
Appellant: Containerspace Limited
Appeal Site: Land Off Clapper Lane (formerly Allotments) Honiton
Proposal: Construction of 10 no. dwellings and relocation of allotment gardens (reserved matters pursuant to outline consent 13/2508/MOUT seeking determination of appearance, landscaping, layout and scale)
Planning Inspectorate Ref: APP/U1105/W/18/3207129

Ref: 17/1539/MFUL **Date Received** 05.07.2018
Appellant: Mr Mantell (RMD)
Appeal Site: Land To The South Of Redgate Salterton Road Exmouth
Proposal: Erection of a three and four storey building housing an extra care scheme (Class C2) comprising 59 one and two bedroom units with associated communal lounges, restaurant, wellness room, guest suite, house manager and care support accommodation, car parking, communal rechargeable scooter store, access and communal landscaped gardens and structures.

Planning Inspectorate Ref: APP/U1105/W/18/3206548

Ref: 18/1030/VAR **Date Received** 20.07.2018
Appellant: Mr & Mrs RH & IHR Pinney
Appeal Site: Westways Axminster Road Musbury Axminster EX13 8AZ
Proposal: Removal of condition 4 (requirement for obscure glazing and restricted opening to windows serving first floor of western elevation of planning permission 18/0051/FUL).

Planning Inspectorate Ref: APP/U1105/W/18/3207653

Ref: 18/0910/ADV **Date Received** 22.07.2018
Appellant: Lidl UK GmbH (Miss S Bignell)
Appeal Site: Lidl Distribution Centre Chillpark Brake Clyst Honiton Exeter Devon
Proposal: Display of free-standing billboard sign (retention of)

Planning Inspectorate Ref: APP/U1105/Z/18/3207717

East Devon District Council
List of Planning Appeals Decided

Ref: 17/1556/FUL **Appeal Ref:** 18/00021/REF

Appellant: Mrs C Booth
Appeal Site: 23 Marpool Hill Exmouth EX8 2LJ
Proposal: Conversion and extension (raising ridge height) of garage to form dwelling

Decision: **Appeal Dismissed** **Date:** 25.06.2018
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policy D1).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/18/3196805

Ref: 17/2518/FUL **Appeal Ref:** 18/00017/HH

Appellant: Mr M Luxton
Appeal Site: 60 Littlemead Lane Exmouth EX8 3BU
Proposal: Retention of boundary fence

Decision: **Appeal Dismissed** **Date:** 25.06.2018
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policy D1).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/D/18/3197476

Ref: 17/1209/OUT **Appeal Ref:** 17/00069/REF

Appellant: Mr J While
Appeal Site: Land To Rear Of The Old Inn Gammons Hill Kilmington
Proposal: Outline planning application for the erection of 5 no. dwellings (all matters reserved)

Decision: **Appeal Dismissed** **Date:** 27.06.2018
Procedure: Written representations
Remarks: Delegated refusal, countryside protection and listed building conservation reasons upheld (EDLP Strategies 7, 27 & 49 and Policies D1 & EN9).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/17/3189550

Ref: 17/1489/OUT **Appeal Ref:** 18/00002/REF
Appellant: Mr & Mrs H White
Appeal Site: Bluebell Holt Lyme Road Uplyme Lyme Regis DT7 3TJ
Proposal: Proposed dwelling and garage (outline consent sought with all matters reserved except for access)
Decision: **Appeal Dismissed** **Date:** 27.06.2018
Procedure: Written representations
Remarks: Delegated refusal, countryside protection, landscape and sustainability reasons upheld (EDLP Strategies 7 & 46).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/18/3193334

Ref: 17/1149/FUL **Appeal Ref:** 18/00012/REF
Appellant: Mr B Griffiths
Appeal Site: 12 Stevenstone Road Exmouth EX8 2EP
Proposal: Construction of detached dwelling (amended proposal)
Decision: **Appeal Dismissed** **Date:** 02.07.2018
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Strategy 6 and Policy D1),
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/18/3195733

Ref: 16/3045/MFUL **Appeal Ref:** 17/00046/REF
Appellant: Mr Jeremy Frankpitt
Appeal Site: Land Adjoining Tagon Harbour Farm Whimble Exeter EX5 2QS
Proposal: Construction of a poultry broiler breeder enterprise including 4 no. broiler breeder units, 10 no. feed bins, a service building, a surface water balancing pond and associated landscaping
Decision: **Appeal Dismissed** **Date:** 11.07.2018
Procedure: Written representations
Remarks: Delegated refusal, amenity and pollution reasons upheld (EDLP Policies D1, D7 & EN14).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/17/W/3180771

Ref: 17/2411/FUL **Appeal Ref:** 18/00009/REF
Appellant: Mr And Mrs Davey
Appeal Site: 11 Coastguard Road Budleigh Salterton EX9 6NU
Proposal: Proposed new house and garage with carport in rear garden.
Decision: **Appeal Dismissed** **Date:** 12.07.2018
Procedure: Written representations
Remarks: Delegated refusal, amenity reason upheld (EDLP Policy D1).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/18/3194514

Ref: 17/0542/FUL **Appeal Ref:** 17/00072/REF
Appellant: Sulis Environmental Ltd
Appeal Site: Myrtle Farm Fore Street Sidbury Sidmouth EX10 0RS
Proposal: Conversion of existing barns to 2 no. holiday lets and the conversion/alteration of existing long barn to 1 no. holiday let.
Decision: **Appeal Dismissed** **Date:** 17.07.2018
Procedure: Written representations
Remarks: Officer recommendation to refuse, Committee refusal. Listed building conservation reasons upheld (EDLP Policies EN9 & EN10).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/17/3190716

Ref: 17/0638/LBC **Appeal Ref:** 17/00073/LBCREF
Appellant: Mr P Wallace
Appeal Site: Myrtle Farm Fore Street Sidbury Sidmouth EX10 0RS
Proposal: Conversion of existing barns to facilitate use as 2 no. holiday lets and partial demolition, conversion and alteration of outbuilding to form further holiday let unit
Decision: **Appeal Dismissed** **Date:** 17.07.2018
Procedure: Written representations
Remarks: Officer recommendation to refuse, Committee refusal. Listed building conservation reasons upheld (EDLP Policies EN9 & EN10).
BVPI 204: **No**
Planning Inspectorate Ref: APP/U1105/Y/17/3190718

Ref: 17/0878/FUL **Appeal Ref:** 18/00003/REF
Appellant: Mr Ian Birch
Appeal Site: Anchoring Barn Ottery Street Otterton Budleigh Salterton EX9 7HW
Proposal: Timber day room extension
Decision: **Appeal Allowed (with conditions)** **Date:** 17.07.2018
Procedure: Written representations
Remarks: Delegated refusal, listed building conservation reasons overruled (EDLP Policy EN9).

The Inspector noted that the barn has not been identified as a listed building in its own right, its designated status being conferred by virtue of its age and relationship with the farmhouse. He considered that whilst this should not be interpreted as in anyway diminishing its intrinsic architectural interest (which remains significant) it followed that in this particular case the evidential value of its fabric is of a lesser order and therefore less sensitive to loss.

The Inspector concluded that although the proposals would result in a small loss of historic masonry, this would not amount to material harm to the building as one of special architectural or historic interest. Under the terms of section 16 of the Act therefore, the special interest of the building would be preserved.

BVPI 204: Yes
Planning Inspectorate Ref: APP/U1105/W/18/3193614

Ref: 17/0879/LBC **Appeal Ref:** 18/00004/LBCREF

Appellant: Mr Ian Birch
Appeal Site: Anchoring Barn Ottery Street Otterton Budleigh Salterton
EX9 7HW

Proposal: Timber day room extension with some internal re-ordering to
create studio/study

Decision: **Appeal Allowed (with conditions)** **Date:** 17.07.2018

Procedure: Written representations

Remarks: Delegated refusal, listed building conservation reasons
overruled (EDLP Policy EN9).

The Inspector noted that the barn has not been identified as a listed building in its own right, its designated status being conferred by virtue of its age and relationship with the farmhouse. He considered that whilst this should not be interpreted as in anyway diminishing its intrinsic architectural interest (which remains significant) it followed that in this particular case the evidential value of its fabric is of a lesser order and therefore less sensitive to loss.

The Inspector concluded that although the proposals would result in a small loss of historic masonry, this would not amount to material harm to the building as one of special architectural or historic interest. Under the terms of section 16 of the Act therefore, the special interest of the building would be preserved.

BVPI 204: **No**
Planning APP/U1105/Y/18/3193743
Inspectorate
Ref:

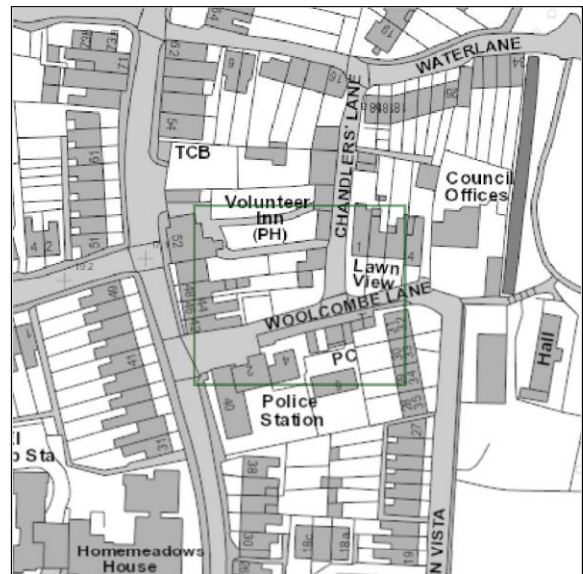
Ward Sidmouth Sidford

Reference 18/0607/FUL

Applicant Mr & Mrs Downey

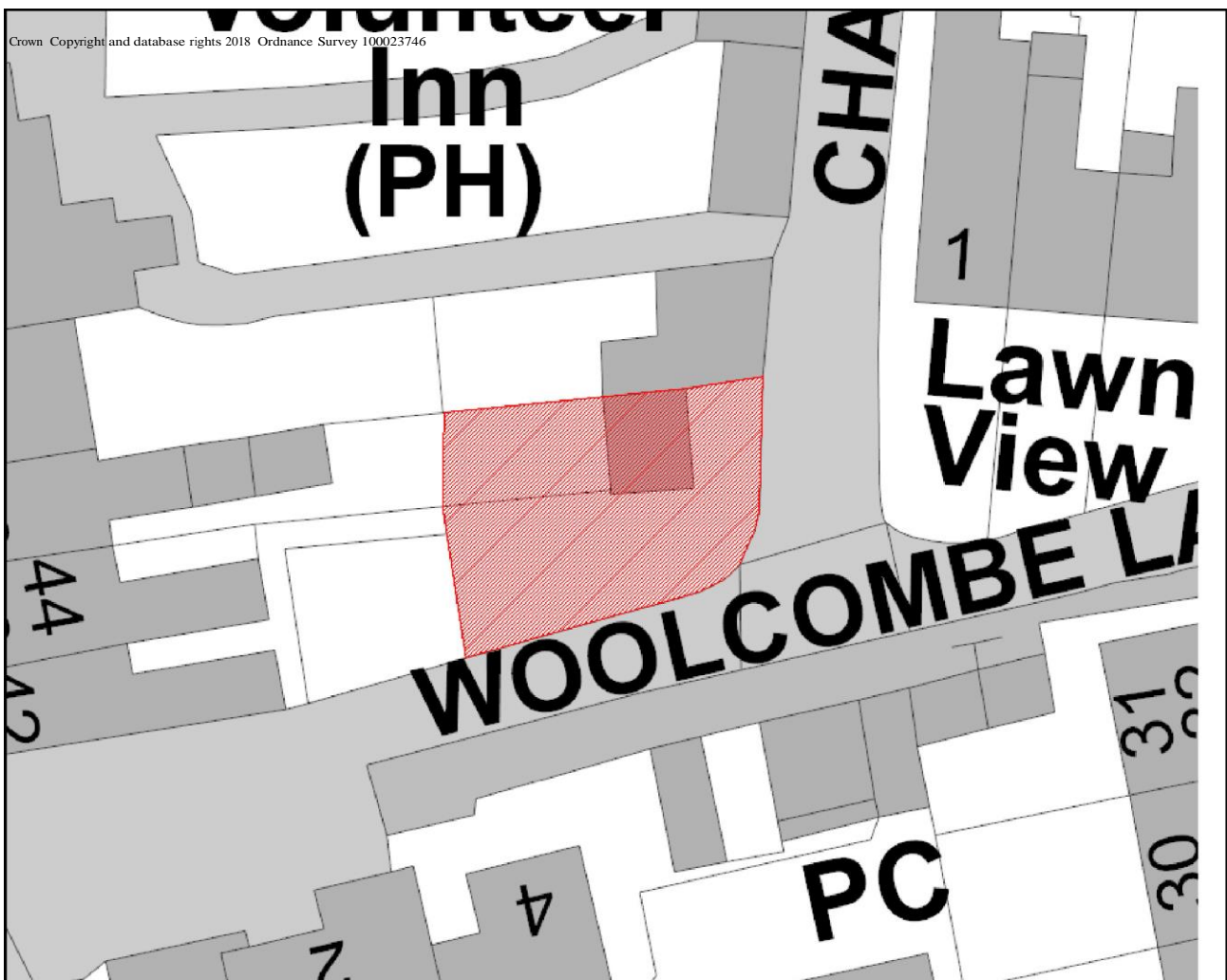
Location 48 Temple Street Sidmouth EX10 9BQ

Proposal Proposed new dwelling on land to the rear of 48 Temple Street within the curtilage of Listed Building



RECOMMENDATION:

1. That the Habitat Regulations Appropriate Assessment outlined within the Committee Report be adopted.
2. That the application be **APPROVED** subject to conditions



		Committee Date: 7th August 2018
Sidmouth Sidford (SIDMOUTH)	18/0607/FUL	Target Date: 08.05.2018
Applicant:	Mr & Mrs Downey	
Location:	48 Temple Street Sidmouth	
Proposal:	Proposed new dwelling on land to the rear of 48 Temple Street within the curtilage of Listed Building	

RECOMMENDATION:

- 1. That the Habitat Regulations Appropriate Assessment outlined within the Committee Report be adopted.**
- 2. That the application be APPROVED subject to conditions**

EXECUTIVE SUMMARY

This application was deferred at the meeting on the 3rd July for a Site Inspection to assess the design and distinctiveness of the proposal and the impact upon the amenity of the adjoining residents.

This application was originally before Members because the recommendation is contrary to the views of two of the Ward Members. The Development is also opposed by Sidmouth Town Council.

Planning permission is sought for a detached dwelling on a site within the Built-up Area of Sidmouth which is currently used for garaging and parking. This is the fourth attempt to develop the site following one withdrawn application and two refused applications, one of which was also dismissed at appeal. All of the earlier schemes were for two dwellings whereas the current proposal is for a single dwelling. As well as providing a two storey, 3-bed dwelling, this scheme would also provide three parking spaces for the occupants of 44-48 Temple Street to partially replace those currently provided.

The earlier schemes were dismissed over concerns about the design of the dwellings, the impact on the character and appearance of the area, the impact on the setting of listed buildings and the impact on the amenity of the occupant of Woolcombe Cottage. In particular, the appeal inspector mentioned the bland suburban design and the diminished sense of enclosure as a result of the loss of boundary walls. While the subsequent application was an improvement in some

respects, the design, parking layout and impact on neighbours led to another refusal.

To address these concerns the scheme has been reduced to one dwelling, the parking layout has been revised to move parking away from the corner, the scale of the building has been reduced to avoid harm to the neighbour's amenity and the design has had more regard to local distinctiveness and removes harm to the setting of nearby heritage assets. While the new scheme would still result in some loss of enclosure on the boundary, the more considered design and layout would lead to an overall enhancement to the character and appearance of the area compared to the poorly maintained and unsympathetic parking and garaging. Subject to conditions to secure the use of high quality materials in the interests of the setting of the nearby listed buildings, the proposal is now considered to be an acceptable response to the constraints of the site.

CONSULTATIONS

Local Consultations

Parish/Town Council

UNABLE TO SUPPORT

Members were unable to support the application for the following reasons:

- ' The application is contrary to the emerging Sid Valley Neighbourhood Plan Policy BN06 (Flint Walls)
- ' The application is contrary to the East Devon Local Plan Policy D1 (Design and Local Distinctiveness).
- ' Members were concerned at the close proximity to the neighbouring property where it was planned to leave approx 6" or less gap between the two properties which could prevent any maintenance of the existing property in Chandlers Lane.
- ' The close proximity to the neighbouring property, which was built in the 1800s may be damaged as it does not have the benefit of modern foundations
- ' Members did not support the proposed removal of the listed stone boundary wall.

Sidmouth Sidford - Cllr D Manley

We object to the above-mentioned application:

- this represents over development in an area which is already very congested
- the property should not be adjoined to the neighbouring property, which was built in the 1800s and does not have the benefit of modern foundations
- it would directly impact on the amenity of neighbouring properties
- it would necessitate the partial removal of a listed stone boundary wall and
- the existing road network and access are inadequate
- application is contrary to D1, EN9 and TC7

Emerging Neighbourhood Plan:

Community actions

Policy BN06 preservation of Flint walls

Policy 06 design not to impact on amenities

Sidmouth Sidford - Cllr M Rixson

We object to the above-mentioned application:

- this represents over development in an area which is already very congested
- the property should not be adjoined to the neighbouring property, which was built in the 1800s and does not have the benefit of modern foundations
- it would directly impact on the amenity of neighbouring properties
- it would necessitate the partial removal of a listed stone boundary wall and
- the existing road network and access are inadequate
- application is contrary to D1, EN9 and TC7

Emerging Neighbourhood Plan:

Community actions

Policy BN06 preservation of Flint walls

Policy 06 design not to impact on amenities

Other Representations

Two letters of support have been received which conclude that

-) the proposal is a pragmatic solution that would enhance the area.

Four objections have been received which raise the following concerns:

-) The design is unsympathetic to the area
-) It would result in the loss of important boundary walls
-) The site would be cramped
-) It would adversely affect the neighbour's amenity
-) It would affect the structural stability of the adjacent dwelling
-) Parking provision would be inadequate
-) Development would cause disruption to traffic and local residents

Technical Consultations

County Highway Authority

Does not wish to comment

Environmental Health

I have considered the application and note that this site is close to nearby residents who may be impacted during the construction process. We would request the applicant to consult and follow the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum. This is available on the council's website: <http://eastdevon.gov.uk/noise/noise-guidance-and-advice/guidance-and-advice-for-developers-builders-and-contractors/>

Conservation

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

Land to the rear of No 48 Temple Street, which forms part of a terrace of early C19th listed buildings, fronting Temple Street including a former Grade II manor house, located to the West, although visually separated by 4 non-listed terraces called Lawn View.

In this respect the proposal has addressed the impact it would have on the setting of the heritage assets. The urban character, in context of the setting, identified as having narrow streets, mainly comprising of 19th century houses, built close to the edge of the highway, a tight-knit pattern of development.

The character and appearance of the built form is defined by the mass and scale of the existing properties including the use of traditional materials such as; red brick, rough cast render, natural slate roofs, timber windows and chimney stacks. The sum of which is further enhanced by the use of natural stone walls.

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

In assessing the proposal for a new dwelling, on land to the rear of 48 Temple Street. Against the setting of the heritage assets No's 42 - 52 Temple Street and the former Manor, the following comments are made;

The orientation, location, mass and scale of the dwelling, has addressed the constraints of the site, which includes a curved corner. A feature reflecting the opposite corner enclosing Lawn Vista and therefore desirable to retain. Furthermore the introduction of a single dwelling within the plot allows for a more comfortable surroundings, retaining existing views to the rear of the heritage assets.

In addition the proportions associated with the new dwelling reflect those within the streetscene, introducing a vernacular styled cottage, with subservient rear extension. An approach which is further enhanced by the use of materials that are traditional to the immediate and wider area.

In summary the layout and design of the proposal is considered to acceptable within the immediate and wider setting of the heritage assets.

PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

DATE: 28.03.2018

INITIALS: SLG

Suggested condition(s)

No works shall commence until the following details and specification have been submitted to and approved in writing by the Local Planning Authority.

- Roofing materials including product details, sample and method of fixing.

- New rainwater goods including profiles, materials and finishes.
- Lead work, including profiles and details of any ornamentation.
- Roof ventilation systems.
- New windows including sections, mouldings, profiles and paint colour. Sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.
- New doors including sections, mouldings, profiles and paint colour. Sections through frames and glazing bars should be at a scale of 1:2 or 1:5.
- Eaves and verge details including construction and finishes.
- External vents, flues and meter boxes.
- Sample of new cladding including specification and fixing method.
- Sample of new stone including mortar colour and specification and bond type.
- Type of render including proportions of mix, method of application and finishes.

The works as agreed shall be carried out in accordance with the approved details.
(Reason - In the interests of the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

Conservation

Comment on amended plans received 3.05.2018

The principle changes to the design as proposed through the amendments include; change of material to the extension to brick, introduction of flint stone paving to the front of the dwelling and moving the car parking bays, slightly to the east.

In summary the amendments to the proposal are considered to acceptable within the immediate and wider setting of the heritage assets.

Suggested condition(s)

No works shall commence until the following details and specification have been submitted to and approved in writing by the Local Planning Authority.

- Roofing materials including product details, sample and method of fixing.
- New rainwater goods including profiles, materials and finishes.
- Lead work, including profiles and details of any ornamentation.
- Roof ventilation systems.
- New windows including sections, mouldings, profiles and paint colour. Sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.
- New doors including sections, mouldings, profiles and paint colour. Sections through frames and glazing bars should be at a scale of 1:2 or 1:5.
- Eaves and verge details including construction and finishes.
- External vents, flues and meter boxes.
- Sample of new cladding including specification and fixing method.
- Sample of new stone including mortar colour and specification and bond type.
- Type of render including proportions of mix, method of application and finishes.

The works as agreed shall be carried out in accordance with the approved details.

(Reason - In the interests of the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

DATE: 17.05.2018

PLANNING HISTORY

Reference	Description	Decision	Date
07/1750/FUL	Erection of two semi-detached three storey dwellings	Withdrawn	30/07/2007
11/0238/FUL	Erection of two dwellings	Refusal Appeal Dismissed	21/04/2011 18/10/2011
17/0856/FUL	Demolition of garages and construction of two dwellings	Refusal	05/06/2017

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 26 (Development at Sidmouth)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN9 (Development Affecting a Designated Heritage Asset)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The site occupies a prominent corner plot at the junction of Woolcombe Lane and Chandlers Lane. To the west there is a terrace of early 19th century grade II listed buildings and to the east the Town Council offices are housed in a former manor house

which is also listed grade II. Adjoining the northern boundary there is a detached two storey house called Woolcombe Cottage.

The site is currently used as garaging/parking and partly as garden. A pair of garages with a mono-pitched roof back onto Woolcombe Cottage and there is a brick wall on the eastern boundary of the site. On part of the southern boundary there is a traditional stone wall. The site lies outside of a Conservation Area.

Proposal

This proposal is the fourth scheme in 11 years for development of the site. The first, in 2007, was withdrawn and the following two in 2011 and 2017 were both refused. All three of the previous schemes were for two dwellings whereas the current scheme is only for one.

Poor amenity, character and design were concerns in the previous schemes and some useful comments were made by the inspector in the unsuccessful appeal against the refusal of the 2011 scheme.

The current proposal attempts to address the earlier concerns and now proposes just one two-storey dwelling facing Chandlers Lane. The dwelling would have one parking space off Woolcombe Lane and there would be a further three parking spaces allocated to nos. 44-48 Temple Street.

ANALYSIS

Main Issues

The main issues are the effect on the character and appearance of the area, including the setting of the listed buildings; the effect on the living conditions of neighbouring residents; and highway safety.

The principle of residential development being acceptable on the site given its location within the BUAB for Sidmouth.

Character and appearance and impact upon the setting of listed buildings

This part of Sidmouth is characterised by terraces of 19th century houses that are built on or very close to the edge of the highway. The rows of houses and some of the narrow streets, such as Woolcombe Lane and Chandlers Lane, create a tight-knit pattern of settlement.

The distinctive building qualities include the use of red brick walls in many of the buildings, as well as some roughcast render. In the case of the listed pub and other listed buildings in Temple Street the walls have a stucco finish. Natural slate roofs with chimneys, painted timber framed windows and roadside walls add to the pleasing qualities of the area.

The proposed building would take the form of a two storey rendered cottage with a two storey brick rear extension. This reflects the built form of the terrace on Temple Street

as well as the neighbour to the north, except that render is a more widely used material than brick. The frontage would be slightly wider than most in the vicinity but not to the extent that it would be out of scale or out of character with the area. Similarly, the rear extension would have a deeper than expected plan but it would still be subservient to the front part of the building. The reduction from two dwellings on the plot to one in this scheme would allow for good amenity space for the occupants of the dwelling and improved parking arrangements. As a result the development would not appear cramped in relation to surrounding properties. In terms of layout and scale, therefore, the proposal is considered to be compatible with the character of the area.

Turning to other design considerations, the inclusion of a chimney responds to a comment made by the inspector in the 2011 appeal about lack of attention to detailing. Whereas the appeal scheme was for a bland pair of suburban style houses, a more considered approach has been taken to this proposal. Although contemporary in appearance the elevations would have well-proportioned windows in an arrangement which would provide visual interest to all elevations, particularly the public elevations. It is accepted that the inclusion of a window on the south elevation which breaks the eaves line is uncharacteristic of the surrounding properties but this minor difference would not appear discordant in a streetscene which is characterised by the variety in the treatment of extensions and additions.

The Inspector also criticised the awkward gaps/spaces between the roadside elevations of the pair of dwellings and the edges of the highways. In the new scheme there would still be a step in the building line between Woolcombe Cottage and the new dwelling but it would be emphasised rather than diminished and this has allowed a more positive treatment of the space. The surface would be finished in flint to differentiate it from the road and there would be sufficient space for container planting should the future occupant desire. A further benefit of this layout is that it creates a more satisfactory junction between the new dwelling and Woolcombe Cottage when viewed from Chandlers Lane.

The simple canopy and the timber cladding around the front door are not characteristic of area but are compatible with the contemporary style of the dwelling and would not diminish the positive aspects of the design.

In the appeal scheme the complete removal of the boundary walls was criticised because it would have resulted in the loss of a characteristic stone wall and a diminished sense of enclosure in the street. The current proposal responds by providing a low stone boundary wall on the corner of the site but would still result in a diminished sense of enclosure on that corner. It would also see the wall at the western end of the site reduced in length. These losses weigh against the scheme but they are a pragmatic solution to the need to provide adequate parking and visibility. Other than this loss the proposal would not erode an appreciation of the significance of the listed buildings on Temple Street or views of the listed Town Council offices.

The emerging Neighbourhood Plan seeks to retain flint stone boundary walls and with a flint stone boundary wall proposed to the site corner. With a new boundary wall to the corner, and given the limited weight that can be given to the emerging Neighbourhood Plan, it is not considered that a refusal could be justified on the basis of a small section of flint wall to Woolcombe Road that is not considered to be listed.

Notwithstanding the reservations about loss of enclosure and certain design features, the proposal as a whole would make a positive contribution to the character and appearance of the area by introducing a generally well designed dwelling of sympathetic proportions to a prominent site which currently detracts from the quality of the urban streetscape. While there would be a loss of boundary enclosure, the dwelling itself would compensate by positively filling the space and the redeveloped parking area and garden on the southern half of the site would improve the appearance of corner.

Overall, the proposal represents a coherent design which draws on certain characteristics of the area while remaining a confident expression of contemporary design which would enhance this corner site. On balance, any minor criticisms about the design are outweighed by the overall enhancement to the character and appearance of the area.

With regard to any impact upon the setting of nearby listed buildings, and particularly those fronting Temple Street and the Council Offices, previous concerns have related to the impact upon the setting of these heritage assets by nature of the poor form and design of the developments for 2 dwellings.

Given that the proposal is considered to be of a good design that will enhance the appearance of the site, and given the support from the p[proposal from the Conservation Officer, it is not considered that this proposal would harm the setting of these heritage assets.

Living conditions

The windows facing the rear of Temple Street would serve a bedroom and a landing and would be 7.6 metres and 11.8 metres respectively from the facing boundary. The distance to the facing windows would be about 22 metres although there would be a slightly oblique view to 44/46 Temple Street at a distance of about 16 metres. In a compact urban environment such as this these relationships would be unlikely to result in any intrusive overlooking of neighbouring properties.

With regard to overlooking of the front gardens of 1-4 Lawn View from the bedroom windows in the eastern elevation, this would be similar to the overlooking from neighbouring properties in the terrace. This is typical of an urban environment and would not create an unacceptable relationship.

The proposal includes a two storey element which would extend beyond the two storey flat roofed extension on the rear of Woolcombe Cottage. The drawing indicates a projection of 1.5 metres beyond the neighbour's extension although this would be inset from the boundary by 1.1 metres. There would be no windows in this elevation but the ridge would be higher than the neighbour's flat roof.

The previous scheme had a similar layout to the current proposal but projected beyond the neighbour's extension by 2.4m and this, it was concluded, would have resulted in unacceptable harm to the living conditions of the occupier of Woolcombe Cottage. The reduction in the length of the projection would lessen the impacts from dominance and

shading to an acceptable level and, although the neighbour's garden is quite small, it would still enjoy a good outlook and level of sunlight.

Highway safety

The proposal includes parking for four cars and concerns have been raised about visibility of and from cars emerging from the parking spaces onto the highway.

The current access is about 8 metres wide and, given the slow traffic speeds, allows adequate visibility of oncoming traffic. The proposal would have a wider opening of about 10.5m with similar or improved visibility owing to the low boundary wall allowing a line of sight over the corner. Given the generally slow traffic speeds in the area the access arrangements are considered satisfactory and there has been no objection from the Highway Authority.

Other matters

The neighbour has raised concerns about the ability to maintain her property which adjoins the site, lack of foundations to her property and the impact that construction of the new dwelling on the boundary would have on her property, its stability and from turning it from a detached to semi-detached dwelling.

Refusal of planning permission purely on the basis of turning a property from a detached to semi-detached property could not be justified. There would need to be a visual impact concern from adjoining the properties in order to justify refusal and given the context of the site it is not considered that a pair of semi-detached properties would be out of character or harmful.

With regard to the lack of foundations, maintenance of the side of the adjoining dwelling and stability concerns, these are all civil matter and would be handled in accordance with the requirements of the Party Wall Act.

There is no technical reason why a property cannot be constructed adjacent to a dwelling with no foundations and if any harm or damage was caused during construction, this would be a civil matter for which the developer could be liable for damage caused.

Habitats Regulation Assessment and Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and its European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a

combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

CONCLUSION

This proposal has successfully addressed the main source of the objections to the previous scheme by reducing the proposal from two dwellings to one. In this way a more satisfactory layout has been achieved and the adverse effect on the adjoining neighbour has been overcome. A new design approach has also been taken which respects the proportions and general character of the area in a contemporary way and even though certain aspects would be novel features for the area, the design as a whole would result in a significant enhancement to this prominent corner site without causing harm to the setting of nearby heritage assets.

RECOMMENDATION

- 1. That the Habitat Regulations Appropriate Assessment outlined within the Committee Report be adopted.**
- 2. That the application be APPROVED subject to the following conditions**
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved. (Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
 2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice. (Reason - For the avoidance of doubt.)
 3. No development above foundation level shall take place until 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, roof, windows, doors and rainwater goods of the proposed development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - To ensure that the materials and finishes are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)
 4. No development above foundation level shall take place until eaves and verge details, including construction and finishes, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the design is sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)

5. No development above foundation level shall take place until a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of the materials to be used for the hard surfacing of the parking area, pathways and the space in front of the dwelling and details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

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

6. The dwelling hereby permitted shall not be occupied until a bin store has been provided in a location and to a design which has previously been submitted to and approved in writing by the Local Planning Authority.

(Reason - To ensure that adequate bin storage is provided and that it does not detract from the character and appearance of the area or impede visibility of traffic on the highway in accordance with Policies D1 (Design and Local Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)

7. Other than any bin store approved under condition 6, the garden shown on the south side of the dwelling in drawing 03 Rev C shall be kept permanently clear of all obstructions greater than 600 mm high and no gates, fences or walls higher than 600mm above adjacent road level shall be constructed within or surrounding the garden.

(Reason - In the interests of highway safety in accordance with the requirements of Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)

8. The dwelling hereby permitted shall not be occupied until the parking spaces have been provided and surfaced in accordance with the approved hard landscaping scheme required by condition 5.

(Reason - To ensure that adequate provision is made for the occupiers in accordance with the requirements of Policy TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013-2031.)

9. No development above foundation level shall take place until a sample panel of the flint stone wall has been constructed on site and the materials and finishes approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the design is sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

03 Rev C	Combined Plans	03.05.18
TQRQM1803917 1451514	Location Plan	12.03.18
04	Block Plan	12.03.18
05	Proposed Block Plan	12.03.18

List of Background Papers

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

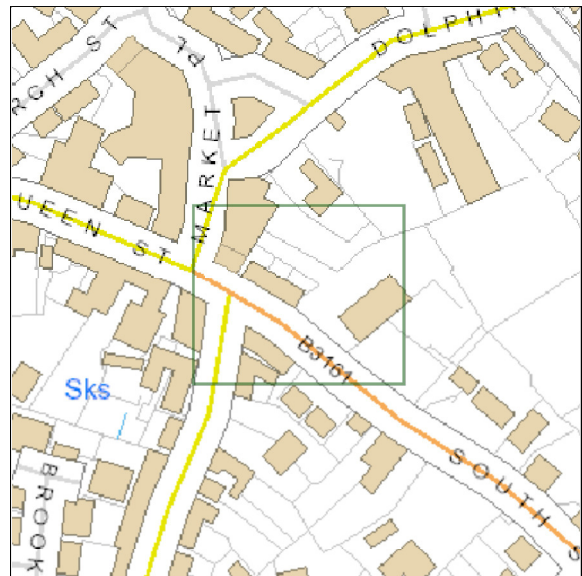
Ward Coly Valley

Reference 18/1352/FUL &
18/1353/LBC

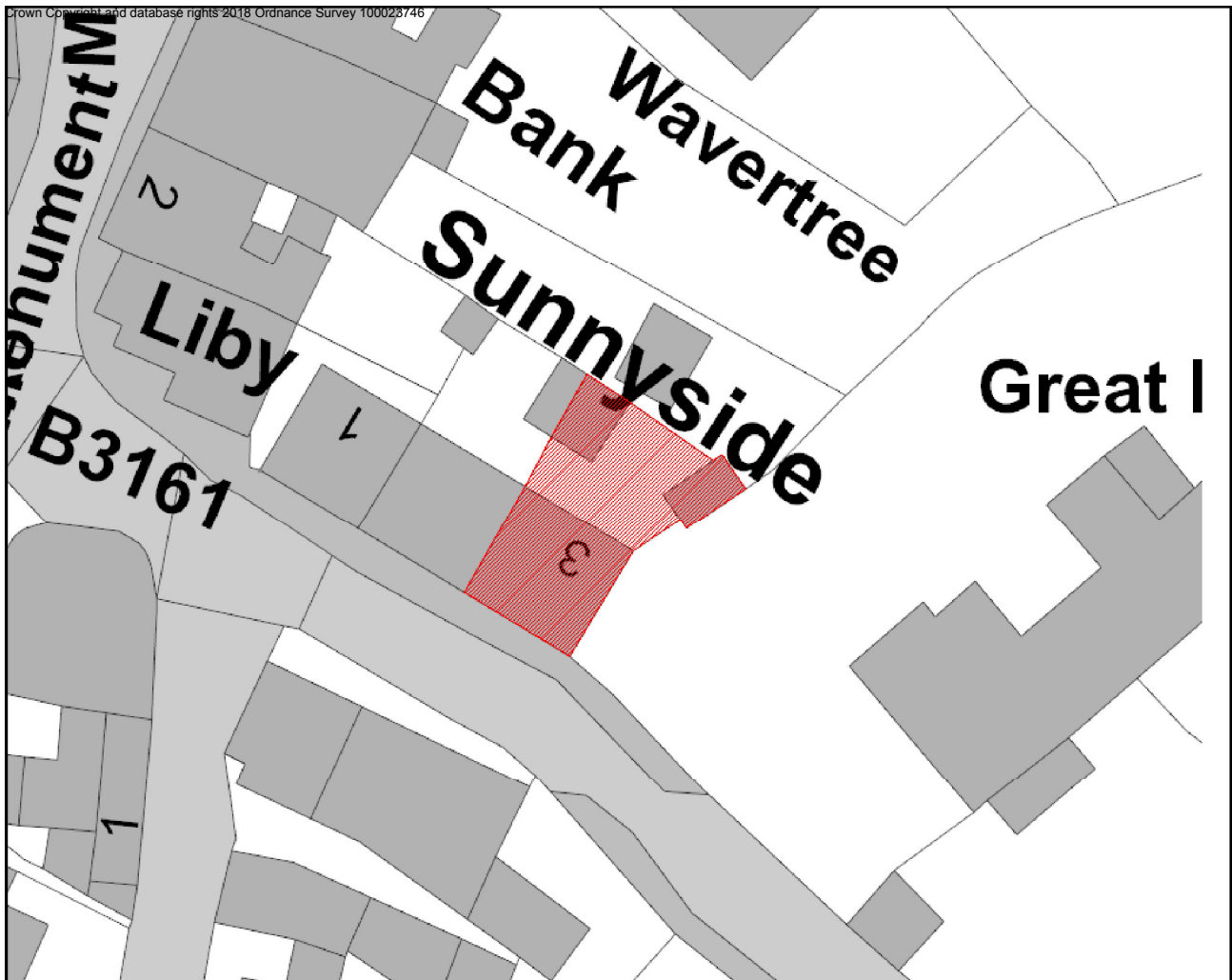
Applicant C H Johnson

Location 3 Sunnyside South Street Colyton EX24 6EP

Proposal Refurbish outbuilding



RECOMMENDATION: Approval with conditions



		Committee Date: 7th August 2018
Coly Valley (COLYTON)	18/1352/FUL	Target Date: 27.07.2018
Applicant:	C H Johnson	
Location:	3 Sunnyside South Street	
Proposal:	Refurbish outbuilding	

RECOMMENDATION: Approve subject to conditions

		Committee Date: 7th August 2018
Coly Valley (COLYTON)	18/1353/LBC	Target Date: 27.07.2018
Applicant:	C H Johnson	
Location:	3 Sunnyside South Street	
Proposal:	Refurbish outbuilding	

RECOMMENDATION: Approve subject to conditions

EXECUTIVE SUMMARY

The applications are before committee as the applicant is an officer of the Council.

The proposal seeks planning and listed building consent to allow for the partial re-build of an outbuilding to the rear of the property. It is understood that snow damage has accelerated the deterioration of the building and led to the current applications. These propose to rebuild part of the rear and side wall of the building, replace the existing roof structure and re-tile using existing and reclaimed tiles, as well as other associated repair and maintenance works.

The works are considered to be well considered and necessary to ensure the long term retention of the building. They would result in minimal alteration to the overall appearance of the building and subject to conditions are considered to be acceptable and as such are recommended for approval.

CONSULTATIONS

Local Consultations

Clerk To Colyton Parish Council
SUPPORTED

Coly Vale – Cllr H Parr

I support this application- clearly these repairs to the outbuilding are necessary, and its form and appearance will be unaltered.

Technical Consultations

Conservation

CONSULTATION REPLY TO EAST
LISTED BUILDING CONSENT/ CONSERVATION AREA
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: 3 Sunnyside Cottages, South Street, Colyton

GRADE: Curtilage to Grade II

APPLICATION NO: 18/1353/LBC 18/1352/FUL

CONSERVATION AREA: Colyton Conservation Area

PROPOSAL: Refurbish outbuilding

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

No 3 Sunnyside forms the end residential unit to No's 1-3, a C18th stone rubble terrace of cottages. Two storey, slate roof with gabled ends and brick ridge chimney stacks, known as Sunnyside.

To the rear, each cottage has an outbuilding, historically servicing the main house. Aesthetically the outbuilding is simple in its design and presentation, with triple roman tiles to the mono-pitch roof, atop chert and patch brick elevations. Internally there is an attractive timber screen and door which separates the coal shed and wc. Including, an exposed timber purlin, rafters and battens. The culmination of which make a positive contribution to the inherent character of the structure, as an early C19th domestic outbuilding.

In context of the conservation area, No 3 Sunnyside, occupies the end unit of a C18th stone rubble terrace, included in the listing for group value, with No's 1 & 2. The outbuilding to No 3 however is only visible in glimpsed views from the rear, which includes a public carpark. The significance of which however is found in the form and use of materials, which makes a positive contribution to the historic and architectural character of the surrounding conservation area.

HOW WILL THE PROPOSED ALTERATIONS AFFECT THE HISTORIC CHARACTER OF THE BUILDING AND ITS SETTING:

In assessing the proposal to refurbish the outbuilding, against the significance of the asset and its setting the following comments are made;

In context of the listed building the outbuilding is in the same ownership as the listed building with a functional historic relationship, therefore considered curtilage listed.

I considering the proposed works, the most invasive being the replacement of the timber roof structure and removal of the uppermost side (north-east) and rear wall including the corner. The extent of fabric removal, is necessary to provide a structurally sound base for a new wall plate. In addition, the removal of fabric as proposed, would in turn allow for the removal of the ivy and associated roots which has imbedded itself into the mortar joints.

While the works would result in the removal of part of the outbuilding and rear wall, this would be reinstated on a like for like basis, including the re-use of existing triple roman tiles, therefore the adopted approach is honest and ensures a long term repair.

PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

Conditions:

Before the relevant parts of the works begin on the items specified below the following details and specification shall be submitted to and approved in writing by the Local Planning Authority: (Select from following list)

- o New doors including sections, mouldings, profiles and paint colour. Sections through panels, frames and glazing bars should be at a scale of 1:2 or 1:5.
- o Eaves and verge details including construction and finishes.
- o Sample of new bricks and chert including mortar colour and specification and bond type.

The works shall be carried out in accordance with the approved details and specification.

(Reason - In the interests of the architectural and historic character of the building in accordance with Policy EN9 (Development Affecting a Designated Heritage Asset) of the Adopted East Devon Local Plan 2013-2031.)

Before any work is undertaken to remove any part of the building, the applicant shall take such steps and carry out such works as shall, during the process of the works permitted by this consent, secure the safety and the stability of that part of the building which is to be retained. Such steps and works shall, where necessary, include, in relation to any part of the building to be retained, measures as follows:-

- a) to strengthen any wall or vertical surface;
- b) to support any wall, roof or horizontal surface;
- c) to provide protection for the building against the weather during the progress of the works,

Details of any additional necessary repairs required as a result of the works, including Methodology, specification or schedule shall be submitted and approved in writing by the Local Planning Authority before continuing with the works.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 (Development Affecting a Designated Heritage Asset) of the Adopted East Devon Local Plan 2013-2031.)

LBC 28 N - Making Good

Other Representations

None received.

PLANNING HISTORY

Reference	Description	Decision	Date
13/2751/LBC	Replacement of 4no casement windows on front elevation with timber sash windows	Approval with conditions	14.02.2014

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

EN10 (Conservation Areas)

EN9 (Development Affecting a Designated Heritage Asset)

Government Planning Documents
National Planning Practice Guidance
NPPF (National Planning Policy Framework 2012)

Site Location and Description

3 Sunnyside is at the south-eastern end of a terrace of 3 no. properties located to the north side of South Street, close to the town centre. The properties are constructed from stone rubble under a slate roof. The terrace is grade II listed for its group value.

To the rear of No. 3 is a courtyard garden in the northwest corner of which there is an outbuilding that is shared with the adjoining property to the northwest 'Bromus'. The building has a mono-pitch roof covered in triple Roman tiles and is constructed predominantly from random stone rubble with some brickwork, it is considered to be curtilage listed.

Proposed Development

Planning permission and listed building consent are sought to allow the partial rebuilding of the outbuilding. It is understood that snow damage from earlier in the year has led to partial collapse of the roof and that this coupled with invasive ivy growth and general deterioration due to age has resulted in the current applications.

In summary the works entail:

-) Rebuilding of parts of side and rear wall (including section of garden wall);
-) Replace roof structure;
-) Re-roof building in existing and reclaimed tiles ;
-) Replacement rainwater goods and joinery;
-) General re-pointing, plastering and painting where required.

ANALYSIS

It is considered that the main issues in the determination of the application relate to the impact on the character and appearance of the listed building and wider conservation area. Given that the intention is to repair and partially re-build the outbuilding to replicate its original form and appearance it is not considered that it would result in any additional impact on neighbouring occupiers.

Impact on character and appearance of the listed building

The outbuilding is in the same ownership as the listed building with a functional historic relationship, it is therefore considered curtilage listed.

The general duty under Section 66 of the Listed Buildings and Conservation Area Act 1990 is to preserve the building and its setting.

The National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The proposal would require the removal of a not insignificant amount of historic fabric most notably the replacement of the timber roof structure and re-building of the uppermost side (north-east) and rear wall including the corner of the building. However, it is considered that these works are necessary in order to provide a sound base for a new wall plate and which in turn would seek to secure the structural integrity of the building going forward. It is also the case that the rebuilding of the wall would allow for the removal of invasive Ivy which in itself could over time further affect the structural integrity of the building. Overall as the proposal seeks to reinstate the wall on a like for like basis (using existing stone and new pointing) and similarly would re-roof the building using existing and/or matching tiles the proposals would have a very limited impact and would seek to secure the longer term retention and maintenance of the building.

Impact on wider conservation area

The application site lies within the designated conservation area of the town where policy EN10 of the Local Plan states that only development that would preserve or enhance the appearance and character of the area will be permitted.

In this instance the outbuilding is located to the rear of the property where there are limited public views of the site and at some distance from the public car park to the north. The purpose of the proposal is to restore and retain the building and as such on completion the proposal would have a benign impact on the conservation area and would preserve the appearance and character of it.

Other issues

There are a number of small trees growing in close proximity to the building however these are not considered likely to be affected by the proposed works. As a precautionary measure the application includes details of ground protection works and storage exclusion areas to avoid impact on trees.

CONCLUSION

The works are considered to be well considered and necessary to ensure the long term retention of the building. They would result in minimal alteration to the overall appearance of the building and subject to conditions are considered to be acceptable and as such are recommended for approval.

RECOMMENDATION 1

18/1352/FUL

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.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

	Location Plan	01.06.18
1254/01A RevA	Combined Plans	01.06.18
1254/02A RevA(elevations)	Combined Plans	01.06.18
1254/03A RevA(floor + roof)	Proposed Combined Plans	01.06.18
	Tree Protection Plan	01.06.18

List of Background Papers

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

RECOMMENDATION 2

18/1353/LBC

APPROVE subject to the following conditions:

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.
(Reason - To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
2. The works 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. Before the relevant parts of the works begin on the items specified below the following details and specification shall be submitted to and approved in writing by the Local Planning Authority:
 - o New doors including sections, mouldings, profiles and paint colour. Sections through panels, frames and glazing bars should be at a scale of 1:2 or 1:5.
 - o Eaves and verge details including construction and finishes.
 - o Sample of new bricks and chert including mortar colour and specification and bond type.

The works shall be carried out in accordance with the approved details and specification.

(Reason - In the interests of the architectural and historic character of the building in accordance with Policy EN9 (Development Affecting a Designated Heritage Asset) of the Adopted East Devon Local Plan 2013-2031.)

4. Before any work is undertaken to remove any part of the building, the applicant shall take such steps and carry out such works as shall, during the process of the works permitted by this consent, secure the safety and the stability of that part of the building which is to be retained. Such steps and works shall, where necessary, include, in relation to any part of the building to be retained, measures as follows:-

- a) to strengthen any wall or vertical surface;
- b) to support any wall, roof or horizontal surface;
- c) to provide protection for the building against the weather during the progress of the works,

Details of any additional necessary repairs required as a result of the works, including Methodology, specification or schedule shall be submitted and approved in writing by the Local Planning Authority before continuing with the works.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 (Development Affecting a Designated Heritage Asset) of the Adopted East Devon Local Plan 2013-2031.)

5. Any damage caused by or during the course of the carrying out of the works hereby permitted shall be made good after the works are complete in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant listed building concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

	Location Plan	01.06.18
1254/01A RevA	Combined Plans	01.06.18
1254/02A RevA(elevations)	Combined Plans	01.06.18

1254/03A RevA(floor + roof)	Proposed Combined Plans	01.06.18
timbers plan	Other Plans	01.06.18
	Schedule of Works	01.06.18

List of Background Papers

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

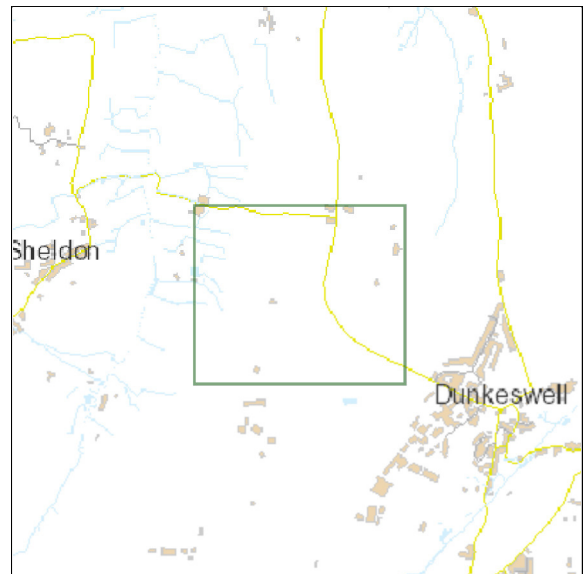
Ward Dunkeswell

Reference 18/0419/VAR

Applicant Mr N. Lovell

Location Mansell Raceway Dunkeswell Aerodrome
Dunkeswell Honiton EX14 4LT

Proposal Variation of condition 2 (plans condition) of permission 16/2946/FUL (erection of building) to change the appearance, height, layout and position of the building.



RECOMMENDATION: Approval with conditions



		Committee Date: 7th August 2018	
Dunkeswell (DUNKESWELL)	18/0419/VAR	Target	Date:
Applicant:	Mr N. Lovell		
Location:	Mansell Raceway Dunkeswell Aerodrome		
Proposal:	Variation of condition 2 (plans condition) of permission 16/2946/FUL (erection of building) to change the appearance, height, layout and position of the building.		

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is brought before the Committee at the request of the Chairman having originally been referred to the internal delegation meeting for consideration.

It relates to a number of revisions to the approved building, originally granted permission in 2017 (under planning permission 16/2946/FUL), containing workshop/storage, reception, visitor and race control facilities in place of portacabins and other associated outbuildings.

The revisions principally involve modifications to its position, orientation and height and roof design alongside reconfiguration of the internal accommodation and door and window arrangement and the addition of an external escape staircase to the east elevation. The principle of development, traffic and noise impact, impact upon the airfield having been previously found to be acceptable.

Although the increase in its height would add slightly to the overall scale and bulk of the building, it is not considered that this would result in any adverse or harmful impact upon the scenic or landscape quality, character of beauty of the designated Blackdown Hills AONB in which the site is located.

Equally, in spite of a significant increase in glazing to the south elevation, it is not anticipated that additional light spill would have a detrimental impact upon the AONB or the amenity of residents owing to the limited area of public vantage from which it would be visible, the short distance over which it would impact, the limited hours of darkness during which the lighting would be operational, the mainly downwards light spill and the comparatively small number of people that would be likely to observe any impact.

The same is also thought to apply in relation to glare. It is a transitory impact that depends upon factors such as the position of the observer as well as that of the sun, cloud cover, etc. Furthermore, from many distant viewpoints a combination of the local landform and other buildings, trees, etc. would also mitigate against any significant impact.

In the circumstances therefore, whilst the concerns raised by the Parish Council and interested third parties are acknowledged, it is not considered that an objection to the amended proposals for the approved building could reasonably be justified.

CONSULTATIONS

Local Consultations

Parish/Town Council

20/03/18 - COMMENTS: The Parish Council are concerned that the proposed expanse of glass forming the viewing gallery to the south elevation will become a source of light pollution and should be granted only with conditions which relate to the hours and brightness of illumination, or that the glass should be blackout. The second concern relating to the same south elevation windows would be that being located on the brow of the escarpment and with a southerly aspect they will catch the sun and cause a nuisance by reflection, this could be seen from some miles given the location, and could become a danger to users of the track itself as well as passing air and road traffic. We would therefore request that a non reflective glass is fitted to the second storey windows of the southern aspect (the viewing gallery).

14/05/18 - No further comments.

19/06/18 - Comments - The Parish Council feel they are unable to support this application in respect of the increase of Roof Height. This is contrary to the Neighbourhood Plan Policy BE1 Objectives 4a/b, Policy BE2 & Policy NE1. In addition, The Parish Council would like to ask the Planning Committee to consider the following. The Application is now becoming something far greater than was originally applied for and are concerned that if approved this will set a precedent for buildings of this height and possibly larger in future. This will also have an effect on the view/light from the Airport. There were no objections to the addition of a fire escape or the slight rotation of the building.

Technical Consultations

County Highway Authority

Does not wish to comment.

Environmental Health

13/03/18 - I have considered the application and do not anticipate any environmental health concerns.

11/05/18 - No EH concerns.

Blackdown Hills AONB Project Partnership

27/03/18 - Variation of condition 2 of permission 16/2946/FUL, Mansell Raceway

Thank you for seeking comments from the Blackdown Hills AONB Partnership on the above application.

Minimising visual impact from this building was a key consideration of the original application. It will be imperative to ensure that this principle is not lost, by attention to details of this application, namely the colour of elements such as soffits and window frames. In addition the increase in number/extent of windows has the potential to contribute to light pollution unless there are safeguards to minimise light spill from internal lighting.

14/05/18 - Just to confirm that in relation to the reconsultation on amended description, we have no additional comments to add to those previously submitted.

Other Representations

Five objections have been received raising the following concerns:

Far greater development than originally submitted;
Cannot be allowed to proceed as it would set a dangerous precedent for future developments;
This is an attempt to overcome restrictions to protect the AONB status of the area;
This application amounts to planning creep;
It is unacceptable and must be rejected out of hand.

PLANNING HISTORY

Reference	Description	Decision	Date
16/2946/FUL	Erection of building containing workshop/storage, reception, visitor facilities and race control replacing existing portacabins and associated outbuildings.	Approval with conditions	12.05.2017

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 7 (Development in the Countryside)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

E5 (Small Scale Economic Development in Rural Areas)

E20 (Provision of Visitor Attractions)

EN5 (Wildlife Habitats and Features)

TC7 (Adequacy of Road Network and Site Access)

TC12 (Aerodrome Safeguarded Areas and Public Safety Zones)

Dunkeswell Neighbourhood Plan (Made)

NE1 (Retaining, Conserving and Enhancing the Natural Beauty of our Parish)

Policy BE1 (Maintaining the Built Character through High Quality Design)

Policy BE2 (Supporting the Use of the Historic Dunkeswell Airfield)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Site Description and Location

Mansell Raceway is an existing kart racing business that occupies a site on the edge of Dunkeswell Airfield providing a fleet of leisure karts for private hire. In addition Dunkeswell Kart Racing Club also operate from the facility and hold regular events.

Currently the site comprises the Kart racing circuit itself, a converted race trailer providing a race control, changing and vending area (with covered storage area to the rear for karts and associated maintenance) and a portacabin which provides office accommodation and a small club room for such activity as safety briefings . Toilet facilities are provided in the form of temporary portable facilities.

Proposed Development

Planning permission is sought for a variation to the building approved in 2017. As before, the purpose of the development is to replace a number of temporary and dilapidated structures and create a more welcoming and professional environment with enhanced staff and customer facilities.

The main changes are:

- o Repositioning of the building about 9m north and 4m west of the approved position
- o Rotation of the building by about 10 degrees clockwise towards the racetrack
- o Increasing the height of the building by 0.5m
- o Changing the roof design so that the rounded roof-wall junction becomes a traditional eaves arrangement

- o Reconfiguring the internal accommodation and door and window arrangement
- o Addition of an external escape stair to the east elevation

These changes follow a review of operational needs, design considerations and also address some building control requirements.

ANALYSIS

The main considerations relate to the impact from the changes to the position, height and design of the building, particularly with regard to the visual impact upon the area and AONB.

The principle of the development, location for the building in relation to the Aerodrome, its footprint, and traffic and noise impacts were considered to be acceptable as part of the previous application and as that application can still be implemented, it is a fall-back that carries considerable weight such that these matters are not rehearsed again as part of this report having been previously considered to be acceptable, albeit recognising that at the time of the approval of the previous application, the Dunkeswell Neighbourhood Plan was at submission stage and has now been 'Made'.

Design changes and visual impact

Policy NE1 of the Neighbourhood Plan states that 'Proposals for development should demonstrate that there would be no significant adverse impacts on the natural environment (landscape and biodiversity)'. This is reinforced by Policy BE1 which states that 'development proposals should: i) Ensure that the size, scale and location of the development is appropriate to the form, scale and setting of the surrounding built environment' and 'iii) Ensure that it is designed in such a way as to minimise its impact on the visual amenity of the surrounding landscape, on views of the proposed development and on the natural environment'. Policy BE2 is not considered to be relevant because the site lies outside the area defined on the map referenced in the policy.

Compared to the extant permission, the overall scale and bulk of the building would be slightly increased owing to the raising of the roof by 0.5m (to a height of approximately 7.5m). However, this additional height and bulk and the altered position would not lead to any harmful landscape impact given the expansive open character of the area, within which such changes would not be very evident. Importantly, the building would still sit below the tree line to the west, which was a key consideration in the original application. For these reasons it is considered that the changes to the approved position and height of the building would not lead to any adverse impacts on the landscape that would bring the proposal into conflict with the Neighbourhood Plan or Local Plan.

The revised roof design and window arrangement would not be out of character with other buildings of a similar scale in the area and therefore the requirements of Policy BE1 would be satisfied.

Concerns have been raised about light spill and glare. While there would not be any material difference in the amount of glazing in the west, north and east elevations,

there would be an increase in the glazing on the first floor of the south elevation. The approved area of glazing would cover about 5.5 square metres whereas the proposal includes glazing across most of the upper storey measuring about 21.3 square metres in area, representing an almost four-fold increase.

In mitigation the agent has explained that the race track is not used in darkness and therefore there would be little light spill from the building. However, the authorised operating hours for the track are 9am - 9pm and it is likely that the building would still be occupied after racing has finished and into the hours of darkness. Some impact from the interior lighting can therefore be expected.

Public vantage points of the windows would range in distance from about 200 metres to 900 metres along the stretch of the public highway next to the airfield, although the landform blocks views for some of that length. There would also be longer range views across the airfield from the business park on the south east side of the airfield. In an otherwise dark environment the light in the windows would be prominent, particularly in view of the lack of obstructions.

While the interior lighting would be visible from certain vantage points at certain times, the impact on the AONB would be mitigated by the following factors:

- o The limited range of public vantage points and the relatively small number of people likely to observe the impact
- o Lighting would be designed to light the interior not the exterior so light spill beyond the building would not be intense
- o Light spill would be downwards to the ground (although the windows acting as a source of light would be visible)
- o Hours of operation would not be through the entire hours of darkness
- o The distance over which the light from the south elevation would have an impact would be relatively short and would not extend to surrounding settlements

It is accepted that the building would create a greater impact than the existing structures and the approved building. However, the mitigating factors lead to the conclusion that development would conserve the character and appearance of the AONB.

Turning to glare from reflected sunlight, again, the impacts would be limited. From distant vantage points the building would be screened by the landform, other buildings and trees and vegetation. Any glare would only be likely to be observed by people in the vicinity of the airfield. Furthermore, it is a transitory impact which depends on the position of the observer and the movement of intervening objects such as clouds. Given the distance from observers, the position of the building, the area of glazing and the transitory nature of the impact, glare from the window would not create a harmful amenity or landscape impact or endanger road or airfield users. In respect of the latter, it is noted that no objection has been received from the airfield operator.

CONCLUSION

On the basis that the revised position and design are considered to conserve the character and appearance of the AONB and the wider area, the proposal is considered to be acceptable and despite the concerns raised by the Parish Council and local residents, it would be very difficult to justify a refusal of planning permission on the ground raised.

As before, a number of conditions would be applied to the approval although all the pre-commencement details have already been agreed in relation to the original scheme.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before 12 May 2020 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 below:
260/001 - Location Plan received on 14.12.16 (in relation to the site location, not the position of the building)
260/005 - Other Plans received on 14.03.17
18005.10 Rev. P - Proposed Combined Plans received on 11.06.18
(Reason - For the avoidance of doubt.)
3. The materials to be used in the construction of the external surfaces of the building hereby permitted shall be
Roof: Kingspan XL Forte, colour Anthracite, RAL 7016
Rainwater goods, gutters and downpipes: PVCu, colour black
First floor walls: Kingspan XL Forte, colour Merlin Grey, RAL 180 40 05
Ground floor walls: Render, decorated Mid Grey, Dulux Weathershield, 30 BB 62/004
Windows and external doors: Powder coated aluminium windows, with a grey finish, RAL 080 70 05
unless alternative materials have been submitted to and approved in writing by the Local Planning Authority prior to commencement of development above foundation level. 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 East Devon Local Plan 2013-2031 and Policy BE1 (Maintaining the Built Character through High Quality Design) of the Dunkeswell Neighbourhood Plan 2014-2031.)
4. Within a period of one month following each of the triggers identified on plan 260/005 submitted with application 16/2946/FUL, the use of the respective buildings identified shall have ceased and the buildings and all associated waste arising shall have been permanently removed from the site.

(Reason - To control the number of buildings and potential clutter on the site in the interests of the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013-2031.)

5. A programme of archaeological work shall be undertaken in accordance with the 'Written Scheme of Investigation for an Archaeological Watching Brief' prepared by AC Archaeology dated December 2017 (Document No: ACD1746/1/0). The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

(Reason - To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012), that an appropriate record is made of archaeological evidence that may be affected by the development.)

6. Development shall be carried out in accordance with the levels shown on the north elevation and floor plans in approved drawing number 18005.10 Rev. P.

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

7. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority before fixtures and facilities for the lighting are first installed. Development shall be carried out in accordance with the approved details.

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

8. The means of disposing of foul drainage shall be in accordance with the Drainage Design Statement prepared by Alro 2000 Ltd dated 28th February 2018 unless alternative details have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development above foundation level. Foul drainage shall be provided in accordance with the approved details before the building is first brought into use.

(Reason - To avoid pollution of the environment and/or flooding during and after development in accordance with the requirements of Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

9. The building hereby permitted shall only be used for purposes incidental to the use of the site for Commercial Pro/Leisure Karting.

(Reason - To define the permission and in the interests of conserving the character and tranquillity of the Blackdown Hills Area of Outstanding Natural Beauty in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

18005.10 REV P	Proposed Plans	Combined	11.06.18
----------------	-------------------	----------	----------

List of Background Papers

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

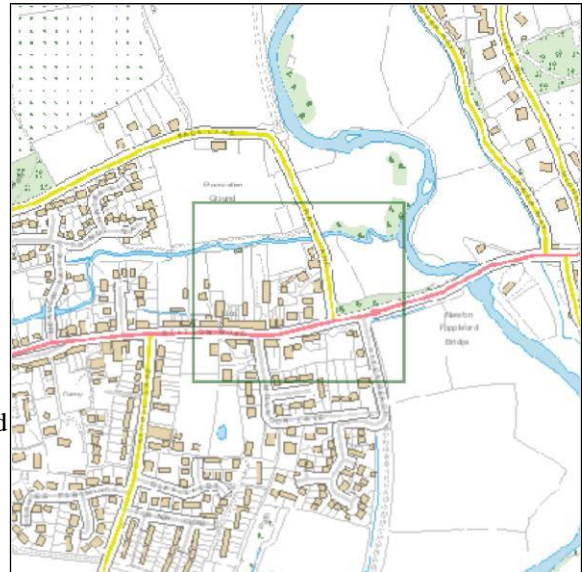
Ward Newton Poppleford And Harpford

Reference 18/0199/FUL

Applicant Mr Nick Bennett

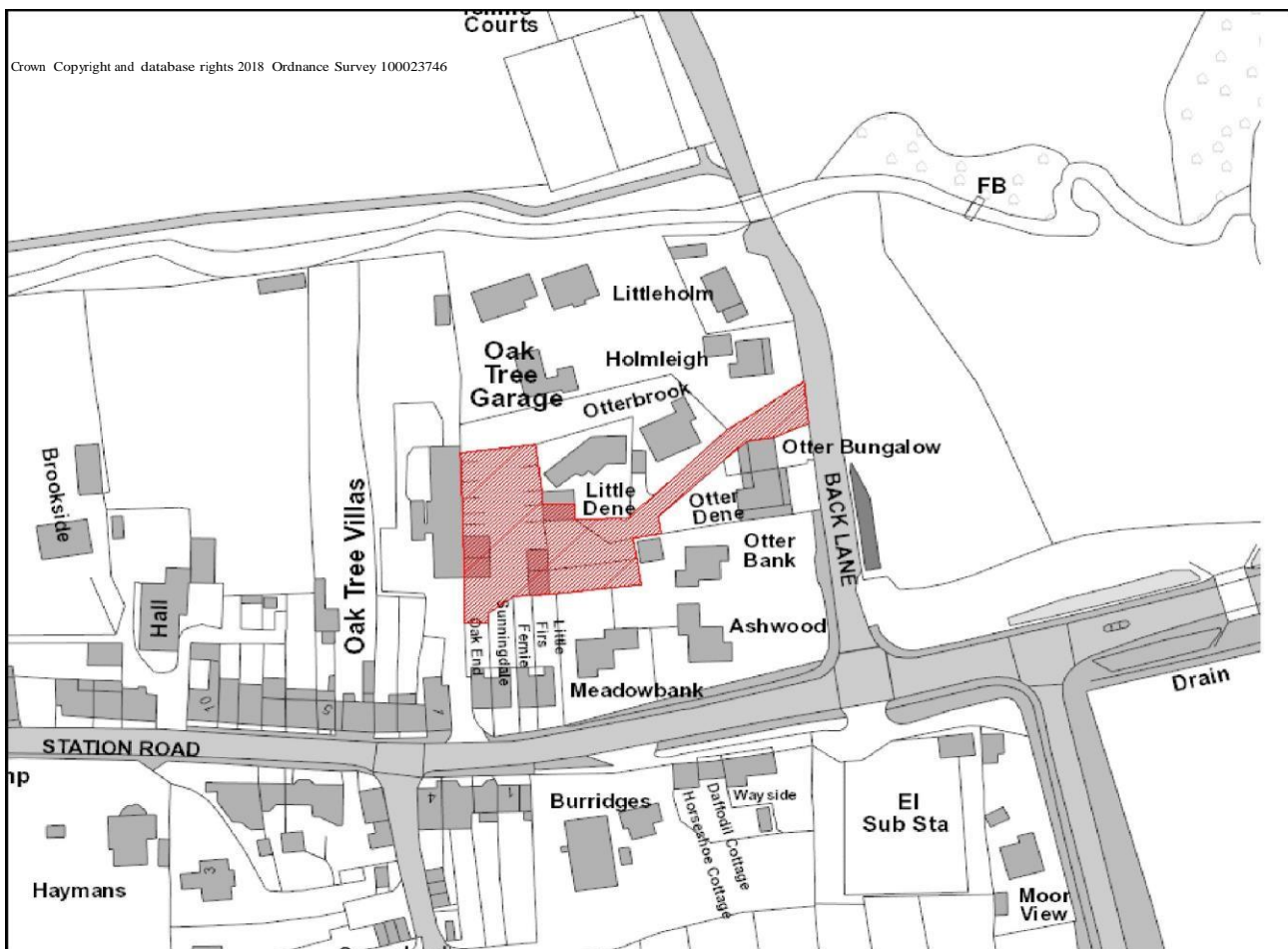
Location Former Coal Yard Back Lane Newton
Poppleford Sidmouth EX10 0EY

Proposal Demolition of redundant coal yard structures,
raising of site levels to create a flood barrier and
construction of 2no. dwellings and 1no. B1
office unit.



RECOMMENDATION:

1. That the **Habitat Regulations Appropriate Assessment** outlined within the Committee report be adopted.
2. That the application be **Approved** subject to conditions



		Committee Date: 7th August 2018	
Newton Poppleford And Harpford (NEWTON POPPLEFORD AND HARPFORD)	18/0199/FUL	Target	Date:
		30.03.2018	
Applicant:	Mr Nick Bennett		
Location:	Former Coal Yard Back Lane		
Proposal:	Demolition of redundant coal yard structures, raising of site levels to create a flood barrier and construction of 2no. dwellings and 1no. B1 office unit		

RECOMMENDATION:

1. That the Habitat Regulations Appropriate Assessment outlined within the Committee report be adopted.
2. That the application be Approved subject to conditions

EXECUTIVE SUMMARY

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

The application represents a renewed attempt to secure planning permission for the redevelopment, through the construction of two detached dwellings and a B1 office unit, of the redundant former coal yard site at the rear of properties fronting both Back Lane and Station Road towards the eastern end of Newton Poppleford. The site lies within flood zones 2 and 3.

It follows two previous attempts to obtain permission for a wholly residential scheme subject of applications submitted in 2013 and 2015 that were both refused on grounds relating to flood risk and loss of employment land.

However, by way of contrast to both of these proposals, the current scheme proposes detailed means of addressing these fundamental issues through the raising of ground and floor levels by around 1 metre in order to mitigate flood risk to the development together with the incorporation of the proposed B1 element within the development.

Whilst the raising of ground levels would not ordinarily itself be accepted as a means of mitigating flood risk owing to the displacement of water elsewhere, in this case the works proposed are supported by the Environment Agency (EA) on

the basis that, together with the raising of ground levels taking place on a neighbouring residential development site (Holmleigh), both sites effectively become 'lifted' out of flood zones 2 and 3. Moreover, and more significantly, the works would create a barrier to the current overland flood route and, as such, support a broader strategy to form a wider defence for the area against localised flood risks by deflecting flood waters from existing dwellings around the site. As such, they could not take place elsewhere with the same effect. The proposal therefore satisfies the sequential test.

In regard to the exception test, aside from the employment opportunities that would be created the development would help in reducing flood risks to the surrounding properties. Taken together with the support of the EA towards the raising of site levels, it is thought that these factors outweigh the (reduced) risk of residents needing to cross flood waters in order to reach the more elevated ground upon which the development would stand.

The scheme would therefore bring overall benefits to the area in flood risk terms that are sufficient to overcome previous objections to development of the site on such grounds.

In relation to the loss of potential employment opportunities that may result from the development, it is considered that the proposed B1 office unit could be of sufficient floor space to support the employment of two people which is comparable, on the basis of information supplied with the application, with the previous situation where the site only employed two part-time workers when in operation as a coal yard. There would therefore be no net loss of jobs provided by the site.

This aside, notwithstanding the apparent lack of recent marketing of the site (unlike the situation at the time of the previous 2015 application where the effort was demonstrably more robust), problems inherent in securing an employment use have once again been highlighted (costs of demolition, new drainage, ground improvements - including the raising of land levels, clearance of contamination against low anticipated revenues) together with the close proximity of the site to residential properties and the potential conflict with neighbour amenity from some prospective B class uses.

Issues relating to the character and appearance of the development and its impact upon the living conditions of neighbouring occupiers have been addressed through negotiations to secure changes to the intended roof finish, from pressed metal to natural slate, as well as a reduction in the heights of the proposed dwellings. In addition, elements of the boundary treatment to avoid overlooking from ground floor windows in the case of the southern of the two residential units have also been modified.

The scheme is otherwise considered acceptable subject to the imposition of appropriate conditions relating to materials, archaeology, contaminated land, drainage, ecology and landscaping and the provision of the proposed B1 unit prior to occupation of the residential component of the scheme as agreed with the applicant.

CONSULTATIONS

Local Consultations

Newton Poppleford & Harpford - Cllr V Ranger

23.04.18

I welcome the principle of brown field site development. This site has fallen into a poor state over the years.

I note the support of some neighbours for development of this site and objections from neighbours with concerns about impact on their property, visual impact of the proposed properties themselves, and the increased flood risk for some properties, particularly bungalows adjacent to the site. The EA has confirmed that there will be a reduced flood risk for some properties locally due to raising the site, but this will not safeguard all properties.

I also note the concerns from the Economic Development Officer re lack of appropriate employment space on site and the suggestion that the site could accommodate one further person if that element was increased in size.

I welcome the recent amendments - slate roofing was the most popular form of roofing identified in the recent Neighbourhood Plan survey. The 1300 mm reduction in eaves, ridge height is also an improvement.

The neighbourhood plan survey also identified a requirement for single storey housing - this would fit well into the local site, particularly given the raised ground levels. Of the 58 properties in Newton Poppleford that currently have planning permission, there is a distinct lack of these and we do need to ensure we develop appropriate housing for mixed communities.

Given the number of objections to this site I think there is room for further amendments so that all parties can be satisfied with the outcome, particularly with regard to the visual impact of the neighbouring properties and employment opportunities on site.

Therefore in summary I object to the current application and hope that remaining concerns can be cordially addressed.

Further comments 18/07/18

This is a very disappointing report that seems to me to be full of contradictions. For example at one point under Amenity page 13, great detail is given about the buildings being prominent with specific heights given and an explanation that they exceed the height of surrounding properties owing the raised ground levels and then later it states there is barely any difference from surrounding properties and its all fine.

Strategy 32 - The same applies to the employment site. No robust evidence has been put forward of marketing the site, the proposed exceedingly small area for employment is mentioned and then brushed off as the applicant states there were

only ever two people employed on the site - I am not sure what that has to do with it or why we have to accept the word of the applicants agent or why more people should not be accommodated to work at this site given that two three bed properties are proposed, that in itself implies that at least 6 people could be accommodated at the site plus the two proposed employment site. The site is certainly capable of accommodating more small units such as those I previously identified at Wheeler's Yard in Colyton and would have the advantage of no evening traffic. The same agent is also involved with the Sidford application and at public meetings is telling us of the high demand for employment units in the area. I fully expect to see this employment element sucked into residential housing after the two year period.

The report states that Newton Poppleford has no distinctive local style and the race to the bottom in terms of design continues with these tall and over dominant proposals. This approach is ensuring that NP has no distinctive style whereas those living in that location think that it does.

The lack of parking is mentioned and then glossed over. Three bedroom properties will inevitably need more parking spaces especially if there are visitors. There most certainly is not room on the local roads for additional car parking and if the overspill ends up being in the entrance road that will cause real nuisance to existing properties.

There is no shortage of housing in Newton Poppleford given the 44 under construction now and at least 11 others with planning permission so it is a great shame that this is just being pushed through. This number far exceeds that required by existing residents.

There is the potential for this to be a good site for redevelopment yet instead we have this application which misses on so many levels.

Parish/Town Council

06.02.2018 - Council supports this application in principle and welcomes the affirmative use of this brownfield site after so many years; it also welcomes the proposal to integrate a commercial aspect to the development which will provide benefits to the parish.

However, Council has reservations regarding the proposed use of zinc roofing on the dwellings that is in direct contravention of the nascent village Neighbourhood Plan, which is nearing completion; particularly, the broad consensus on housing styles and design which do not favour such alternative materials in a village setting and which Council steadfastly believe would detract and conflict with the remainder of the properties near and adjacent to the proposed houses.

Council is similarly concerned by the somewhat utilitarian appearance of the proposed houses in an area where a more rural style of construction dominates. There are also issues outstanding regarding the boundary of the plot with neighbouring properties and whilst Council welcomes the applicant's positive attempts to resolve these, it does feel that there should be conditions placed within any approval to ensure that the adjacent properties are not unduly inconvenienced or nuisanced by the proposals.

Further comments - 02.05.2018 Council supports this application but would be grateful if planning officers would be particularly mindful of matters relating to 1) consequential

flood risk to existing adjacent dwellings based on residents' representations and, 2) the inclusion of Zinc Dormers in the design which will still, in Council's view, be out of keeping with the existing street scene in the immediate area. In addition, Council would be pleased if revisions to the proposed employment unit could incorporate the potential for the employment of another person to help towards improving the economic and social benefit of this overall development to the parish.

Other Representations

Five objections have been received raising the following concerns:

Risk of flooding
Risk of surface water run-off
Overlooking
Inappropriate size and materials

One letter of support has been received for the improvement to the appearance of the site.

Technical Consultations

County Highway Authority

Observations:

I visited the site on 8/02/2018 and have the following comments:

The site is accessed from an existing private driveway from Back Lane, this driveway also serves other existing dwellings and the new dwellings being built to the north of the site.

The junction of the private drive and Back Lane is slightly substandard in visibility, but considering the sites former use as a coal yard, it is unlikely that the proposed development (even with its limited B1 element), will generate the number of vehicle movements permitted under its existing use. Considering the above, I have no objection to the development.

Recommendation:

No objection to the proposed development

Economic Development Officer

Economic Development note the support for this application. This site has been redundant for some time and its former use as a coal storage facility (and therefore classified as employment land) would have provided very few jobs. As a Council our Local Plan in Strategy 32 identifies the need to resist the loss of employment land. We do note that the applicant recognises the need to retain some employment space through the development of this site.

The 36m² Net Internal Area (NIA) of workspace in our view barely represents enough floor space to compensate for the loss of the overall site to residential use. Should the employment unit be used for B1 office (NCA Employment Density 3rd Edition 2015), then it might be sufficient for 2-3 workers (any other B class use could see the proposed unit only big enough for one person). We would be concerned that a unit of this size would not be big enough to attract a tenant for anything other than a very

small start-up business. In general office based work represents employment of a higher GVA than manual handling work and this aspect should be welcomed.

Economic Development would prefer to see an increase in the NIA of the employment unit to allow sufficient space for at least one more person than the current plans allows for.

Should approval be granted Economic Development request that a condition be placed on that approval to ensure that the workspace be completed, delivered and marketing commenced before either of the residential units are let or sold.
I hope these comments are useful.

Devon County Archaeologist

Former Coal Yard Back Lane Newton Poppleford Sidmouth EX10 0EY - Demolition of redundant coal yard structures and construction of 2no. 4 bedroom dwellings and 1no. B1 office unit: Historic Environment

My ref: Arch/DM/ED/32103a

I refer to the above application. The proposed scheme lies within an area of archaeological potential, within a tenement plot of the medieval planned settlement of Newton Poppleford. It is possible that archaeological finds and features associated with the early settlement here may be exposed and destroyed by any groundworks within the site.

For this reason and in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012), that an appropriate record is made of archaeological evidence that may be affected by the development.

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and

any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

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/>.

Contaminated Land Officer

I have considered the application and previous use of this site. We have no knowledge of contaminated land issues that may be present on the site, but would recommend that the applicant exercise some caution during the development, and ensure that any contamination encountered is remediated. The developer must keep records as the issue is bound to be raised when the new properties are sold. I recommend the following condition is included on any approval:

Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

Natural England

Thank you for your consultation on the above dated 02 February 2018 which was received by Natural England on 02 February 2018.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)
The Conservation of Habitats and Species Regulations 2017
The National Park and Access to the Countryside Act 1949

Natural England's comments in relation to this application are provided in the following sections in line with the South East Devon European Sites Mitigation Strategy (SEDESMS) and the Joint Approach of your authority

Statutory nature conservation sites - No objection subject to securing mitigation

Habitats Regulations Assessment - Recreational Impacts on European Sites

This development falls within the 'zone of influence' for the East Devon Pebblebed Heaths SAC, as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS).

It is anticipated that new housing development in this area is 'likely to have a significant effect' upon the interest features of the SAC, when considered in combination, through increased recreational pressure. In line with the SEDEMS and the Joint Approach of Exeter City Council, Teignbridge District Council and East Devon District Council, we advise that mitigation will be required to avoid such an effect occurring and enable you to reach a conclusion of "no likely significant effect". You should not grant permission until such time as this mitigation has been secured.

Providing appropriate mitigation is secured to avoid impacts upon the European site occurring there should be no additional impacts upon the SSSI interest features of East Devon Pebblebed Heaths.

Protected landscapes

The proposed development is for a site within or close to a nationally designated landscape namely East Devon AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Environment Agency

Thank you for your consultation of 02 February 2018 in respect of the above planning application.

Environment Agency position

We have no objections to this proposal provided that development is implemented in accordance with the recommendations of the flood risk assessment. Furthermore, your authority should be satisfied with regard to the flood risk sequential test prior to determining the application.

The reasons for our position are set out below.

Advice - Flood risk assessment

The flood risk assessment prepared by Hamson Barron Smith (ref. 23-20-18-1-6086-FRA-171025-SDH, dated January 2018) has been reviewed. The Environment Agency can agree with the terms outlined within the 'Flood Risk Assessment Summary' section and therefore raise no in-principle flood risk objections to the proposal.

Importantly, the raised ground levels being promoted concur with those which have been agreed for the neighbouring 'Holmleigh' site, thereby effectively making the site flood zone 1 and contributing beneficially to creating a barrier to the overland flow route heading south from the Back Brook. We are satisfied that because the proposal supports an overall strategy to improve flood risk in the vicinity no floodplain compensation work is required on this occasion.

Environmental Health

I have considered this application and I feel that the Construction CoP covers all Environmental Health Pollution concerns and therefore I do not wish to add any further conditions. As the end usage does not lend itself to pollution issues

PLANNING HISTORY

Reference	Description	Decision	Date
13/1868/FUL	Demolition of redundant buildings and re-development of the site with 2no. new dwellings	Refusal	07.02.2014
15/0265/FUL	Demolition of buildings and redevelopment of the site with 2 no. dwellings and detached garages, including raising of ground levels.	Refusal	28.10.2015

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
EN5 (Wildlife Habitats and Features)

EN16 (Contaminated Land)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Strategy 6 (Development within Built-up Area Boundaries)

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The yard is about 0.11ha in area and shares a boundary with 8 residential properties and a vehicle repair garage. Access is via a private driveway from Back Lane which is shared with several residential properties. Within the site there are three dilapidated single storey buildings adjacent to the boundaries, some areas of hardstanding and several open coal bunkers (now empty).

The site is about 55m from Back Brook and 170m from the River Otter. It lies within flood zone 3 which also covers the surrounding housing on the north side of the A3052 and about 80 houses around Millmoor Lane and Otter Reach on the south side of the A3052.

The site has been empty for about 7 years following the closure of the business for personal reasons. In 2013 and 2015 applications were submitted for two detached dwellings but both were refused. In both cases the reasons for refusal related to the risk of flooding and the loss of employment. Neither application was appealed.

Proposal

Planning permission is sought for the redevelopment of a former coal yard within the Built-up Area of Newton Poppleford to provide two dwellings and a small business unit. Access would remain off Back Lane.

The application proposes the demolition of the existing outbuildings/store and office and replacement with two dwellings and an office.

The two dwellings would be of a dormer style with rooms in the roof above a ground floor and constructed of brick with a natural slate roof. Each dwelling would benefit from parking for two cars.

The office units is detached and to be constructed of similar materials and benefitting from its own parking.

The proposal includes the raising of ground levels by about 1m in mitigation for the flood risk.

ANALYSIS

The main issues remain the same as with the two previous applications, therefore relating to the loss of employment land, location of the site within the flood zone, visual impact and impact upon the amenity of surrounding residents. To address the previous concerns a more comprehensive study of the flood risk has been undertaken and an element of employment use has been proposed.

Notwithstanding the flood risk and employment issues, the site is within the Built-up Area for Newton Poppleford shown in the newly adopted Villages Plan. Occupants of

the proposed dwellings would have good access to all the amenities in the village as well as local bus services. The site is therefore seen as being suitable for residential development if the other concerns can be overcome.

Risk of flooding

The flood risks to the site are predominantly from Back Brook and the River Otter, both of which are designated as 'main rivers'. Back Brook in particular has benefitted from significant mitigation works.

Site levels range between 24.10m AOD to 24.40m AOD and the design flood level is 24.99m AOD (this is the expected flood level in a 1:1000 event with allowance made for climate change). Flooding depths of around 0.9m can therefore be expected on the site.

Raising ground levels for the site so that the dwellings sit above the design flood level is not generally accepted as a way of mitigating flood risk. This is because water can be displaced elsewhere, potentially increasing the risk to other properties and because it often does no more than create an island which would be difficult to access in an emergency situation.

In this case however, the raising of the ground levels and the construction of the dwellings with a floor level no lower than 25.30m AOD is supported by the Environment Agency. In their comments they state:

'Importantly, the raised ground levels being promoted concur with those which have been agreed for the neighbouring 'Holmleigh' site, thereby effectively making the site flood zone 1 and contributing beneficially to creating a barrier to the overland flow route heading south from the Back Brook. We are satisfied that because the proposal supports an overall strategy to improve flood risk in the vicinity no floodplain compensation work is required on this occasion.'

This development is seen as building upon the flood improvement work carried out to Back Brook and helping to secure reduced risks for the numerous properties around Back Lane, Millmoor Lane and Otter Reach which lie in the flood zone. While it will not eliminate the risk to those properties it will help to lessen the impacts of flooding by deflecting some of the flood water. The future development of other sites in the area may also provide similar opportunities and therefore the Environment Agency see this proposal as only part of the solution, not the ultimate means of flood defence. Even so it is, in their view, a welcome proposal which contributes towards wider flood improvement works.

The Environment Agency's support acknowledges that the development must still be subject to the Sequential and Exception Tests. These seek to direct development to the lowest risk areas and, where that is not possible, to ensure that the development would be safe for its lifetime and that there would be sustainability benefits to the scheme.

It is important to stress in this case that the raising of ground levels is not simply a means to take the proposed houses out of the flood zone. As described above, it would

also act as a flood barrier which would form part of the wider defensive measures for the area. For this reason, the ground level raising could not take place anywhere else and have the same effect. That is not to say that the higher ground should then be developed, but it provides the incentive to raise the ground levels in the wider interest and effective places the development in flood zone 1 where housing is acceptable. Because the raising of ground levels would contribute to wider defensive measures and could not take place elsewhere, the scheme is considered to satisfy the sequential test. This would not be the case if levels were simply being raised to protect the new dwellings and does not set a precedent for raising ground levels to overcome flood risk on other sites.

Having satisfied the sequential test, the exception test needs to be considered. The two parts to the test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

In respect of sustainability, the development would create employment both during construction and after, provide dwellings with good access to local services and contribute towards reducing the risk of flooding to surrounding properties. While the occupants of the dwellings would have to cross flood waters to reach higher ground, they would be safe in the homes owing to the raised floor levels. When weighed in the balance, this negative outcome is not considered to outweigh the positive aspects of the proposal. It is therefore considered that the scheme would provide wider sustainability benefits to the community.

The second part of the test relates to design. In this respect the raised floor levels and improved drainage described in the flood risk assessment are regarded as appropriate by the Environment Agency and therefore this element of the test is satisfied.

In summary, the submission has comprehensively considered the risks of flood and opportunities to bring benefits to the wider area. This has resulted in support from the Environment Agency and a scheme which now satisfies the relevant tests.

Employment

The site has been unused for about 7 years and, owing to its residential surroundings, it would not be desirable for the coal yard to reopen or for some other storage/distribution (use class B8) or heavy industry (use class B2) use to take its place. The site could, however, continue to provide employment in the B1 use class (offices and light industry) which would replace the jobs lost with the closure of the coal yard.

Strategy 32 seeks to protect and retain employment sites where there is potential for harm to business and employment opportunities in the area. Small sites and small business units are in demand and therefore the employment potential of the site should not be lost. Furthermore, a shift to higher skilled, higher paid jobs is one of the Local Plan objectives.

It is acknowledged that the regeneration of site for employment purposes alone would not generate sufficient value to pay for the necessary land raising. Residential development is therefore a necessary part of the scheme but this should not compromise the employment provision. When operating as a coal yard the site supported two part time workers although no details have been provided as to the hours worked. To provide space for two workers in a B1 'maker' or studio use would typically require a building with a net internal area of about 30-80 square metres according to the HCA Employment Density Guide 3rd edition. If it were an office use then 25 square metres would be sufficient.

The proposed building would have a net internal area of 32 square metres which is at the lower end of the maker/studio use but sufficient for an office use for two people. While a larger building would be desirable, the proposed building is considered to be a suitable and sufficient replacement for the coal yard and would allow for a similar number of jobs and higher skilled workers.

Because the delivery of the business unit is fundamental to this scheme being acceptable, it is necessary to secure its delivery alongside the dwellings. This can be secured by condition. Its ongoing retention for employment uses would be secured by strategy 32. Only if no tenants have been found after providing and marketing the building for up to 2 years, and there being no shortage of employment floorspace in the locality, would a change of use be considered. It would not be acceptable simply to market the land as a site on which to build a business unit as this would not be likely to attract small businesses looking for premises to rent.

Amenity

The two dwellings and business unit would be situated close to the boundaries. The 7m high, two storey dwellings would be on raised ground and although the single storey business unit would be built at the ground existing level, its floor level would be raised, resulting in a 6m high building.

Dwelling 01 would be from 1 to 3 metres from the boundary with the rear gardens of Meadowbank, Little Firs and Fernie. The eaves would be about 5 metres higher than the neighbouring gardens and the ridge would about 8 metres higher. The distance between the rear of the dwelling and the rear of Little Firs, the property directly behind, would be about 20 metres. The only upper floor window in the rear elevation would be a rooflight serving a bedroom but this would be more than 2m above floor level.

Although the building would be a rather dominant structure at the end of the neighbouring gardens, the separation distance and space around the dwelling would avoid it having an oppressive impact from the neighbouring houses and the areas of garden closest to those houses. To address the potential for overlooking from the ground floor windows owing to the raised ground levels, a new boundary wall would be constructed to a height of 1.8m above site level which would be about 2.2m above the neighbouring gardens. In the east elevation there would be two upper floor windows, one serving a bedroom and the other a landing. These would have a view over the business unit towards the rear of Otter Bank about 28m away and obliquely towards Meadowbank but in neither case would the windows be intrusive.

Dwelling 02 would be about 4.5m from the boundary with the rear garden of Otterbrook and about 12.5m from the rear garden of 1 Little Otters, one of the new dwellings being constructed at Holmleigh. Otterbrook is situated about 30m east of dwelling 02 but its garden extends westwards to adjoin the northern boundary of the coal yard. The garden area furthest from Otterbrook would be overlooked by the upper floor rear windows in dwelling 02, as it already is by 1 Little Otters, albeit obliquely. In other circumstances this level of intrusion would be unacceptable but because the overlooking would be of the end of the garden, not the areas near the house, there would be no harm to amenity.

In respect of Little Dene, the bungalow immediately to the east of Dwelling 02, the relative positions of the two dwellings would avoid any adverse impacts.

Unit 03 on the site plan is the business unit. This would adjoin the parking/turning area serving Meadowbank, Otter Bank and Ashwood. It would be prominent in views from the rear of Otter Bank but not so tall or close as to dominate the outlook from that property. Likewise with Meadowbank and Ashwood which would be further away and more oblique.

In summary the scheme, which has been amended to address earlier concerns, would have a satisfactory relationship with all neighbouring dwellings.

Character and Appearance

Newton Poppleford lies within the East Devon AONB. In the vicinity of the application site there is no dominant style of dwelling but they are all 20th century buildings. The design of the proposed dwellings reflects modern tastes and can be seen as a continuation of the trend to build dwellings which are 'of their time' in this part of the village. In response to concerns raised about the use of pressed metal for the roofs, the design has been amended to include natural slate roofs. For the walls a combination of a buff brick and a matt glazed brick is proposed, along with an engineering brick for the garages. This would not be characteristic of the area, which is dominated by rendered or red brick properties. Although the dwellings would not be prominent in any public views, they would be seen between buildings and therefore it is important to secure appropriate materials. This can be achieved by imposing suitable conditions.

Information regarding the scale of the buildings relative to surrounding dwellings is limited, except that the ridge height of Little Dene (a bungalow) is given as 28.68m AOD. This compares to a ridge height for dwelling 02 of 32.1m AOD, a difference of 3.42m. The only other height given for comparison is the height of Oak Tree Garage on the western boundary of the site. This is about 31m AOD, which is 1m lower than the dwellings.

It is also useful to note that the floor levels of the three dwellings constructed at Holmleigh were fixed at 25.3m AOD, which is the same as proposed on the coal yard. The approved drawings show that the dwellings have a ridge height of about 8m above ground floor level which compares to a height of 7m for the dwellings on the coal yard.

From this analysis it is concluded that the proposed dwellings would be similar in scale to other buildings surrounding them and would not appear unduly tall or prominent in either short or long distance views. Given that the site is within the built-up area, there would be no harm to the landscape of the AONB.

Other Matters

The development proposes dwellings alongside an established vehicle repair business. This has the potential to give rise to adverse amenity impact and, potentially, complaints from the occupants of the new dwellings towards the business. No concerns have been raised in this regard by Environmental Health and it is noted that the business already coexists with numerous near neighbours, albeit none as close to the garage building as dwelling 02. Given the nature of the business, it is likely that noise is limited in duration and infrequent. It is also unlikely to occur during evenings and weekends; therefore, on balance, the new dwellings would be likely to enjoy good levels of amenity.

A number of people have raised concerns about surface water run-off from the site increasing as a result of raising the ground levels. This is addressed in the flood risk assessment which explains that the site is currently served by a combined sewer which passes through the site. Rainwater falling onto the site is currently routed to a gully (which feeds into the sewer) or soaks into the ground via cracks or joints in the concrete hardstandings.

By the introduction of gardens to the site, the proposal would reduce the amount of impermeable hard surfacing, resulting in a betterment. Foul and surface water flows would also be kept separate and surface water discharge would be attenuated. The preliminary drainage layout shows drainage to capture all run off from hard surfaces and this would effectively manage surface water and prevent run-off to neighbouring properties.

A preliminary ecological appraisal report identified the potential for the buildings to be used by bats and has recommended further dusk emergence/dawn re-entry survey work to be carried out between May and September. That work has not been carried out but the ecologist has suggested pre-emptive bat mitigation and/or enhancement measures in a follow-up report. The report gives the recommended dimensions for a bat loft for void-dwelling species and such a space would be provided above the work space. However, details of other measures that might be necessary, including details of access points, provision of roosting opportunities for crevice dwelling bats and sensitive external lighting are less clearly defined and would only be specified following the extra survey work.

In spite of the lack of precision regarding the measures needed to mitigate for loss of habitats, the submitted drawings show that it would be possible to provide any such measures. Therefore a condition securing further survey work and details of the measures could be imposed in this instance.

Bin storage would be provided in a remodelled garage, although there is adequate space elsewhere within the curtilages of the buildings.

Parking space would be limited but each of the dwellings would have one space in a garage and a second space in front. This accords with Local Plan policy. The business unit would have space for two cars alongside. The nearest public roads are already well-used and may not be able to accommodate overspill parking. Consequently it is likely that if there is demand for additional parking then it would need to be provided within the site. This would result in paving over of parts of the gardens and such a change would need to be controlled to ensure that drainage is still managed appropriately. This could be secured by condition.

Habitats Regulation Assessment and Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

CONCLUSION

Following refusal of two schemes which would have resulted in the total loss of the employment use of the site, this scheme is now proposing a small business unit which could provide an equivalent number of jobs. Concerns regarding the risk of flooding on the site and to the surrounding area have also been addressed by means of a comprehensive flood risk assessment and a scheme of land raising which has the support of the Environment Agency. In design terms there are still some reservations in the local community following the height reduction and the change of roof material. While the dwellings would be visible between houses on Back Lane, they would be in the background and not prominent structures. Nevertheless, the materials need to be carefully considered to ensure that they are compatible with their surroundings. Subject to that and a number of other conditions, the redevelopment of the coal yard can now be supported.

RECOMMENDATION

- 1. That the Habitat Regulations Appropriate Assessment outlined within the Committee report be adopted.**
- 2. That the application be APPROVED subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Notwithstanding the submitted details, 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.)
4. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
(Reason - To ensure that features of archaeological or architectural importance are recorded before their destruction or concealment and to ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with EN7 - Proposals Affecting Sites which may potentially be of Archaeological Importance of the adopted East Devon Local Plan 2013 - 2031 and paragraph 141 of the National Planning Policy Framework (2012).)
5. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority shall be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.
(Reason - To ensure that any contamination existing and exposed during the development is identified and remediated in accordance with Policy EN16 - Contaminated Land of the adopted East Devon Local Plan 2013 - 2031.)
6. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment detailing how the raised levels to the site boundaries will be dealt with. The landscaping scheme

shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and 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. The approved boundary treatment shall be provided before first occupation of the residential properties and thereafter retained as approved.

(Reason - To ensure that the details are planned and considered at an early stage 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.)

7. Neither of the dwellings hereby permitted shall be occupied until the Class B1 office unit and associated parking area shown on the approved drawings have been completed and made capable of use/occupation.

(Reason - Permission is granted for the development in part on the basis of the delivery of the proposed office unit to offset the loss of the existing business premises from the site in order to meet the requirements of Strategy 32 - Resisting Loss of Employment, Retail and Community Sites and Buildings of the adopted East Devon Local Plan 2013 - 2031.)

8. The finished floor levels of the dwellings and the B1 office unit hereby permitted shall be at 25.30m AOD and external ground levels for the remainder of the site shall be at 25.15m AOD, as defined in the Flood Risk Assessment (ref.: 23-20-18-1-6086-FRA-180122-SDH Rev B) dated January 2018 prepared by Hamson Barron Smith.

(Reason - In the interests of mitigating against the risk of flooding to both the development and neighbouring residential properties in accordance with Policy EN21 - River and Coastal Flooding of the adopted East Devon Local Plan 2013 - 2031.)

9. No development shall take place until satisfactory details of the surface water drainage scheme to be used have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any building on the site is occupied. The submitted drainage scheme shall ensure that there is no surface water that drains on to any County highway.

(Reason - To avoid pollution of the environment and/or flooding during and after development and ensure that suitable means of controlling surface water drainage exists in accordance with the requirements of Policies EN14 - Control of Pollution and EN22 - Surface Run-Off Implications of New Development of the adopted East Devon Local Plan 2013 - 2031.)

10. The development hereby permitted shall be undertaken in accordance with all measures and recommendations for the mitigation of the impacts of the proposed development upon protected species as set out in the Preliminary Ecological Appraisal Report (Version 001) dated October 2017 prepared by Acorn Ecology Ltd.

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

11. A bat roost shall be provided within the B1 (office) unit hereby approved prior to its occupation/use in accordance with the measures set out in the document entitled 'Bat Mitigation and/or Enhancement Measures' dated November 2017 prepared by Acorn Ecology Ltd. together with other measures for bat mitigation/enhancement that shall previously have been submitted to and approved in writing by the Local Planning Authority.

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

12. Prior the commencement of development hereby approved, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

(Reason - To minimise the potential pollutant impact of construction during the 'fill' operations necessary to carry out the development, in accordance with Policy EN14 - Control of Pollution 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:

P.04C REV C	Proposed Site Plan	28.03.18
P.05C REV C	Proposed Floor Plans	28.03.18
P.06C REV C	Proposed Elevation	28.03.18
P.07C REV C	Proposed Elevation	28.03.18
P.08C REV C	Proposed Floor Plans	28.03.18
P.09C REV C	Proposed Elevation	28.03.18
P.10C REV C	Proposed Elevation	28.03.18

P.11C REV C	Proposed Plans	Combined	28.03.18
P.12C REV C	Proposed Elevation		28.03.18
P.13C REV C	Proposed Elevation		28.03.18
P.15C REV C	Sections		28.03.18
P.02	Existing Site Plan		25.01.18
P.03	Other Plans		25.01.18
P.01	Location Plan		25.01.18
P.14	Additional Information		25.01.18
Topographic Survey	Additional Information		25.01.18

List of Background Papers

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

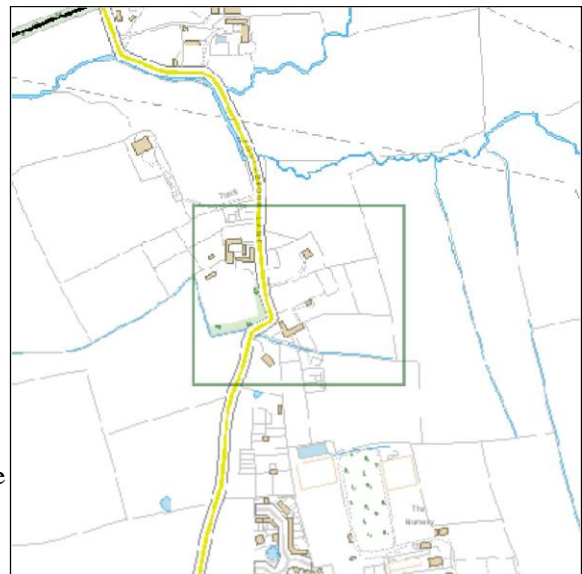
Ward Broadclyst

Reference 18/0936/OUT

Applicant M Baker (Property Services Ltd)

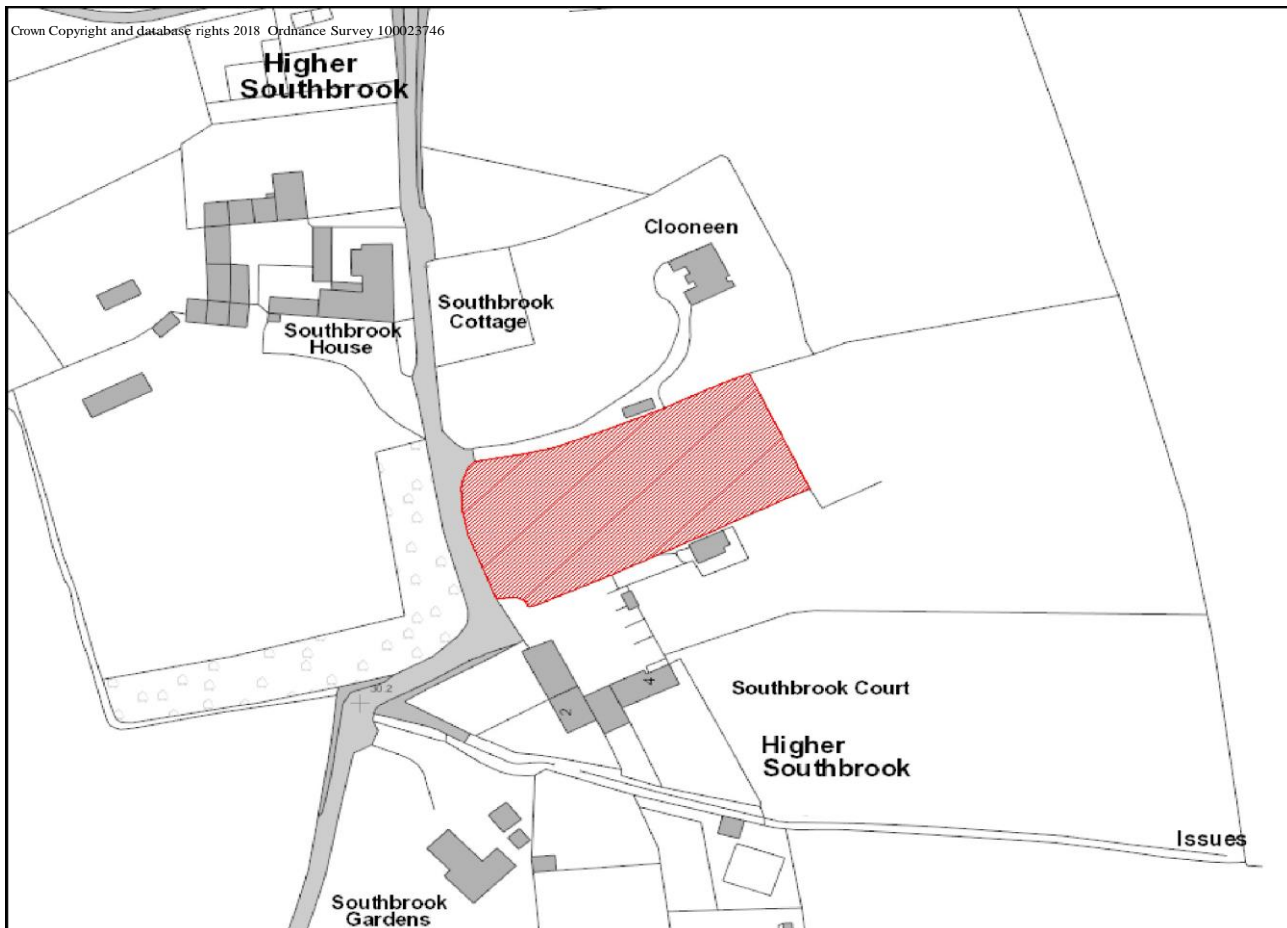
Location Land To The North Of Southbrook Court
Southbrook Lane Whimble

Proposal Outline application (all matters reserved) for the erection of up to 5 dwellings



RECOMMENDATION:

- 1. That the Habitat Regulations Appropriate Assessment outlined within the Committee Report be adopted.**
- 2. That the application be Approved subject to conditions.**



		Committee Date: 7th August 2018
Broadclyst (CRANBROOK)	18/0936/OUT	Target Date: 18.07.2018
Applicant:	M Baker (Property Services Ltd)	
Location:	Land To The North Of Southbrook Court Southbrook Lane	
Proposal:	Outline application (all matters reserved) for the erection of up to 5 dwellings	

RECOMMENDATION:

1. That the Habitat Regulations Appropriate Assessment outlined within the Committee Report be adopted.
2. That the application be Approved subject to conditions.

EXECUTIVE SUMMARY

This application is before members as it represents a departure from Local Plan policy.

The application seeks outline consent for development of up to 5 dwellings with all matters reserved. An indicative layout has been submitted as part of this application which demonstrates how five dwellings can be accommodated on the site and how the access from Southbrook Lane could be achieved.

Whilst the site in planning policy terms is situated within the open countryside, it is acknowledged that the immediate area is surrounded by the new town of Cranbrook and therefore acts as a small pocket of in-fill development that in the near future would represent sustainable development resulting from the continued eastern expansion of the town.

The original outline application (03/P1900) for the first phase of Cranbrook includes some land to the east of Southbrook Lane with the land closeby to the north, east and south being allocated in the adopted Local Plan for the "Cranbrook Expansion" and has a live outline planning application on it which is yet to be determined.

Within a recent appeal decision for a site in close proximity to Southbrook Lane which considered an outline application for construction of four dwellings, the Inspector noted that the proposed development would '...form part of the new built up area of Cranbrook...' and continues by stating '...this pocket of development would be surrounded by the new allocated development'. On this basis, and given the lack of visual harm, the Inspector allowed the appeal.

Given the location of the site in relation to Cranbrook, residential development of the site is considered to be sustainable and therefore acceptable in principle.

CONSULTATIONS

Local Consultations

Clerk To Cranbrook Town Council

The Committee considered the outline planning application (all matters reserved) for the erection of up to 5 dwellings on land to the north of Southbrook Court, Southbrook Lane, Whimble.

It was noted that the site is within the hamlet of Southbrook and is therefore in the countryside and subject to Strategy 7 of the East Devon Local Plan. As the location is wholly within the developing new town it is considered that the location is sustainable in all respects with proximity to facilities, jobs and transport and whilst the site falls within the terms of strategy 7 of the Local Plan, it is considered that development as proposed is acceptable and that, at this stage in the application, there are insufficient grounds on which a refusal could be justified given the fact that the site will ultimately be wholly within the newly developed town of Cranbrook.

It was resolved to support this application.

Technical Consultations

Environmental Health

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

County Highway Authority

Observations:

The site is situated on the C422, Southbrook Lane.

This planning application is currently outline with all matters reserved, however i would like to note that should/when the application come forward for full consent, design requirements of highway concern would be dedicated cycle parking to encourage sustainable travel.

Dedicated paring to reduce the likeliness of on-road car parking. A two-way access off the carriageway, so that two vehicles enter and egress at the same time. This would need to be constructed with adequate visisbility.

However the County Highway Authority has no objection to the planning application in principle.

Recommendation:

No objection to the proposed development.

Other Representations

One letter of objection was received from a neighbour, raising concerns about the impact that the proposed development would have on neighbouring amenity as a

result of potential noise and overlooking. In addition concern was also raised in respect of drainage and the lack of a safe vehicular access.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies Strategy 12 (Development at Cranbrook)

Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN14 (Control of Pollution)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

EN22 (Surface Run-Off Implications of New Development)

EN5 (Wildlife Habitats and Features)

EN16 (Contaminated Land)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

OFFICER REPORT

Site Location & Description

The application site is located off of Southbrook Lane, a narrow rural road running north from the B3174, which serves a small cluster of large residential dwellings.

The site itself is a small field that is bounded by Southbrook Lane, the curtilage of Clooneen to the north, Southbrook Court to the south and open fields to the east.

The site has an existing field access gate along the south eastern corner.

Description of Proposal

The outline application seeks permission for residential development of up to the erection of 5 dwellings with all matters reserved.

Assessment

The main considerations in determining this application are in terms of the principle of residential development on this site, the impact the 5 dwellings would have on the character and appearance of the area, the relationship with, and impact on amenity of the neighbouring properties, highway safety, and any impact on the arboricultural and ecological value of the site.

Principle

Whilst in planning terms the application site sits within the "open countryside" identified under Strategy 7 (Development in the Countryside) of the adopted East Devon Local Plan, the site is also located within the Cranbrook Plan Area as defined by Strategy 12 (Development at Cranbrook) and the associated proposals map.

The original outline application (03/P1900) for the first phase of Cranbrook includes some land to the east of Southbrook Lane but did not extend as far north as the houses and land that form the little hamlet of Southbrook itself. Land to the east of the site is allocated in the adopted Local Plan for the "Cranbrook Expansion" and has a live outline planning application on it which is yet to be determined. The outline application for the eastern expansion is currently being held in abeyance pending the submission of additional information required for its Environmental Statement and until the production of the development plan document (DPD) for Cranbrook has been published and formally adopted.

The Cranbrook Plan Development Plan document has progressed and a second round of consultation has been completed for the Preferred Approach. Consultation for the document closed in January 2018 and since then the Local Planning Authority have been reviewing the comments received. The preparation of the next stage "Publication document" has begun and there is an expectation to go out to consultation in autumn this year (2018).

A planning application for a dwelling in the garden space of a property known as Clooneen (to the north of the application site) was recently approved (application reference 17/2354/FUL). Similarly to this application, the site was classed by current planning policy as being within the open countryside but it was considered that the application site would one day be bounded by the new town of Cranbrook and was considered would form a small pocket of "in-fill" development resulting in the additional dwelling in this location according with the overarching principle of delivering sustainable development as set out in Strategy 3 of the Local Plan and the National Planning Policy Framework.

In this regard it was noted that ease of access to facilities and services offered by the expanded Town was likely to be significantly improved following the submission of applications for the Main Local Route (MLR) joining with the London Road and a connector street linking Southbrook Lane with the MLR. When approved this would give safe convenient access from the site back into the town.

Prior to the approval of a dwelling at Clooneen, an appeal decision for an outline application for the construction of four dwellings in the garden space of the Elms had

been allowed in December 2016. That application was refused on the basis that it was outside of the consents and expansion areas for Cranbrook and that development would be unsustainable until Cranbrook was further developed and its associated facilities and linkages in place.

In determining that appeal, the Inspector noted that the proposed development would be '... surrounded by the Cranbrook allocations which will, once built out, form a swathe of continuous development.' and continues by stating 'It would not therefore harm the local landscape, amenity and environmental qualities within which it would be located.' A detailed permission under reference 18/0388/FUL was approved in June 2018 for this site.

Taking account of the assessment above it is considered that whilst the site in planning policy terms is situated within the open countryside, it is acknowledged that it will be bounded by the new town of Cranbrook and therefore acts as a small pocket of in-fill development which would provide good access to a suitable range of shops services and facilities, without any wider landscape harm, and as such would represent sustainable development.

Character and Appearance

Southbrook Lane is a rural lane which provides access to a number of properties which consist of large detached dwellings set in substantial plots.

To the north of the application site lies the property known as Clooneen which is a large detached property, relatively modern in appearance set within a substantial garden. Part of the garden also benefits from full planning permission for a dwelling, which was designed to represent a more traditional looking dwelling house aiming to reflect the agricultural and rural ties of the area.

Further to the north of the site is Southbrook House, which is a large, whitewashed, relatively high quality house that appears to be 18th century.

This small cluster of dwellings within Southbrook Lane are considered to be of a high quality and any new development should reflect the surrounding character and appearance within its design.

Whilst this application is outline in nature and no details of the design and appearance has been submitted at this point in time, it is recommended that the design of the dwellings on this site should be carefully considered to reflect local styles and materials to preserve and enhance the local character of Southbrook Lane in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan. To help secure this quality of development, details of the design and materials could be secured by a condition.

Highways Concerns

One letter of objection has been received which raised concerns over increased traffic on Southbrook Lane, parking and access onto the lane.

County Highways have been consulted on the application and have raised no objection to the principle of development on this site. Devon County Highways have acknowledged the outline nature of the application and the limited information available to make a full assessment. However, they have recommended within their consultation comments that the design of the carriageway that would need to be included within the detailed application stage should include a two-way access with adequate visibility and provision of allocated parking for each of the dwelling houses in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan.

The documents submitted as part of the application makes note of the fact that part of the hedgerow along the western boundary would be removed to facilitate a safe access onto Southbrook Lane with the required visibility splay. Details of which will only be available when the detailed application is submitted which would show the design and layout of the access road into the site.

Policy TC2 - (Accessibility of New Development) of the adopted East Devon Local Plan requires all new developments to be accessible and well connected to local services and facilities. To aide future connectivity it might be possible to seek that at the detailed design the spine road leads to the far eastern boundary of the site to allow connection in the future to be made into the eastern expansion area in accordance with Local Policy.

Parking is recognised as a local issue and in event of planning permission being granted, a suitably worded condition ensuring garages to be retained for the purposes of parking a vehicle could be imposed. Adequate parking levels can be secured at the Reserved Matters stage.

Ecological and Arboricultural Value

An ecological report commissioned by Richard Green Ecology Ltd was submitted as part of this planning application.

The surveys found presence of bats in some of the existing trees, as well as nesting birds and has acknowledged within the report the potential for dormice and reptiles being on site.

The report has provided a number of recommendations following the phase 1 surveys, however, due to the outline nature of the application, no such details have been provided which show the proposed mitigation measures in place for ecology and this is something that will be required at reserved matters stage. The recommendations as included within the Preliminary Ecological Appraisal can be secured via a planning condition should the application be approved.

The site is bounded on the north and western sides by a mature hedgerow and several trees which provides a good level of screening from Southbrook Lane, as well as from the neighbouring property of Clooneen. In order to secure the protection of the hedges and/or shrubs that are to be retained on the site, a suitably worded condition could be imposed if planning permission were to be granted.

A tree survey was submitted as part of the application which has identified two number trees of being category C in accordance with BS 5837:2012 (low quality/limited significance) and are shown on the tree constraints plan as to be removed. The neighbour objection who has raised concerns over the loss of said trees is noted and has been considered that whilst the loss of such features is not ideal as they provide a good level of screening when viewed from the neighbouring property of Clooneen, it is considered that due to the limited significance of the trees a refusal could not be upheld on such grounds.

Part of the western hedge is also shown to be removed to allow a suitable and safe access to be created onto Southbrook Lane.

The Preliminary Ecological Appraisal submitted to support the planning application recommends that a native species-rich Devon hedge is created along the northern, southern and eastern boundaries of the site.

As the planning application is outline and only an indicative layout has been submitted, an assessment cannot be made on the impact that the proposal would have on neighbouring amenity with regard to loss of privacy and overlooking. In order to ensure that the loss of such features does not impact negatively on the amenity of neighbouring residents, the reserved matters application should include a landscaping scheme to secure appropriate replacement tree and boundary planting. In addition to this, a carefully designed layout with appropriate orientation of the proposed dwellings, and suitable distances between properties would also help to limit any potential overlooking and loss of privacy in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan.

Financial Contributions

The site lies within close enough proximity to the European Protected Sites of the Pebblebed Heaths SAC/SPA and the Exe Estuary SPA to have a potential impact on their integrity in terms of visitor disturbance to the wildlife and habitats they possess. The Local Planning Authority, in making a decision on any planning permission, is required by EU directive (and by the translation of this requirement into UK legislation in the Habitat Regulations) to be sure that the development approved will have no adverse impact on such sites. If this safeguard cannot be provided, then planning permission should be refused. The Council, in partnership with Exeter City and Teignbridge Councils, has commissioned a study into this matter (the South East Devon European Sites Mitigation Strategy) which recommends a suite of mitigation measures to be undertaken in order to offset the potential damage that the increased population from all allocated housing sites across the area would have. By contributing financially or in kind towards the achievement of these mitigation measures, housing developments can provide the assurance needed by the Local Planning Authority that no harmful impact will arise, and planning permission may be granted.

At the current time this site is CIL liable which effectively deals with the infrastructure components of the necessary mitigation. However mitigation also requires some components which are non-infrastructure and therefore a financial contribution towards habit mitigation of the Exe Estuary and Pebble-bed Heaths is also required

for this scheme. The applicants have agreed to make the appropriate contribution which has been secured under a Unilateral Undertaking.

Conclusion

Whilst the site in planning policy terms is situated within the open countryside, it is acknowledged that it is closely surrounded by the new town of Cranbrook and therefore acts as a small pocket of in-fill development that in the near future would represent sustainable development resulting from the continued eastern expansion of the town. Up to five number dwellings in this location would accord with the overarching principle of delivering sustainable development as set out in Strategy 3 of the Local Plan and the National Planning Policy Framework.

The detailed design should show a high quality scheme which represents and reflects the character of the local area in accordance with Policy D1 of the adopted East Devon Local Plan. Consideration should also be taken for neighbouring properties with regard to overlooking and loss of privacy and should be reflected in the proposed layout and landscaping of the scheme.

Taking account of the assessment above, the proposal is considered to be acceptable and is therefore recommended for approval subject to the following conditions.

RECOMMENDATION

1. That the Habitat Regulations Assessment outlined within the Committee Report be adopted;
2. APPROVE subject to the following conditions:

1. Reserved Matters

Approval of the details of the layout, scale and appearance of the building, the means of access to the site and the landscaping thereof (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(Reason - The application is in outline with one or more matters reserved.)

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).

3. CEMP

Prior to the commencement of development a Construction Environmental and Management Plan (CEMP) to manage the impacts of construction including traffic, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Secretary of State for Transport).

For the avoidance of doubt, the CEMP shall include:-

- i. measures to regulate the routing of construction traffic
- ii the times within which traffic can enter and leave the site;
- iii. the importation and/or dispersal of spoil and soil on and off site;

- iv. measures to control dust from earthworks and construction activities;
- vi. the location of the site compound(s);
- vii. specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
- viii. expected number of construction vehicles per day.

(Reason - To minimise the impact of the works during the construction of the development in the interests of highway safety and the free-flow of traffic, and to safeguard the amenities of the area in accordance with Policy EN14 (Control of Pollution) and TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan.

4. Drainage

No construction shall commence until details of a Sustainable Urban Drainage System (SUDS) for the disposal of the surface water for the scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and thereafter retained in accordance with those approved details prior to the completion of the first unit.

(Reason - To avoid pollution of the environment and/or flooding in accordance with Policy EN14 (Control of Pollution) and EN22 (Surface Run-off Implications for New Development) of the adopted East Devon Local Plan).

5. Hedgerow Protection Plan

Prior to the commencement of any works on site a Hedgerow Protection Plan for the protection of all hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority.

The development shall be carried out in accordance with the approved details. The Hedgerow Protection Plan shall adhere to the principles embodied in BS 5837:2012.

(Reason: Details are required at the earliest opportunity to ensure the continued wellbeing of retained trees in the interests of the amenity of the locality in accordance with Policy D3 (Trees and Development Sites) of the adopted East Devon Local Plan).

6. Ground Infrastructure

No development shall begin on the site until details of the location and design of any below and above ground infrastructure installations for that part of the site and a timetable for their installation have been submitted to and approved in writing by the Local Planning Authority. The details shall include the design and layout (with positions, dimensions and levels) of service trenches, ditches, drains, pipes, cabling, electric vehicle charging points and other excavations. The relevant infrastructure shall be installed in accordance with the approved details.

(Reason - To facilitate the development of high speed broadband communication networks for the development, and in the interests of amenity, to ensure that above ground landscaping is not compromised by arrangements for below ground infrastructure in accordance with Strategy 3 (Sustainable Development), Strategy 11 (Integrated Transport and Infrastructure Provision at East Devon's West End), Strategy38 (Sustainable Design and Construction) and policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 - 2031 and with paragraph 42 of the National Planning Policy Framework 2012).

7. Garages

No dwelling shall be occupied until the garage(s) and/or parking spaces agreed to serve that dwelling have been provided in accordance with details that previously shall have been approved in writing by the Local Planning Authority. Such garages and parking spaces shall thereafter be retained for the parking of vehicles unless otherwise agreed in writing with the Local Planning Authority.

(Reason - To ensure required parking facilities are provided and available for use upon occupation of the dwellings and thereafter in accordance with Policy TC9 (Parking Provisions) of the adopted East Devon Local Plan).

8. Any reserved matters submissions shall include details of the External Lighting Scheme taking account of the ecological constraints of the site as identified in the Assessment, recommendations and mitigation of the Preliminary Ecological Appraisal dated March 2018 produced by Richard Green Ecology. Such provision is to be implemented and thereafter retained in accordance with the approved plans prior to first occupation, unless subsequently otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that an appropriate lighting scheme is secured which takes into consideration the ecology and wildlife on the site in accordance with Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan).

9. Landscaping Scheme

Landscaping details submitted for approval in respect of the associated reserved matter, shall adhere to the Assessment, recommendations and mitigation of the Preliminary Ecological Appraisal dated March 2018 prepared

by Richard Green Ecology and received by East Devon District Council on the 20th April 2018.

The approved landscaping scheme shall be completed for each plot in the first planting season following the completion of the plot development, or in accordance with the approved implementation and management schedule. The landscaping scheme shall be maintained for a period of 5 years from the time of the planting of the last elements of the approved landscaping scheme . Any trees or other plants which die, are damaged or become no longer viable before or during this 5 year 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 and with the guidance contained within the National Planning Policy Framework).

10. Finished Floor Levels

Details in relation to the reserved matters in compliance with Condition 1 shall include finished floor levels where relevant and existing and proposed ground levels. Development shall then be carried out in accordance with those approved details unless otherwise subsequently agreed in writing by the Local Planning Authority.

(Reason - To ensure that adequate details of levels are provided to enable assessment of the relative heights of ground and buildings in relation to the landscape, the proposed development and existing structures in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan).

11. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures contained within the Preliminary Ecological Appraisal report dated March 2018 prepared by Richard Green Ecology and received by East Devon district Council on the 20th April 2018.

(Reason: In the interests of ecology and biodiversity in accordance with the provisions of policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan).

12. Provision for Refuse Storage

Any reserved matters submission for the development shall include detailed plans showing provision for any relevant external refuse and recycling storage facilities. Such provision is to be implemented prior to first occupation and thereafter retained in accordance with the approved plans, unless subsequently otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure this amenity is satisfactorily integrated into the design of the development in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan).

13. Contamination

Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

(Reason: To ensure that any contamination existing and exposed during the development is identified and remediated in accordance with the provisions of Policy EN16 (Contaminated Land) of the adopted East Devon Local Plan).

14. Materials

a. Any reserved matters submissions shall include a schedule of materials and finishes for buildings and hard landscaping

b. Samples of the materials and finishes to be used for the external walls and roofs of the proposed development and the hard landscaping shall where requested by the Local Planning Authority be supplied to accompany the submission. The development shall be carried out in accordance with the approved details unless subsequently otherwise agreed in writing by the Local Planning Authority.

(Reason: To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctness) of the Adopted East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

	Location Plan	20.04.18
richard green ecology	Ecological Assessment	20.04.18

Tree Constraints Other Plans
- 05073 TCP

23.05.18

List of Background Papers

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

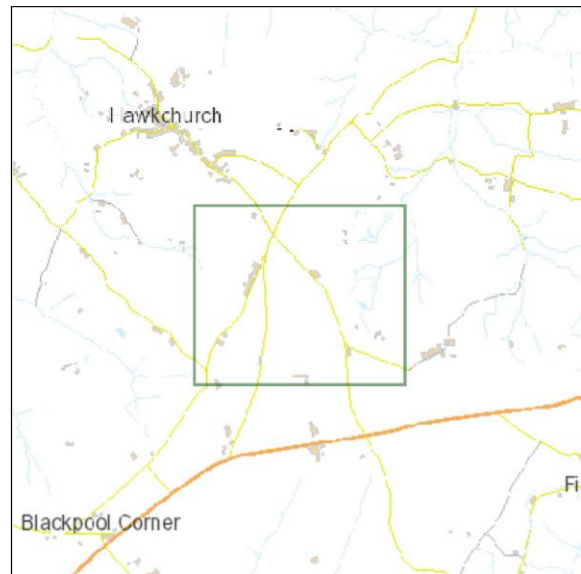
Ward Axminster Rural

Reference 17/1270/FUL

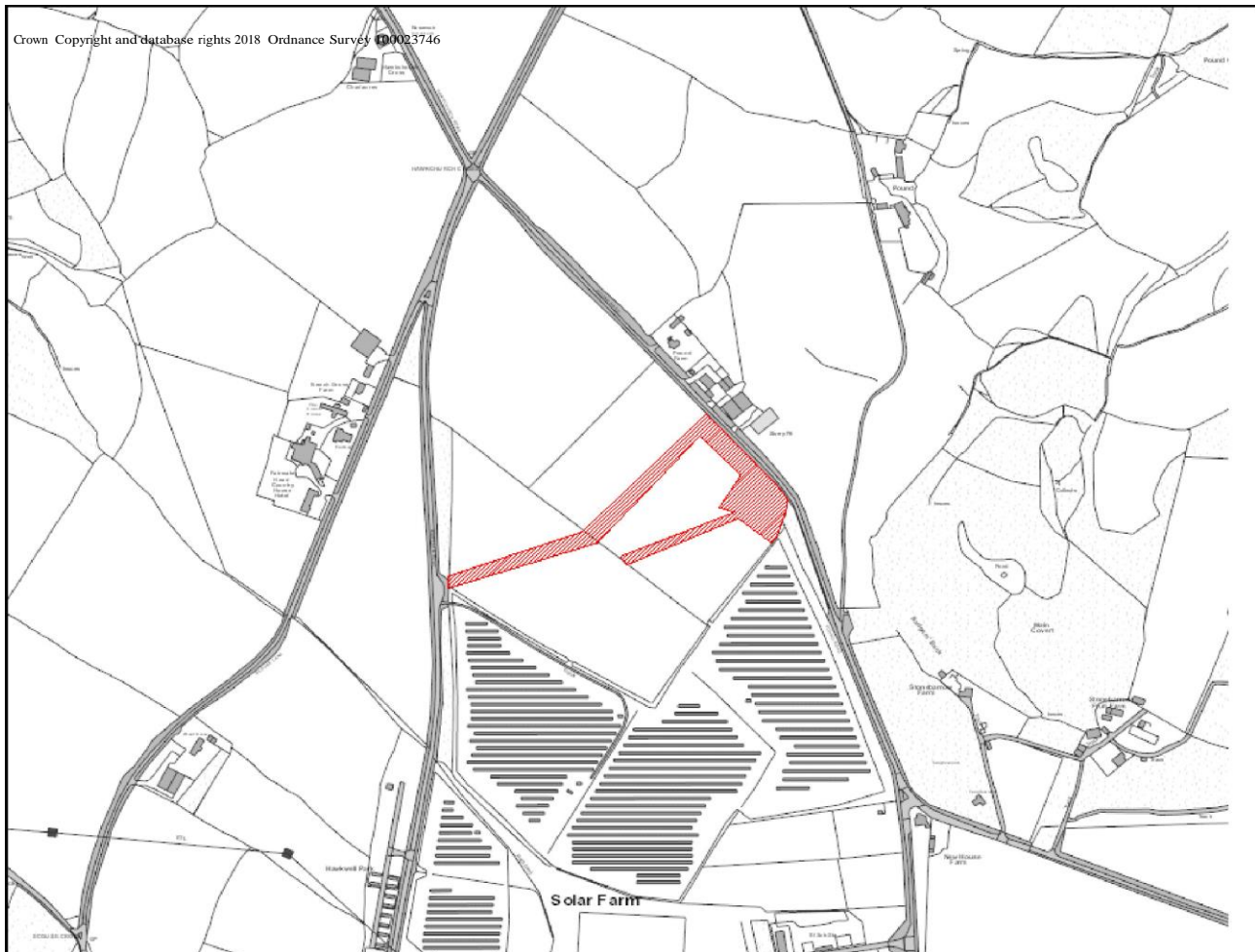
Applicant Green Hedge Energy Barn 2 Ltd

Location Land To The South Of Pound Road (North Of Woodcote National Grid Sub Station)
Hawkchurch EX13 5TX

Proposal Construction of a 10MW battery storage barn to provide backup electricity services to the grid and construction of access track (temporary planning consent for 25 years sought)



RECOMMENDATION: To advise the Planning Inspectorate that the Council is not seeking to defend the appeal against the refused planning application but to instead submit to the judgement of the Planning Inspector.



		Committee Date: 7 August 2018
Axminster Rural (HAWKCHURCH)	17/1270/FUL	Target Date: 02.08.2017
Applicant:	Green Hedge Energy Barn 2 Ltd	
Location:	Land To The South Of Pound Road (North Of Woodcote National Grid Sub Station)	
Proposal:	Construction of a 10MW battery storage barn to provide backup electricity services to the grid and construction of access track (temporary planning consent for 25 years sought)	

RECOMMENDATION: To advise the Planning Inspectorate that the Council is not seeking to defend the appeal against the refused planning application but to instead submit to the judgement of the Planning Inspector.

EXECUTIVE SUMMARY

This report is before Members as it relates to an appeal submitted in relation to an application refused by Development Management Committee in October 2017.

This planning application was refused planning permission contrary to officer recommendation as Members determined that the proposal did not represent a low carbon energy project and as such Strategy 39 of the Local Plan was not engaged with the proposal representing inappropriate development in the countryside with a harmful visual impact. The reason for refusal is as follows:

The proposal is not considered to be a renewable or low carbon energy project therefore representing inappropriate development in the countryside with a harmful visual impact contrary to Strategy 7 (Development in the Countryside) and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 - 2031 and the provisions of the NPPF.

For the benefit of Members the original committee report is attached for information.

An appeal has now been lodged against that refusal and is to be dealt with by the Planning Inspectorate via written representations. Despite representations from the local community requesting an Inquiry or Informal Hearing, the Planning Inspectorate have determined that the appeal can proceed via the written representations route as requested by the appellant. An appeal statement from the Council is due by 10 August 2018.

Usually in these circumstances Officers would defend the decision of Members and fight the appeal. However, Members may recall dealing with similar proposal for a commercial electricity storage proposal on land at Hill Barton Business Park at its meeting on 6 February 2018, where it resolved to grant permission (reference 17/2318/FUL). In so doing Members determined that electricity storage scheme represented 'low-carbon technology' as described in Strategy 39 of the East Devon Local Plan 2013 to 2031. This directly contradicts the decision on application 17/1270/FUL in Hawkchurch where the same technology was judged not to be 'low-carbon' and therefore contrary to Strategy 39.

The Council has therefore now accepted that battery storage technology is 'low-carbon technology'. The refusal in respect of 17/1270/FUL stated that the development was inappropriate development in the countryside (as it contravened Strategy 7 once it was ruled not to be 'low-carbon technology') with a harmful visual impact. This harmful visual impact was not defined or otherwise qualified but was related to the foregoing judgement that it was simply unjustified development in the countryside. Members will note from the Committee Report that it was not considered that there was landscape or visual impacts significant enough to recommend that permission be refused on these grounds alone.

Members will recall that at the time that the decision was made on the second application at Hill Barton Business Park, they received legal advice advising that approval of that application on the basis of concluding that it complied with Strategy 39, would be in conflict with the previous decision on the Hawkchurch application making it difficult to defend a subsequent appeal.

Whilst officers have suggested to the appellant that they may wish to submit a revised application for the Hawkchurch site to avoid an appeal and to see if a different decision would be made by Members in light of the Hill Barton decision, they have decided to proceed with an appeal.

Given the above it is unlikely that the appeal can be successfully defended and it will be difficult to put together a case for refusal when the Council have subsequently determined that such proposals do comply with Strategy 39 and are acceptable within the countryside with an associated visual impact.

In addition, and of greater concern, is that the Council may be at risk for a substantial award of costs against its decision for unreasonable behaviour in continuing to fight an appeal that is contrary to a position it has subsequently taken. These costs could amount to covering the full costs of the applicant fighting the appeal and could run into many thousands of pounds.

It is recognised that the Parish Council and local residents for Hawkchurch wish to fight the appeal and feel that they can make a strong case to support the refusal of planning permission. If the Council were to advise the Inspectorate and appellant that they are no longer fighting the appeal, the Planning Inspectorate would still need to consider the merits of the proposal and determine the appeal and the Parish Council and local residents will still have an opportunity to put their case before the Planning Inspectorate and have their evidence heard before the decision is made. In such circumstances, if the Inspector finds harm from the

proposal, and/or agrees with the Parish Council or local residents, the Inspector could still determine to refuse permission despite the Council withdrawing from fighting the appeal.

In light of the above, and given the high probability of the appeal being upheld with costs awarded to the appellant, it is recommended that the Council does not seek to defend the appeal but instead to submit to the judgement of the Planning Inspector.

Axminster Rural – Cllr I Hall

I stand by my original comments and agree with the Officers view not to fight the appeal.

The Hawkchurch Action Group will be picking up the baton from here. Unfortunately, I am unable to attend the DMC as I will be at County Hall.

ORIGINAL COMMITTEE REPORT

		Committee Date: 31 st October 2017
Axminster Rural (HAWKCHURCH)	17/1270/FUL	Target Date: 02.08.2017
Applicant:	Green Hedge Energy Barn 2 Ltd	
Location:	Land To The South Of Pound Road (North Of Woodcote National Grid Sub Station)	
Proposal:	Construction of a 10MW battery storage barn to provide backup electricity services to the grid and construction of access track (temporary planning consent for 25 years sought)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before Members as the officer recommendation differs from the view of the Ward Member.

The site is located on land adjacent to Pound Road, approximately 1km south-east from Hawkridge Village. The site is located on pastoral agricultural land adjacent to the road. To the south lies an extensive development of solar farms, covering multiple fields, and also a substantial electricity sub-station facility.

There are several residential properties in proximity to the site, the nearest being Pound Farm which lies almost opposite the site on Pound Road, which also includes a number of agricultural buildings. The site is not in any area designated area for landscape quality, heritage or biodiversity interest. The site is approximately 1km from the nearest Area of Outstanding Natural Beauty (to the south in Dorset, just south of the B3165).

The nearest listed building, 'The Pound', is grade II listed and lies approximately 300m to the north east of the site.

The proposal would occupy approximately 0.6 hectares of land. On the site it is proposed to erect a building 45 metres long, 20 metres wide and 5.5 metres tall in which the battery storage equipment would be housed.

The barn would be a steel framed building clad in vertically boarded timber and roofed with a dark grey material, with aluminium louvered vents at each gable end. It would be orientated with its longest side parallel to the road.

Outside and on the opposite side of the barn to the road it is proposed to install five transformers, a DNO substation building and four air conditioning units. The transformers are proposed to be sited on an area of gravel surrounded by 2 metre high wire mesh fencing linked to the building at either end.

Access to the site would be provided from Pound Road which would lead to an area of grass-crete to allow service and maintenance vehicle access. Construction access is proposed to be from Wareham road and across the field.

It is proposed to provide new landscaping along the inside of the existing roadside hedge and trees. This would involve planting a mix of native trees between the barn and the existing hedge. A section of native hedgerow is proposed along the top of the new-cut embankment.

The development is considered to meet the definition of a 'low-carbon energy project' as defined in the Local Plan and as such gains support in principle from Strategy 39.

The location of the site provides a good level of screening in the summer and while more extensive views of the development would be possible in winter, the design of the building is considered to be acceptable and would not result in any harm to the visual amenity of the area, even taking into account any cumulative impact from other nearby developments including the nearby solar farms.

The risk of pollution from the construction and operation of the installation is minimal and any residual risks can be minimised by engineering solutions.

The site is of little biodiversity interest but the proposal offers some mitigation in respect of badgers and also modest enhancements through the planting of native species hedgerows and trees.

The surface water-drainage arrangements are considered acceptable subject to the imposition of conditions to agree specific details.

On balance, the proposal is considered to represent sustainable development that will have no harmful impact and it is recommended that permission be granted subject to the conditions set out.

CONSULTATIONS

Local Consultations

Axminster Rural - Cllr I Hall

As representative for the Axminster Rural Area - I object to this planning application, as this is an industrial unit and therefore does not sit well regarding the adopted local plan.

I have said time and again, Hawkchurch has more than contributed towards the renewable needs of our Country.

Parish/Town Council

Having carefully considered the above application, it is the majority decision of Hawkchurch Parish Council [HPC] to **OBJECT** to this application and respectfully request that it is **REFUSED** at determination, for the reasons set out below.

REFERENCES

-) The policies referred to in this submission relate to those as set out in the East Devon Local Plan 2013 to 2031, adopted 28th January 2016 [LDP]
-) Information has been kindly made available to HPC by the Hawkchurch Action Group [HAG]; this information takes the form of peer consultant reviews of the various Reports and Assessments submitted with this application, undertaken and prepared by:
 - o David Wilson Partnership – Landscape
 - o GWP Consultants – Drainage & Hydrology
 - o Collier Planning – Planning Policy
 - o Richard Buxton Environmental Law – Environmental Law.
-) This document also makes reference to comments included in the CPRE letter of objection dated 27th June 2017 and other information provided by Standard Consultees.

INTRODUCTION

-) The Parish of Hawkchurch already supports over 100 acres of PV solar farms with further such facilities very close by, albeit located in West Dorset and Raymond's Hill, East Devon [see **MAP No 1**]; indeed, it is thought that this cluster of solar farms is the largest in any rural parish in Devon. So it can be seen that Hawkchurch is making its contributing to the Nation's energy requirements through '*renewable/low carbon*' generation and, thus, supporting the '*climate change*' agenda.
-) HAG was set up in 2015 by concerned local residents seeking to protect the unique and tranquil rural landscape and environment of the Parish and in particular to oppose the creeping and piecemeal '**industrialisation**' of that eastern part of the Parish bounded by Pound Road, the B3165 and Wareham Road, which already contains the National Grid's '*Axminster Sub-Station*', together with the main concentration of solar panels located within the Parish [see **MAP No 2**]; however, these existing facilities are well screened by mature trees, woods and Devon hedge/banks and are generally unobtrusive.
-) This Parish is close to, and visible from, three AONBs [East Devon, West Dorset and Blackdown Hills]; it contains a SSSI, Scheduled Monument [Lambert's castle – an Iron Age hill fort] and a number of County Wildlife Sites; there are several important National Trails and Recreational Paths [Monarch's Way, Liberty Trail, Wessex Ridgway] passing through the Parish, some very

close to the site of this application. Tourism is a major part of both the Parish's economy [eg the recent major investment by Hoseasons in redeveloping the *Hawkchurch Resort & Spa*, which is located only a few hundred yards from this proposed site] and that of the wider local area.

-) It is noted, that to date, the majority of comments submitted to EDDC [over 70%] **OBJECT** to this application, with many of the few supporting comments appearing to come from persons living outside the Village and/or the Parish.

ENERGY STORAGE

To quote the CPRE '*...this is a badly thought-out proposal, which is supported by a great deal of misleading and incorrect information...*' – for example:

-) there is **NO** Government policy on energy storage and it is misleading to claim otherwise
-) energy storage is **NEITHER renewable** or **low-carbon** energy [paras 93 & 98 of the NPPF and the Planning Practice Guidance on Renewable and Low Carbon Energy]and there is no support for the use of '**high carbon**' lithium-ion battery storage [para 97]
-) this energy storage proposal is **NOT** connected to/or associated with the adjoining PV solar farms
-) stored energy, for a facility such as this, comes from many sources including base load nuclear and coal-fired power stations, generally charged during periods of low demand – ie at night when the sun doesn't shine and wind may not blow
-) energy is bought cheaply, when demand is low and supply is adequate/high and sold at a premium profit when demand is high and supply low/insufficient; it is purely a '**trading operation**'
-) there is **NO** requirement for the proposed facility to be close to/near an existing farm or agricultural buildings – it should be on a brownfield site, closer to the point[s] of need - ie towns, cities and urban conurbations
-) this proposal discharges energy into the Local Distribution [low voltage] Network, **NOT** the [high voltage] National Grid

ISSUES ARISING FROM REVIEWS OF THE SUBMITTED APPLICATION

The following comments have been made as a result of a peer review of reports and assessments submitted with the application as supporting documents:

-) **Landscape & Visual Impact Assessment [LVIA]**
 - o Proposal contains a number of elements predicted to cause **adverse impacts** on local landscape:
 - Intensification of industrial land use and industrial structures
 - New access road
 - Diversification of the type and style of development in a local area
 - o submitted LVIA has a **number of shortcomings and decision makers will not be in a position to fully assess the impact of this proposal on the local landscape**; main areas for concern are:
 - Methodology for Appraisal
 - Cumulative Landscape Impacts

- **Technical shortcomings in the submitted photographs [taken in Summer, when leaf & foliage is at its greatest and provides most effective coverage]**
- no assessments as to the:
 -) sensitivity of the host landscape to the type of development proposed
 -) magnitude of change
- mitigation
- visual effects
- Taken in isolation the proposal will have an **ADVERSE** impact on the local landscape character
- **SIGNIFICANT ADVERSE** impact if this were to be considered as EIA development due to:
 - Effect of the extension of existing industrial developments, which intensifies landscape effects of existing development
 - ‘filling’ of the local area to the extent that the host landscape’s characteristics and qualities have been substantially altered
 - Interaction of the proposal with solar farms and sub-station, so that *‘... the total effect is greater than the sum of its parts...’*
 - Incremental change as a result of this proposal and previous individual industrial developments.

) **Drainage & Hydrology**

- Proposed Surface/Storm Water Drainage Strategy
 - no on-site infiltration tests or groundwater level monitoring have been undertaken
 - applicant may have over-estimated the permeability of the underlying ground and does not appear to recognise that underlying strata is Clay-with-Flints, which has **lower permeability** than the applicant’s model
 - lack of details on water conveyance routes
 - no allowance for access road run-off to be routed to the installed drainage system
 - no mention of oil-interceptors or other treatment steps to ensure hard standings used for vehicle parking and deliveries cannot be contaminated with oil/diesel etc, which is then allowed to enter the ground
 - is the proposed attenuation basin a viable option:
 -) outflow/discharge pipe route/land ownership?
 -) technical design & construction?
 -) Oil interceptors & other treatments?
 - Internal fire suppression system – no details on:
 -) The type of system – mists/water?
 -) What drainage will be provided?
 -) how will accidental [toxic?] battery leakage be prevented from leaving the structure and/or entering into the drainage system and , eventually, the ground?
- Local Cumulative Impact of Solar Farms
 - The proposal is adjacent to some 35 hectares [86 acres] of solar panels, in two parks – some 77,160 panels

- At the time of application, it was assumed that storm-water run-off from panels would infiltrate into the underlying strata [poor permeability Clay-with-Flints], thereby creating no net increase in rainfall run-off; consequently, no drainage strategies or infrastructure were installed on these sites to address any increase in run-off from the panels.
- Increasing evidence, however, now suggests that solar panels do create drip-lines which concentrate run-off, compact the ground and result in preferential over land flow routes, which become prominent during storm events. It has been estimated that drip lines increase the kinetic energy of rainfall by as much as **10 times normal rainfall**, resulting in increased erosion and the creation of preferential flow routes.
- This can be evidenced by local residents who report increasing quantities of storm run-off water and associated debris in the fields containing panels, during periods of prolonged and/or heavy rainfall
- Given the above, and the explicit exclusion of solar panel run-off capture at the two adjoining solar parks, it is reasonable to conclude that the water courses East and North-east of this proposed facility are likely to receive increased peak and total storm water flows as well as higher turbidity water.
- The total flows received down the gradient, notwithstanding the proposed drainage strategy to restrict off-site flows from this development, **will increase** and, therefore, contribute to an aquatic environment, which, in all probability, is already being impacted upon by the local solar developments.
- Groundwater Resources Impact & Drinking Water Pollution Risk
 - The site is located on the Upper Greensand, a Principal Bedrock Aquifer with locally **Intermediate Vulnerability** due to the presence of a thin layer of Clay-with-Flints; the applicant believes this sub-strata to have sufficient permeability to allow infiltration of the site's surface/storm water drainage flows.
 - The aquifer is both generically considered **VULNERABLE** by the EA but also, specifically, as it supports both drinking wells and stream water courses in the area, including the River Axe – a SSSI.
 - This proposal includes 5 no transformers and a sub-station, all of which are located outside the barn and are underlain by a gravel surround. This electrical equipment will contain hydrocarbons – transformers have been widely linked to **PCB contamination** – leakage of which will enter the ground through the permeable base. Any protection afforded to the underlying Upper Greensand aquifer will have been removed, given the proposed excavation of 2m depth of ground in the specific area of the transformers. This is of particular concern, given **the carcinogenic properties** of many PCB and the use of the local aquifer for drinking water, by nearby neighbours without a mains water supply [see **MAP No 3**].

- not conform with any specific Local plan policy permitting such development and
 - harm the distinctive landscape, amenity and environmental qualities of the area within which it is proposed to be located
-) The proposal has no connection with agriculture, it is neither complementary or compatible - it does not meet the stated criteria for farm diversification [therefore contrary to **Policy E4 - Rural Diversification**]
-) The applicant has failed to provide justification for the selection of this proposed site other than:
 - its proximity to the adjacent sub-station [which is of no relevance as it connects to the LV network elsewhere] and
 - the '*availability of 'cheap land'*'.
-) The proposed development does not '**conserve and enhance**' the landscape quality of the area [contrary to **Strategy 46 – Landscape Conservation and Enhancement and AONBs**]
-) The proposed development fails to respect the key characteristics and special qualities of the area [contrary to **Policy D1 – Design and Local Distinctiveness**]
-) The proposal fails to fully address the issues of surface water run-off from the proposed development and the local cumulative impact arising from the adjoining PV solar panel parks [contrary to **Policy EN22 – Surface Run-off Implications of New Development**]
-) The proposal fails to identify potential groundwater resources impacts and drinking water pollution risks [see **MAP No 3**] arising from any pollution of the underlying aquifer [contrary to **Policy EN14 – Control of Pollution**]
-) The submitted Landscape and Visual Impact Assessment has a number of shortcomings – it is inadequate with flaws, the most important of which is the failure to provide '*worst case scenario*' photographs, showing the typical Winter view, when the foliage and leaf cover is reduced/missing [which lasts for 50% of the year!].
-) The proposed building and access track are located too close to existing, mature, trees and hedge lines, thereby risking damage to both the root and canopy zones of the adjacent trees etc [contrary to **Policy D3 – Trees and Development Sites**]. Any re-siting of the building would significantly increase the visual impact when viewed from Pound Road.
-) The applicant has clearly failed to identify and assess the cumulative impact of this proposal, when taken into consideration with the existing sub-station and PV solar parks and the possibility of further, piecemeal, energy industry development – eg 16/2082/FUL & 17/1221/FUL – both presently withdrawn, but anticipated to return in modified/differing forms [see **MAP No 4**]. This and further such developments will have serious and adverse impact on the environment, ecology and landscape of this tranquil, rural, part of East Devon

This application clearly FAILS to meet the requirements of Strategies 3, 7, 39, & 46 and Policies D1, D3, EN14, EN22 & E4 as set out in the LDP; it also NOT SUPPORTED by policies within the NPPF and the Planning Practice Guidance on Renewable and Low Carbon Energy. THEREFORE, on these grounds and for

the other reasons set out above, the Parish Council OBJECTS to this application and respectfully requests that it is REFUSED at determination by the Council.

It should be noted by the Council that there is a strong community will to fight this application and should it be refused and the applicant appeal that refusal, the Council may expect support from the community, who will, at its own expense, apply to be a Rule 6 party, instruct counsel and to bring together all the expertise mustered to date, in order to defend against any such appeal. Conversely, any decision by the Council to approve the application may result in a Judicial Review application, if the decision was thought to be unlawful.

-) Lack of information regarding route of connecting cable.
-) No information on lifespan of batteries or their recyclability.
-) NPPF does not support 'high carbon' lithium-ion batteries.
-) Since the batteries would mostly be charging at night it would instead be supporting non-renewable baseload generators such as coal and nuclear.
-) No evidence to show how LVA concludes 'no significant effect'.

15 letters of support raising the following matters:

-) Farmers need to diversify and we all need power in the modern world.
-) Its operation should be clean and quiet and is preferable to diesel generators that have been proposed.
-) In keeping with the countryside.
-) Need for extra electricity in the area until Hinkley Point C is ready.
-) Support technology for low carbon energy
-) More energy is generated locally than is used and it is beneficial to store electricity for local use overnight instead of loading the national grid connections to take it elsewhere during the day and import power again for overnight requirements.
-) It also makes far more sense than having a thousand homeowners invest in small overpriced domestic battery systems.
-) It will operate silently.
-) It will not generate traffic.
-) Government is encouraging electric cars and taxing diesels to the hilt.
-) The whole idea of storing the energy at times when not demanded by the grid, then releasing it back to the grid at times in the day when there is high demand, puts less stress on the power stations, therefore reducing the amount of emissions and water vapour, therefore reducing the effect of global warming and burning holes in our atmosphere.
-) There is a need in UK to provide electricity support at periods of high demand.
-) Battery storage is the most appropriate way to do this as it allows other means of generation to maintain output at times of low use which can then be stored and used in periods of high demand.
-) Battery storage technology is clean and low maintenance providing the ideal medium for demand management without the use of highly polluting generation system, such as gas or diesel, which not only provide local pollution problems, but also are high impact on the overall environment, increasing CO₂ and NO_x loading unnecessarily.

-) If we want to move to sustainable renewable energy as demanded by our government's commitment to the Paris agreement, then we will have to have storage, as most forms of renewable energy fluctuate, solar in particular. Whilst I understand the industrialisation and profiteering arguments, storage devices should be either near the source of power or near where it's used. For the Hawkchurch solar farms, that is near Hawkchurch, as the energy is used by many towns across the region.
-) Good position to locate it due to the connection at the sub-station.

Technical Consultations

Landscape Architect

12.07.2017

The site is located approximately 1.2km to the south-east of Hawkchurch village, approximately 4.2km east of Axminster and approximately 1km north of B3165. The nearest development is Pound farm directly north of the site separate from the site by Pound Road. The site crosses 2 arable fields framed by hedgerows and Devon banks containing some large hedgerow trees. The site is not set within a designated landscape, however there are 3 AONB's within close proximity to the site (Dorset AONB within a radius of 1.7km of the site, East Devon AONB within a radius of 4.0km of the site and Blackdown Hills AONB within a radius of 4.5km of the site).

As part of the planning application the applicant, Green Hedge Energy Barn 2 Ltd., submitted a Landscape Appraisal, a Planning Statement, various site layouts, sections and elevations. This report reviews the aforementioned landscape related information. The reviews should be read in conjunction with the submitted information. The report concludes with a recommendation outlining the reasons for the recommendation based on adopted policy, guidance and professional judgment.

REVIEW OF THE SUBMITTED INFORMATION

Comments on the Landscape Appraisal

1. The submitted Landscape Appraisal (LA) has the following short-comings:
 - The submitted report does not follow current industry standard as set out in GLVIA 3rd edition. No Methodology for the assessment setting how the impacts would be measured has been provided.
 - The LA only includes summer images, with trees in full leaf. This does not represent the worst case scenario
 - Details on how the photomontages were created to ascertain their accuracy.
 - Local Landscape Character Assessment information is muddled, with landscape character area and landscape character type information being mixed together.
2. Landscape Character the LA fails to properly capture the local landscape character:
 - The site is located within the Wootton Hills Devon Landscape Character Area (DCA), which has the following site applicable management strategy:
'To protect the landscape's distinctive, scenic rounded hills and the interrelationship between the open tops and the intimate, wooded

valleys. Field patterns are reinforced through the restoration and management of distinctive hedgebanks. Scarp woodlands are managed and valley-side spring-line mires and wetlands are expanded to help prevent downstream flooding and protect water quality.'

- The site forms part the Open Inland Planned Plateaux Landscape Character Type (LCT 1A), which has the following site applicable management guidelines:

Encouraging management to maintain hedges at between 1 and 2 metres of woody growth to encourage species diversity. Plant up gaps and replace individual hedgerow trees as they become over mature or die, but ensure that they are appropriately spaced.

Encouraging maintenance of earth banks.

Encouraging the maintenance of pastoral farming as the dominant land use throughout this type.

Encouraging good management of the small copses in damp patches and the creation of ecological links to existing field boundaries by planting new hedges

Maintaining the existing settlement pattern; resisting anything other than small-scale development.

Locating development away from the plateau edge, where it would be more visible.

The site is located on/close to the plateau edge

- No key landscape receptors have been identified.
3. The visual amenity is underrated. Winter views of the site are highly likely to be available from the higher ridges to the east of the site (see photographs provided in appendix A).
 4. The submitted LA is very limited in its scope and does not follow industry standard, however considering the scale of the proposed development and its barn typology the impact on the landscape character and visual amenity should be considered to be limited as:
 - The ridge height of the proposed development will not breach the skyline or the canopy line of existing trees within the site boundary
 - The scale of the development is similar to an agricultural barn
 - An appropriate cladding material will be agreed with LPA (see comments on design proposals below)
 - The additional proposed planting will offer increased levels of screening and is mainly appropriate for the area (see comments on design proposals below)
 - The industrial aspects of the development are located to the south-west of the propose barn building, where it will not be visible from public vantage points

The impact could be further reduced if the comments raised in response to the submitted design proposals below are addressed appropriately

Comments on the Design Proposals

1. The development appears to affect the RPA of retained trees. The submitted sections and elevations do not clearly indicate the extent of the existing trees' RPAs

2. Proposals should indicate where the recent planting has been carried out to understand the full scope of the existing and proposed landscape

3. To assist in creating a more agricultural appearance I would recommend the use of wooden cladding and a dark grey coloured roof material. The wood would weather and appear softer than the currently proposed green or grey cladding. A dark grey roof would disappear in the background in long distance views and would emulate the locally prevalent late roofs in close-up views.

4. The scheme should consider the use of a half hedgebank (see sketch below) to address the cutting to the south-west of the proposed building as it would allow for more land to remain in agricultural use (as slopes of 1/5 could be created to the west of the half Devon bank), offer more screening as the hedge would further reduce views of the industrial components of the development, create additional wildlife benefits and reduce the amount of cut.

5. The proposed hedge planting is very limited in its species diversity please consider including some of the following species:

- Quercus robur
- Prunus spinose
- Corylus avellana
- Ilex aquifolium
- Ionicera periclymenum
- Euonymus europaeus

6. The FRA should consider the inclusion of above ground SuDS (e.g. Swale, this could be incorporated along the access track and offer additional wildlife, landscape and water quality benefits) and permeable paving to its areas of hard standing (e.g. could concrete apron to building not be replaced with a grasscrete product, which would provide additional water quality benefits?)

Missing Information

- Detailed site survey to fully understand the level changes
- Extent of recently carried out planting

RECOMMENDATION

The submitted LA is very limited in its scope and does not follow industry standard, however considering the scale of the proposed development and its barn typology the impact on the landscape character and visual amenity should be considered to be limited as:

- The ridge height of the proposed development will not breach the skyline or the canopy line of existing trees within the site boundary
- The scale of the development is similar to an agricultural barn

- The additional proposed planting will offer increased levels of screening and is mainly appropriate for the area (see comments on design proposals below)
- The industrial aspects of the development are located to the south-west of the propose barn building, where it will not be visible from public vantage points

However to properly assess the impact on the site levels and existing site landscape features, a detailed site survey will have to be provided.

The impact could be further reduced if the design is revised to incorporate the following:

- Re-position development (including changes to ground levels) to be outside of the existing trees' RPA
- Appropriate cladding material
- Use of half hedgebank to better integrate level changes and reduce cut
- Increase species within hedgerows to increase wildlife benefits
- The use of swales and permeable paving to address drainage issues to provided additional wildlife, landscape and water quality benefits

Due to the aforementioned the scheme is currently unacceptable in landscape terms as it does not comply with the following policies:

- EDDC Strategy 46 - Landscape Conservation and Enhancement and AONBs
- EDDC Policy D1 - Design and Local Distinctiveness
- EDDC Policy D2 - Landscape Requirements
- EDDC Policy D3 - Trees and Development Sites

28.09.2017

The revised design addresses the majority of the previously raised landscape concerns, however the following should be revised (or conditioned):

- The hedge to the north-western elevation should be replaced by a hedgebank and should link to the south-western
- The development appears to encroach into the root protection area of Trees T6 & T7 (tree officer to advice)

Following the above there are no landscape reasons (unless the tree officer has concerns in relation to T6 & T7) to refuse the planning application, however the following should be conditioned:

- Detailed planting plan (to address above raised concern) including planting specification,

- Material samples for the building, and
- Detailed specification for hard landscape materials

To ensure the scheme complies with the following policies:

- EDDC Strategy 46 - Landscape Conservation and Enhancement and AONBs
- EDDC Policy D1 - Design and Local Distinctiveness
- EDDC Policy D2 - Landscape Requirements
- EDDC Policy D3 - Trees and Development Sites

EDDC Trees
13.06.2017

I have a few concerns with this application which is a shame considering it is a Green Infrastructure Company, my concerns are -

- The Block Plans 1 & 2 do not correspond with the Arboricultural report and landscaping plans - the access drive goes to the south west.
- The Arboricultural Plans do not correspond with the Landscaping Plans with regards to retained trees.
- The Arboricultural report has a few inaccuracies in the fact that tree roots of mature trees will not be confined to the Hedge Bank (3.2). Young trees of diameter < 15cm are still significant trees and are the trees of the future some growing space must be allowed for, and Cat C trees grown as a cohesive group can be a cat B group (5.1). Section 6.1 again describes the tree roots as in 3.2. The end canopy and final size of a tree is important even with a barn as inaccurate positioning of the footprint will lead to conflict in later years (6.2) In section 7.2 there is a contradiction saying that the trees will not cause conflict with the development and then stating T6 and T12's canopies require pruning to allow the positioning of the Barn. The Tree Protection Plan does not allow for the offset RPA required due to the roadway and drainage ditch and clearly puts the barn within some trees RPA (8.1). The new Access Road is clearly constructed within the RPA of the retained trees and there has been no methods details of this construction.
- The Landscaping Scheme is showing new trees planted in front of the hedge line leaving no access for maintenance, some new trees are being planted under existing tree canopies so they will not have space to develop, all specimen trees should be at least 10-12cm trees. Consideration should be given to bolster the native hedge along the roadside with hedging plants and specimen trees
- In short the footprint and access road are too close to the established trees and better landscaping and tree protection plans are required

29.06.2017

I have read the amended Arboricultural Report and have the following observations, although the date of the report remains the same it is obvious it has additional information added which still does not comply with the minimum recommendations of BS5837:2012, additionally I still feel that the footprint location is unsuitable to protect the trees and requires adjusting, there is substantial space to do so. The access track is now temporary although the building is said to be permanent, how will access be gained after construction? A track is shown going to the west of the barn gain with no details or tree report. The roadside trees are now covered by a Tree Preservation Order I have not looked at the landscaping scheme in detail as I feel the footprint is unsuitable.

22.08.2017

I am happier with the new location of footprint of the Barn, unfortunately the revised TPO plan is no longer showing the full landscaping scheme including species and tree sizes which are required to approve the plan.

Environmental Health

Noise

The noise report is all in order as it meets all the relevant criteria and specifically addresses my pre-application concerns regarding low frequency noise (it has copies of my emails within).

Surface water

The surface water report provides two options - soakaway system or attenuation tanks, subject to infiltration rate testing. As you know, I am not qualified to comment on the details of such reports, but the options for mitigation seem reasonable with the final outcome dependant on measured water infiltration rates (to be undertaken in the future and therefore subject to detail later?).

Construction impacts

The only thing left which concerns me is the construction phase and I think we should condition as follows:

A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

County Highway Authority

19.07.2017

The county highway authority has no objection to the proposed development.

Recommendation:

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

14.08.2017

Further to the amended plans made on this application. I have no objections on this application.

Contaminated Land Officer

I have considered the application and do not anticipate any concerns in relation to contaminated land given the previous site usage. However, given the industrial nature of the development I would recommend the following condition should any potential contamination be found during ground works:

Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

Environment Agency

Our Groundwater and Contaminated Land team have no concerns in respect of this planning application.

DCC Flood Risk SuDS Consultation

29/08/2017

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

Observations:

The applicant has not submitted sufficient information in relation to the surface water drainage aspects of the above planning application in order for it to be determined at this stage.

In accordance with the hierarchy of drainage solutions, infiltration must first be explored as a means of surface water drainage management. Discharging the surface water runoff from this site to a watercourse will only be permitted once the applicant has submitted evidence which adequately demonstrates that infiltration is not a viable means of surface water management on this site (e.g. results of percolation testing conducted in accordance with BRE Digest 365 Soakaway Design (2016)).

The applicant must note that infiltration tests, undertaken in strict accordance with BRE Digest 365 Soakaway Design (2016) must be undertaken in order to demonstrate whether infiltration is a viable means of surface water drainage management on this site. A representative number of tests must be conducted in order to provide adequate coverage of the site, with particular focus placed on the locations and depths of potential infiltration devices.

In the absence of infiltration testing the applicant has proposed an attenuation based design which is acceptable in-principle, however where infiltration is not used, long term storage must be provided to store the additional volume of runoff caused by any increases in impermeable area, which is in addition to the attenuation storage required to address the greenfield runoff rates. Long term storage should therefore be included within the surface water drainage management plan to ensure that each element is appropriately sized, and this should discharge at a rate not exceeding 2 litres/second/hectare.

The applicant should provide evidence of greenfield calculations used to derive discharge rate of 2.4 l/s.

The applicant should provide written confirmation to confirm that the permission exists to construct an outfall in to the adjacent watercourse.

It is noted that an attenuation tank is proposed within the attenuation based strategy, however, these underground systems cannot be considered as truly sustainable means of drainage because they do not provide the required water quality, public amenity and biodiversity benefits, which are some of the underpinning principles of SuDS. Consequently, above-ground SuDS components should be utilised unless the applicant can robustly demonstrate that they are not feasible; in almost all cases, above- and below-ground components can be used in combination where development area is limited. We are supportive of the proposals to include a conveyance swale within the proposals to maximise

Given the nature of the proposals of the development appropriate methods should be introduced into the proposed strategy to maximise water quality and also prevent contaminants entering the watercourse from any of the operational areas.

The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

6/10/2017

No objection on the basis of the proposed attenuation based design, and would recommend the following conditions for detail design which includes infiltration testing for your report:

-) No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

-) No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the [Document Name] (Report Ref. [Document Reference], Rev. [Document Revision], dated [Document Date]).

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

-) No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

If at detailed design infiltration is not viable either because of poor percolation or risk of water quality issues, the submitted attenuation based design is acceptable and permission exists to position an outfall to the adjacent watercourse.

Natural England

Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Sites of Special Scientific Interest Impact Risk Zones

Other Representations

94 letters of objection, including letters from letter from Hawkchurch Action Group, raising the following matters:

-) Ugly industrialisation of a rural area of great landscape value. Not in keeping with the area.
-) It is not a barn but a huge industrial building with hardstanding and access road and does not conserve or enhance the area.
-) Supporting pictures show the area in leaf but visual impact in winter will be worse.
-) The revised landscape appraisal does not answer the landscape officer comments and should therefore not be relied upon.
-) Hawkchurch is an attractive and peaceful village with a reliance on tourism. If this development and others like are permitted no one will want to visit or live here.
-) No need to site is on greenfield agricultural land – plenty of brownfield sites such as decommissioned coal fired power stations with readymade grid connections.
-) This type of battery storage technology is untested and probably ineffective.
-) Large scale power stations are the only way to economically supply power.
-) Uncertainty of contaminating local water supply, with approximately 15 dwellings in the locality taking water from private wells/springs, due to the geology, the excavation of the site, the permeable nature of the proposed external compound where the transformers and air conditioning units will be located, the materials used in the electrical equipment (acids, hydrocarbons, PCBs etc.), the potential for the fire safety system to flush pollutants into the

- ground in emergency events, cumulative effect of being sited next to extensive solar panel installations, visits to the site by service vehicles (oils).
-) Already 150 acres of solar farms surrounding the small village of Hawkchurch. Cumulative effect is already threatening the rural nature of the village.
 -) Proposal only provide a very small input to the national or local grid.
 -) Not connected to the National (high voltage) Grid but the local distribution network (low voltage).
 -) As it is not connected with the local solar farms it should be questioned why it has to go in Hawkchurch.
 -) Even when the battery storage is no longer required it will remain, along with other infrastructure and classed as brownfield which would turn into further unsightly development.
 -) Does not meet the criteria for farm diversification.
 -) No attempt to deal with water run-off.
 -) Land is grade 3 agricultural land.
 -) Does not represent low carbon or renewable energy (therefore Strategy 39 is not applicable).
 -) Located in the countryside and does not conform to any specific Local Plan, contrary to Strategy 7.
 -) Applicant has failed to justify the selection of the site.
 -) Batteries are lithium-ion which are high carbon in manufacture and carry fire risk.
 -) Designed to buy energy when cheap and sell it when more expensive; it is a trading operations and should be seen as such.
 -) It discharges into the local low voltage network, not the high voltage National Grid
 -) Landscape and visual assessment:
 - o A lack of clear methodology for making assessments of landscape or visual impact. Does not follow Landscape Institute and Institute of Environmental Management and Assessment guidelines;
 - o While not necessarily essential for this proposals, there is a lack of explanation as to how the photomontages were created;
 - o A lack of winter photographs, illustrating "worst case" visibility;
 - o No assessment of landscape or visual magnitude of change
 - o No assessment of cumulative impacts
 -) Some context for agricultural buildings but not for industrial units. Strong influence.
 -) Several of the existing hedges and trees which the scheme is reliant on for screening are not in control of the applicant.
 -) Road well used as part of local rights of way network.
 -) Proposed hedgebank exacerbates visual impact as it does not follow traditional field pattern.
 -) Government has no policy for battery storage. References to Government reports and strategy documents, the Carbon Trust, the National Infrastructure Commission, the National Grid and speeches by Greg Clark are no more than speculation and are not policy.
 -) The proposal is not supported by either paragraph 93 or 98 of the NPPF.
 -) It should also be noted that in the appeal decision quoted, the relevant Local Plan was out of date and pre-dated the NPPF, and the Planning Inspector

therefore gave its policies limited weight. East Devon's Local Plan is post-NPPF. It has been examined and found sound, and therefore should be given full weight.

-) It will not generate any local jobs being low maintenance and remotely monitored.
-) Loss of value of property already, before any decision.
-) Our understanding is that if a lithium-ion battery catches fire oxygen is produced as a by-product which will encourage the fire to restart. The fire suppression system needs to be able to put out the fire repeatedly. This makes lithium-ion battery fires much more dangerous than other sorts of battery fires. The issue needs to be looked at by suitably qualified fire experts. Also it needs to be confirmed that Devon and Somerset Fire and Rescue Service are suitably equipped and trained to deal with such a fire. 10 megawatts of stored energy trying to dissipate itself via fire and possibly explosion is a whole different order to a phone or laptop battery fire.
-) The most widely used form of storage is pumped storage (reservoirs/hydro) which do not change entire landscapes.
-) There is no evidence that the land is not the Best and Most Versatile (BMV) grade of agricultural land [grades 1, 2 & 3a].
-) No provision for nesting barn owls.
-) Not possible to conclude that engineered containment and disposal can be achieved without first assessing the sources of possible contamination, pathways and receptors.
-) Suds scheme proposed extends beyond the boundaries of the planning application and not clear therefore if achievable.
-) Environmental Health comments do not address groundwater contamination risks.

PLANNING HISTORY

None relevant on this site.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

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)

EN18 (Maintenance of Water Quality and Quantity)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

E4 (Rural Diversification)

E5 (Small Scale Economic Development in Rural Areas)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Policy Statement for Energy 2011

National Planning Practice Guidance

Other Guidance

Groundwater protection technical guidance 14 March 2017 (EA)

Protect groundwater and prevent groundwater pollution 14 March 2017(EA)

Site Location and Description

The site is located on land adjacent to Pound Road, approximately 1km south-east from Hawkridge Village. The site is located on pastoral agricultural land adjacent to the road. To the south lies an extensive development of solar farms, covering multiple fields, and also a substantial electricity sub-station facility.

There are several residential properties in proximity to the site, the nearest being Pound Farm which lies almost opposite the site on Pound Road, which also includes a number of agricultural buildings. The site lies atop a plateau characteristic of the area. There is a mature and sometimes dense network of roadside hedges and trees in this area which also extend away from the road and make up the network of different fields.

The site is not in any area designated for landscape quality, heritage or biodiversity interest.

The site is at approximately 1km from the nearest Area of Outstanding Natural Beauty (to the south in Dorset, just south of the B3165). There is no visibility between these areas and they are not read in the same views or context.

The nearest listed building, 'The Pound', is grade II listed and lies approximately 300m to the north east of the site. At this distance and given the intervening vegetation and topography, the two sites are not inter-visible.

Proposal

The proposal would occupy approximately 0.6 hectares of land. On the site it is proposed to erect a building 45 metres long, 20 metres wide and 5.5 metres tall in which the battery storage equipment would be housed. This is referred to by the applicant as the 'barn'. The barn would be a steel framed building clad in vertically boarded timber and roofed with a dark grey material, with aluminium louvered vents at each gable end. It would be orientated with its longest side parallel to the road. The batteries and inverters would be housed internally along with a control room and storage area. A fire suppression system would be installed. No external lighting is proposed other than a switched light to facilitate any necessary maintenance visits during the dark.

Outside and on the opposite side of the barn to the road it is proposed to install five transformers, a DNO substation building and four air conditioning units. The transformers are proposed to be sited on an area of gravel surrounded by 2 metre high wire mesh fencing linked to the building at either end.

Access to the site would be provided from Pound Road which would lead to an area of grass-crete to allow service and maintenance vehicle access. Construction access is proposed to be from Wareham road and across the field. Construction is expected to take 10-12 weeks involve an average of 3-4 vehicles a week visiting the site.

It will be necessary to excavate the site to provide a level surface for the building. At the deepest point (furthest from Pound Road) it will be necessary to dig approximately 3.4 metres down, leaving a bank at the far side of the building (which is proposed to be topped with a hedgebank and planting). Some 'fill' will be necessary on the Pound Road side of the building in the order of 0.5 metres depth.

It is proposed to provide new landscaping along the inside of the existing roadside hedge and trees. This would involve planting a mix of native trees between the barn and the existing hedge. A section of native hedgerow is proposed along the top of the new-cut embankment. The embankment itself would be sown with an agricultural-grazing mix.

It is proposed to operate the system for 25 years.

The development has been screened for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and has not been found to be EIA development requiring an Environmental Statement.

ANALYSIS

The main issues relating to this application are-

-) The principle of development, including whether the proposals is a renewable or low-carbon technology
-) Landscape and visual impacts
-) Pollution
-) Surface Water Drainage
-) Highways
-) Biodiversity
-) Others – agricultural land classification,

The principle of development

Strategy 39 of the Local Plan states that:

Renewable or low-carbon energy projects in either domestic or commercial development will in principle be supported and encouraged subject to them following current best practice guidance and the adverse impacts on features of environmental and heritage sensitivity, including any cumulative landscape and visual impacts, being satisfactorily addressed. Applicants will need to demonstrate that they have;

- 1. taken appropriate steps in considering the options in relation to location, scale and design, for firstly avoiding harm;*
- 2. and then reducing and mitigating any unavoidable harm, to ensure an acceptable balance between harm and benefit.*

Where schemes are in open countryside there will be a requirement to remove all equipment from the site and restore land to its former, or better, condition if the project ceases in the future. Wind turbines will only be permitted where they are in accordance with a Neighborhood Plan or Development Plan Document.

It is important to establish whether this policy is applicable to the development in question, given that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Local Plan helpfully defines what it means by ‘Renewable and low-carbon energy’ in its glossary where it states:

Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels). Renewable Energy can also be gained from waste technologies (including energy from waste incineration, anaerobic digestion, gasification and pyrolysis).

The question therefore is whether the development is a low-carbon technology, or in other words is it a technology that can help reduce emissions?

In July 2011 the Department for Energy and Climate Change published the 'Overarching National Policy Statement for Energy (EN-1)' which is a material planning consideration in decision making on planning applications. The Policy Statement 'sets out how the energy sector can help deliver the Government's climate change objective by clearly setting out the need for new low carbon energy infrastructure to contribute to climate change mitigation'. At the time of publication it was acknowledged that technology relating to the storage of electricity was limited, effectively being hydro pumped storage in a small number of facilities. Nonetheless, in the section dealing with 'The need for new nationally significant energy infrastructure projects' at paragraph 3.3.12 it states;

'There are a number of other technologies which can be used to compensate for the intermittency of renewable generation, such as electricity storage, interconnection and demand-side response, without building additional generation capacity. Although Government believes these technologies will play important roles in a low carbon electricity system, the development and deployment of these technologies at the necessary scale has yet to be achieved. The Government does not therefore consider it prudent to solely rely on these technologies to meet demand without the additional back-up capacity (see further paragraphs 3.3.30-3.3.34 below). It is therefore likely that increasing reliance on renewables will mean that we need more total electricity capacity than we have now, with a larger proportion being built only or mainly to perform back-up functions.'

Further on, at paragraph 3.3.31 in a section dealing with the 'More intelligent use of electricity' it states;

'...In addition, while electrical energy storage allows energy production to be decoupled from its supply, and provides a contribution to meeting peak demand, currently the only commercially viable utility-scale energy storage technology is pumped storage. The UK currently has four pumped storage facilities with a maximum capacity of approximately 3 GW. There is limited further potential in the UK due to a lack of appropriate locations and large capital costs, but high renewable pathways might require more storage beyond 2020, and therefore the commercial climate may change. The Government expects that demand side response, storage and interconnection will play important roles in a low carbon electricity system, but still envisages back up capacity being necessary to ensure security of supply until other storage technologies reach maturity.'

Since this Policy Statement technologies have moved on, particularly in respect of storage technologies and there is a clear acceptance of this. In the Department of Energy and Climate Change's 'Towards a Smart Energy' paper published in December 2015 it states;

'A smart, flexible energy system would involve incorporating new forms of flexibility in combination, including energy storage, demand side response (DSR), smart networks, as well as increasing interconnection. It could also involve energy efficiency improvements which target peak demand. Combining these solutions in a whole-system approach would help us achieve the following benefits:

- a. Defer or avoid investment in network reinforcement.*
- b. Reduce the need for a significant increase in reserve generation capacity.*
- c. Meet binding climate change targets with less low carbon generation.*
- d. Make the best use of our low carbon generation.*
- e. Optimise balancing of our energy system on a minute-by-minute basis.'*

It also identifies that *'storing energy when demand is low and low carbon electricity is available'* will help *'reduce the need for conventional generation, including peaking plant'*.

In March 2016 the National Infrastructure Commission published its report 'Smart Power' which focuses on the benefits that can be achieved through building a more flexible electricity system and the steps needed to achieve this. The report discusses that;

-) Most lower carbon power sources have quite different characteristics to fossil fuel plants, which limit their ability to manage the changing pattern of demand for electricity at different times of the year and different times of day.
-) Coal and gas fired power stations are not dependent on external factors such as the weather to enable them to generate power and can be switched on and off comparatively quickly in response to changing patterns of demand. For these reasons, the System Operator has historically used them as its main tool for balancing the system in real time, in combination with a small amount of extremely fast-starting hydro power to manage the most sudden spikes in demand.
-) In contrast, renewable generation is intermittent, with wind farms only able to generate when it is windy and solar power proportional to the amount of sunlight. Nuclear power is best run delivering stable base load power, rather than ramping up and down to meet demand, as the process of turning a nuclear plant on or off is time-consuming and expensive.
-) Low carbon power stations are also relatively expensive to build but once constructed are cheap to operate, with the opposite being true for most fossil fuel plants. It would clearly be inefficient and unsustainable to deal with the increased balancing challenge by constructing a large amount of low carbon

generating capacity that would only be needed for a few hours of the day to meet peak demand, and more again to manage intermittency.

-) Renewable installations tend to be smaller and are therefore often connected to the lower voltage distribution network. This has benefits in bringing generating capacity close to the consumer and reducing the demands on the transmission system (and the associated costs) but it also creates a more complicated geographical spread of energy supply and leads to new challenges in managing both local and national networks.
-) In particular, with increasing amounts of solar power in the system, managing periods of low demand in the summer will be just as important as managing the high demand we see in the winter, as we may experience a surplus of electricity in the middle of a sunny day.
-) Three innovations can help deliver 'smart power' – interconnection, storage, and demand flexibility – which have the potential to displace part of the need for new generating capacity, to save money for businesses and domestic consumers and help the UK meet its climate reduction targets. The report estimates that the savings could be as large as £8 billion a year by 2030.

The report goes on to state that it is important to recognise that electricity storage is not one single technology, but a diverse range including batteries, pumped hydropower and supercapacitors. This allows storage to play more than one role in increasing the flexibility and robustness of the electricity system, including:

-) Making the system more resilient to short term imbalances in demand and supply and allowing the integration of a larger share of renewables (including the intermittent renewables such as wind and solar) in the generation mix.
-) Enabling network owners to increase the capacity of their networks more cost effectively than simply building additional cables.
-) Allowing customers (including households, businesses and electricity suppliers) to manage their usage more actively, taking and storing electricity at times of low demand and prices and then using it at peak times, which both reduces costs and helps to balance production and demand.

The report states that *'in the coming decades three exciting new technologies will continue to develop, which could play an important role in reducing the costs of balancing the energy system as we transition to lower-carbon sources of power. These are interconnection, storage and demand flexibility'*. It goes on to say *'the transformation that will be needed in how the UK generates electricity in the future means that the UK is uniquely placed to put these at the heart of its energy system – lowering emissions, improving efficiency and reducing bills.'*

Further the report identifies that *'making effective use of storage will strengthen network capacity and minimise the need to build new power stations that only operate for a few hours each day when demand peaks. It can also provide a source of demand for electricity at times when intermittent generation (e.g. wind and solar power) is*

generating but demand would otherwise be low (and subsidies would be paid to renewable generators to turn off their systems). This increases the profitability of renewables, reducing their need for subsidy and their cost to consumers. The variety of technologies available also means that storage can be deployed at a range of scales and locations from large scale storage connected to the national transmission network to small batteries in people's homes'.

In relation to 'Supporting the stability of the grid and increased renewables deployment' it states *'battery technologies are already more effective than using existing power stations for some of these services, demand for which will grow as the electricity generation mix develops and an increasing share of the generation comes from intermittent renewables such as wind and solar power.'*

In relation to 'Managing power useage to deal with periods of peak supply and demand' it states that *'in a future scenario with a significant share of the generation mix coming from intermittent sources, there will be increasing opportunities for storage to balance relatively short term differences in demand and supply.'*

The Government and Ofgem published its paper 'Upgrading our energy system – Smart systems and flexibility plan' in July 2017. This report states that a government study (An analysis of electricity system flexibility for Great Britain – November 2016) identifies that among various benefits of a smart and flexible energy system (which includes battery and other storage schemes) are the benefits of avoiding curtailment of low carbon generation, indeed it specifically states that *'storage can open up many possibilities, helping to integrate low carbon generation'.*

This proposed battery storage system will take electricity from the network and store it when there is a surplus relative to demand (when prices are correspondingly low). Typically this will be at night, when renewable generators such as wind turbines will continue to generate power, as other base load (fossil fuel/nuclear) generators reduce output. It will then feed this back into the network during times of higher demand (when prices are correspondingly higher).

The proposal is clearly a technology that can help reduce emissions through maximising benefits from renewable generation schemes and this is unequivocally recognised by the Government as identified in the various documents referred to. The fact that the project is not a generator of electricity itself is not a relevant matter in answering this question or indeed as to whether Strategy 39 is engaged, as this is not expressed as a qualifying requirement in the policy.

While it cannot be guaranteed that at all times all electricity being taken from the network for the proposed battery storage scheme is from 100% renewable sources that is not the relevant test of whether Strategy 39 is applicable either. The deployment of such storage systems clearly helps makes best use of existing renewable generation (and could in future help more renewables be deployed plus reduce the need to build traditional powers stations to meet short term demands) and also has the potential to reduce the UKs carbon footprint and costs of electricity to consumers. As there is already a greater reliance upon renewable energy, there is a necessity for infrastructure (such as battery storage) to support it. If that infrastructure is in place then even greater reliance can be given to electricity generation from renewable

sources and as a result this infrastructure is helping to reduce emissions and can be classed as low carbon energy projects.

Clearly therefore, Strategy 39 is engaged and in principle the development is considered acceptable, subject to its other qualifying criteria and other relevant policies of the development plan.

Officers are therefore satisfied that the proposal can help to reduce emissions by storing electricity produced at times when supply out-strips demand, and releasing it back into the grid at times of higher demand, therefore reducing the need to produce more energy and associated emissions. As such, it is considered that the proposal is a low-carbon energy project.

If this is accepted by Members, it is clear that Strategy 39 supports such proposals within the open countryside in principle and as such there is no policy requirement for the site to be located within an existing built-up area boundary or within an existing industrial estate. Strategy 39 does however require an assessment of any visual impact and harm that is assessed further below.

Other policy

The NPPF is clear that it supports the transition towards a low-carbon economy. Paragraph 7 identifies this as one of the environmental aspects of sustainable development. Paragraph 14 identifies that one of the Core Principles for plan making and decision taking includes supporting a transition to a low carbon future by encouraging the use of renewable resources (for example, by the development of renewable energy). While the proposal is not a renewable energy source itself, as identified above it clearly encourages and supports the use of renewable energy generation.

The proposal would contribute to the capacity of the supply of electricity from renewables which is identified as an objective in the National Policy Statement for Energy.

Ofgem's 'Upgrading our energy system – Smart systems and flexibility plan' 2017 states that the Government and Ofgem are keen, where appropriate, to remove undue policy and regulatory barriers to the deployment of flexible technologies. It identifies that over 550MW of battery capacity is contracted (as of 2016) to come online by 2020 but that storage faces specific regulatory and policy barriers that may place it at a disadvantage to other forms of flexibility. It states that it wants storage to become a genuinely viable proposition in the energy system. To that end the paper states that the Government will review the planning regime to look at whether it could be simplified for storage facilities, including the national threshold for storage facilities and planning guidance associated with storage. Notwithstanding this it has been identified above that the Local Plan already supports this type of proposal in principle.

On 12 October 2017 the Government published its Clean Growth Strategy.

It confirms that it is investing £265 million of public funding between 2015 and 2021 in smart systems to reduce the cost of electricity storage, advancing innovative demand

response technologies and developing new ways of balancing the grid. This is split between research, technological development and technology demonstration.

The Government's ambition is clearly spelled out on page 95 of the Strategy where it states:

We want a diverse electricity system that supplies our homes and businesses with secure, affordable and clean power. That means developing low carbon sources of electricity that are both cheap and clean, taking into account wider system impacts for all sources of generation. It also means upgrading our electricity system so it is smarter (using data to provide greater control), more flexible (providing energy when it is needed) and takes advantage of rapidly developing technologies such as energy storage.

By 2050, we anticipate that emissions from the power sector could need to be close to zero. Indeed, we may even see negative emissions – that is, greenhouse gases being removed from the atmosphere – from the sector if sustainable bio-energy and carbon capture and storage are used together. At the same time, many more people are expected to drive EVs, many homes and offices may have efficient electric heating and cooling, and more industrial sites could be powered by clean electricity. There are however alternatives to electrification, such as hydrogen, which could mean that electricity demand is more similar to today.

The Strategy references a particular example of co-locating a solar farm with a battery energy storage system. Clayhill solar farm and energy storage facility is the first in the UK to be built without subsidy. Consisting of over 30,000 solar panels, it can generate enough power for 2,500 homes. Five on site batteries allow electricity to be stored and utilised when needed, providing services for the electricity grid, such as frequency response. Co-locating storage at new renewable sites, combined with significant reductions in generation and storage technology costs, may allow more subsidy free sites to be built – providing services that help to maintain the reliability of the grid and clean electricity at low cost. The example quoted does not identify whether the power stored in the batteries comes directly from that solar farm or not but as is explained above, this is not a relevant test of Strategy 39, nor indeed does it make any difference in terms of the benefits of battery storage in terms of supporting renewables generation schemes. The ability to store excess power (usually from renewables) in the system as a whole is a benefit.

The Strategy provides a commitment by the Government, Ofgem and industry to implement the recommendations in the Smart Systems and Flexibility Plan published on 24 July, which it states will enable technologies such as energy storage to compete effectively in the energy market and help integrate more low carbon generation into the system, saving up to £40 billion by 2050.

Clearly the Government's ambition is that battery storage systems be deployed as a key element of developing a smart energy network that will deliver its climate change, economic objectives and a low carbon energy solution. This weighs in favour of the proposal.

Notwithstanding this it has been identified above that the Local Plan already supports this type of proposal in principle.

Landscape and visual Impacts

The applicant has submitted a Landscape and Visual Appraisal of the scheme. There is not sufficient evidence that the preparation of this has followed best practice and it is not a comprehensive report. However, there is no requirement to provide a specific level or type of information on this subject in relation to this application. The test is set out in Strategy 39 (and other policies) whereby the proposals have to satisfactorily address adverse impacts on features of environmental sensitivity, including any landscape and visual impacts. In addition it is necessary to firstly take appropriate steps in considering other options in relation to location, scale and design, for firstly avoiding harm and then reducing and mitigating unavoidable harm.

It is therefore relevant to question whether:

1. Have appropriate steps been taken in relation to (a) location, (b) scale and (c) design, in avoiding harm; and
2. Has unavoidable harm been reduced and mitigated?

In respect of site selection, the project has particular operating requirements, the most relevant being somewhere to connect the installation to the network which has the spare capacity for it to operate.

The entire Western Power Distribution below Bristol and Bath has a 3-6 year delay in offering any new connections points for high voltage systems (above 6.6kV or 11Kv). Therefore any new generating or storage systems have to make use of any remaining existing capacity for connections. A storage system also requires a different kind of connection to a renewables generating system as the power needs to flow both ways, otherwise known as 'symmetrical supply'. Proximity to a sub-station is important and there is a viable grid connection at Beechgrove Farm which is available for the proposed 25 year use.

The site is not located in an area designated for its landscape sensitivity, being in an area surrounded by but not in an Area of Outstanding Natural Beauty. It is considered to be more appropriate to search for a suitable connection point in a non-designated area such as this in advance of any sites within an AONB, as confirmed in a recent appeal decision at Land East of Wadbrook Farm (APP/U1105/W/16/3141816) relating to a 9.5 hectare solar farm. The Inspector suggested it was reasonable to exclude AONBs from consideration unless no suitable sites existed outside it.

The project needs to be relatively close to the point of connection to reduce factors such as physical, legal and cost issues becoming a barrier to deployment. As mentioned above, as Strategy 39 accepts the principle of the location of these facilities in the countryside, it would be very difficult to refuse planning permission on the basis that this facility could be located elsewhere on brownfield land (e.g. a business park or industrial estate).

The Council's Landscape Architect has advised that despite the shortcomings of the applicant's assessment that the revised plans present a suitable scheme in landscape terms as:

- The ridge height of the proposed development will not breach the skyline or the canopy line of existing trees within the site boundary.
- The scale of the development is similar to an agricultural barn [It is worth noting that under permitted development rights, and subject to a prior notification procedure, it would in theory be possible to erect an agricultural building on this site measuring 465m² in area (say 21m x21m), provided it were 25m from the road, up to a height of 12m, and after 2 years, another of the same scale].
- The industrial aspects of the development are located to the south-west of the propose barn building, where it will not be visible from public vantage points.

The revised design addresses the majority of the concerns previously raised by the Landscape Architect, however some planning conditions will still be necessary regarding planting plans, samples of materials and hard landscaping materials.

It should be noted that, as there is much agricultural activity in the area, there are other agricultural buildings of various scale in the vicinity, including those opposite the site at Pound Farm. In terms of the character and appearance of the site, the development will therefore not introduce a style of building that is alien to the local area, subject to agreeing suitable materials and finishes (proposed to be vertical timber boarding and grey roofing).

The site lies adjacent to an operational solar farm and it is therefore considered appropriate to consider any cumulative impacts. The type of development is very different in nature to a solar farm, occupying a relatively small portion of land and having the appearance of a building atypical of a rural setting. Therefore while the addition of a building and other infrastructure on the site will of course introduce more built development into the landscape, the cumulative effects are considered to be minimal and not to an extent that could justify refusal of planning permission. The views of the site are limited to those experienced immediately adjacent to it, with some longer views potentially possible during winter months when there is less natural cover. However this is not different to any other building in the countryside and being able to see a development does not necessarily equate to harm.

The building is of a scale necessary to accommodate the proposed storage facility. As no overriding harm in terms of visual or landscape impact has been identified there is no justification to seek a reduction in scale of the building. The position of the building has been altered to alleviate some harm that the Landscape Architect initially identified. The finishes of the building have also been altered.

Taking the above into account it is considered that appropriate steps have been taken in relation to the location, scale and design of the development to avoid harm. The harm that was originally identified by the Landscape Officer is considered to have been mitigated by the landscaping proposals, subject to the planning conditions suggested.

The proposal therefore complies with the criteria to Strategy 39.

Pollution

The development involves the provision of air conditioning units, which have the potential to generate noise when operating. The Council's Environmental Health officer has advised however that the units are not expected to lead to unacceptable harm in this respect. It is recommended that Construction and Environmental Management Plan is required via condition to govern acceptable construction practices in order to protect nearby residents' amenity and other matters including water quality (noting objector's concerns regarding potential pollution of local water sources).

Many concerns have raised by objectors to the potential contamination of local drinking water supplies. The NPPG advised that water quality is only likely to be a significant planning concern when a proposal would:

1. involve physical modifications to a water body such as flood storage areas, channel diversions and dredging, removing natural barriers, construction of new locks, new culverts, major bridges, new barrages/dams, new weirs (including for hydropower) and removal of existing weirs; and/or
2. indirectly affect water bodies, for example,
 - a) as a result of new development such as the redevelopment of land that may be affected by contamination, mineral workings, water or wastewater treatment, waste management facilities and transport schemes including culverts and bridges;
 - b) through a lack of adequate infrastructure to deal with wastewater.

The proposal clearly does not involve criterion 1 or 2 (a) but could potentially involve 2 (b). The scheme is not expected to produce wastewater other than surface-water runoff.

Policy EN18 of the Local Plan requires developers to take appropriate measures to ensure that development does not adversely affect the quality or quantity of either surface or groundwater. Development that would result in adverse impacts or potential for pollution will be restricted within Source Protection Zones.

It is noted that the site is not designated as a Source Protection Zone. The Environment Agency's maps indicated that the site lies on a Major Aquifer of Intermediate Vulnerability.

The principal objector on this matter is reportedly a highly qualified and experienced consultant with extensive knowledge of hydrogeological matters. In the objection it is suggested that it would be more appropriate to have impermeable foundations below the external equipment to capture and convey any runoff to dedicated holding tanks for testing, treatment and if necessary off-site disposal, or to contain this plant within bunded structures, with sumps routinely emptied to tankers for off-site disposal.

However, on some level it is a reasonable assumption to make that the electrical plant and equipment sited externally is weather proof and does not permit water to flush through it, given the perhaps obvious fact that water must be kept separate from electronic equipment if it is to function properly. The likelihood of hazardous material leaching from the plant is not considered to be high.

In the eventuality of a malfunction of the equipment or an accident likely to lead to hazardous materials being released it is considered appropriate, noting the advice above to install some form of bunding to deal with such a situation. This should not be an onerous burden on the developer. It is therefore recommended that a condition is imposed requiring the submission of full engineering details of how this is to be achieved.

There is also concern regarding the potential for fires in the battery barn flushing out hazardous materials when the proposed fire suppression system operates.

The automated system will react and extinguish fires before they can develop. A clean agent will be used to extinguish fires. The nature of the operation of the site is that it would be monitored and operated remotely. The installation of such a facility is a significant expense and there are multi-layered safety systems built into not only the battery modules and cells but also the system as a whole and its connection to the grid. The system is certified to grid connection standards with electrical fault protection; the batteries and associated components are tested to relevant standards; batteries are monitored remotely by a battery management system to continuously monitor voltage, current, temperature and to automatically disconnect if necessary; the lithium cells are certified to strict lithium cell safety standards.

The battery management system will take action, if necessary, to prevent unsafe operation. While no details of the type of fire suppression systems proposed or any containment facility engineered into the building is available at this time, this could be required by condition if deemed necessary, although Members will note that the Environment Agency has stated that its Groundwater and Contaminated Land team have no concerns regarding the application and as such it is not considered that a condition is necessary.

Surface Water Drainage

A number of concerns have been raised by objectors in respect of surface-water runoff in relation to the proposal. Devon County Council's Flood and Coastal Risk Management Team, despite not being a statutory consultee, has offered advice in respect of the proposals.

The information submitted initially was not considered acceptable but the proposed surface water drainage scheme have been revised to a point where it is understood that DCC is satisfied that it will work satisfactorily. Subject to the imposition of the conditions recommended the proposals is considered acceptable in this respect.

Highways

The development would require the provision of a temporary construction access from Wareham Road (avoiding the need to remove hedgerow on the Pound Road entrance) and a temporary access track across the field to the site. This would be removed once the development has been installed and the field returned to pasture.

The development is expected to take 10-12 weeks to construct with an average of 3-4 vehicles visiting a week. Service access will be from Pound Road and service visits are expected to be infrequent. The impacts from construction traffic and during operation are not expected to be severe and it is noted that the highway authority has not raised any objections to the scheme.

Biodiversity

There are no designated areas around or near to the site for their biodiversity interests. A phase 1 ecological survey of the site (in relation to the concurrent planning application) has been carried out.

This has identified that the site is of low ecological value but is bounded by hedgerows which habitats of principal importance and also have potential to be used by and/or support various protected species including foraging/commuting bats, nesting birds, dormice, common reptile species and other species including hedgehogs, harvest mice and toads. However these are to be retained and therefore no long term impact on these species is expected. Badgers pass through the site but it is expected that mitigation can alleviate impacts.

The survey recommends a range of mitigation measures to enhance biodiversity and to protect badgers, as set out in Appendix 4. It is recommended that a condition is applied to ensure that these are carried out in the interests of conserving and enhancing biodiversity.

Agricultural Land Quality

The Best and Most Versatile Agricultural Land (BMV) is classed as grade 1 -3a. The site is Grade 3 agricultural land but it is not known if it is grade 3a or 3b (the latter not being BMV land). However, the area of land occupied by the proposed development is relatively modest in scale. Grade 3 land is the most common in Devon and proportionally the development would result in very modest loss. Accordingly, it is not considered that this loss would carry much weight in the planning balance.

Impact upon Heritage Assets

There is a grade II listed building approximately 300m to the north east of the site. As this building is located 300m from the site across a large field, and given the design of the proposal and proposed landscaping, it is not considered that the proposal will harm the setting of the listed building.

Conclusion

The proposal is for a battery storage scheme, to be housed in a building designed to look similar to an agricultural building, and associated infrastructure. The proposed

location for the development is in the open-countryside and adjacent to existing solar farm development. The site has no landscape designations.

The development meets the definition of 'low-carbon energy projects' as defined in the Local Plan and is therefore permissible in principle in a rural location. The development will assist in maximising benefits from existing renewable energy schemes by providing a means of storing excess power that is generated from renewable sources at times when otherwise such generation would be curtailed (i.e. switching off wind turbines). It would also enable (along with other storage schemes nationally) the deployment of more renewables as part of the energy mix, which would further reduce the carbon footprint of the economy, a key Government objective.

The location of the site provides a good level of screening in the summer and while more extensive views of the development would be possible in winter, the views would be of a building that would not look out of place in a rural setting. Further landscaping is proposed to mitigate what limited visual impacts there are.

The risk of pollution from the construction and operation of the installation is minimal and any residual risks can be minimised by engineering solutions.

The site is of little biodiversity interest but the proposal offers some mitigation in respect of badgers and also modest enhancements through the planting of native species hedgerows and trees.

Equally there are no impacts on heritage assets associated with the development.

The surface water-drainage arrangements are considered acceptable subject to the imposition of conditions to agree specific details.

On balance, the proposal is considered to be acceptable. Strategy 39 requires a condition that all equipment be removed from the site and the land restored to its former condition if the project ceases in the future. Although the visual impact upon the landscape interests identified above is considered to be limited, it is considered appropriate to use such a condition to remove the proposal when there is no longer a requirement for the installation.

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. A Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site. (Reason - To ensure that the details are agreed before the start of works to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the East Devon Local Plan 2013 to 2031.)
4. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies. (Reason - To ensure that any contamination existing and exposed during the development is identified and remediated in accordance with Policy EN16 – Contaminated Land of the East Devon Local Plan.)
5. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices. (Reason - To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible in accordance with Policy EN22 – Surface Run-Off Implications of New Development of the East Devon Local Plan.)
6. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the [Document Name] (Report Ref. [Document Reference], Rev. [Document Revision], dated [Document Date]). (Reason - To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems in accordance

with Policy EN22 – Surface Run-Off Implications of New Development of the East Devon Local Plan.)

7. The temporary construction access track shall be removed once the installation becomes operational and the land restored to its former condition, in accordance with details that shall have previously been submitted to, and agreed in writing by, the local planning authority.
(Reason - In the interests of the character and appearance of the area, in accordance with Policy D1 and Strategy 46 of the East Devon Local Plan 2013 to 2031.)
8. No external artificial lighting shall be installed during the operation of the site without the prior written agreement of the local planning authority.
(Reason - To minimise the potential for pollution and disturbance to local amenity and wildlife in accordance with policies D1, D2 and EN5 of the East Devon Local Plan 2013 to 2031.)
9. Within six months following a permanent cessation of power storage and transfer the development hereby approved shall be dismantled and removed from the site. The owner shall notify the local planning authority in writing no later than five working days following cessation of power storage and transfer. The site shall subsequently be restored in accordance with a scheme, the details of which shall be submitted and approved in writing by the local planning authority no later than three months following the cessation of power storage and transfer.
(Reason - To ensure the achievement of satisfactory site restoration in accordance with Strategy 39 of the East Devon Local Plan 2013 to 2031.)
10. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any hardsurfacing, 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 otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To ensure that the details are planned and considered at an early stage 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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

12. The development hereby permitted shall be carried out in accordance with the recommendations set out on in Appendix 4 of the Preliminary Ecological Appraisal Report April 2017 (Version 001).

(Reason - In the interests of biodiversity in accordance with policy EN5 of the East Devon Local Plan 2013 to 2031.)

13. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

(Reason - To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development in accordance with Policy EN22 – Surface Run-Off Implications of New Development of the East Devon Local Plan.)

Plans relating to this application:

R00_SG : CABLE CROSS	Sections	30.05.17
R00_SG : ACCESS CROSS	Sections	30.05.17
R00_SG : TIMBER LANDS. FENCING	Other Plans	30.05.17
R01_SG : GROUND FLOOR	Proposed Floor Plans	30.05.17
R00_SG : TRANSFORMER FENCE/GAT	Other Plans	30.05.17
R00_SG : DNO SUBSTATION	Proposed Elevation	30.05.17
R00_SG: BLOCK (2)	Block Plan	07.06.17
2-R07_SG : TOPO PLAN (2)	Amended Plans	24.07.17

1-R07_SG : TOPO PLAN (1)	Amended Plans	24.07.17
R05_SG : SITE LOCATION	Amended Plans	24.07.17
R01_SG : SITE PLAN	Amended Plans	24.07.17
2500-R01_SG : SITE LAYOUT	Amended Plans	24.07.17
2-R01_SG : ELEVATIONS (2)	Amended Plans	24.07.17
1-R01_SG : ELEVATIONS (1)	Amended Plans	24.07.17
R03_SG : SITE CROSS SECTION	Amended Plans	24.07.17
R01_SG : ROOF PLAN	Amended Plans	24.07.17
R01_SG : O+M SWEPT PATH ANALYSIS	Additional Information	24.07.17
R01_SG : CONSTRUCTIO N SWEPT PATH	Additional Information	24.07.17
R01_SG : CABLE ROUTE PLAN	Additional Information	24.07.17
1-R05_SG : BLOCK PLAN	Amended Plans	24.07.17
R-R01_SG : BARN ELEVATIONS (1)	Amended Plans	24.07.17
2-R01_SG : BARN ELEVATIONS (2)	Amended Plans	24.07.17

3002 C : SUDS LAYOUT	Additional Information	05.10.17
164_PP_01 C	Amended Plans	04.10.17
R05_SG SITE LOCATION		24.07.17

List of Background Papers

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

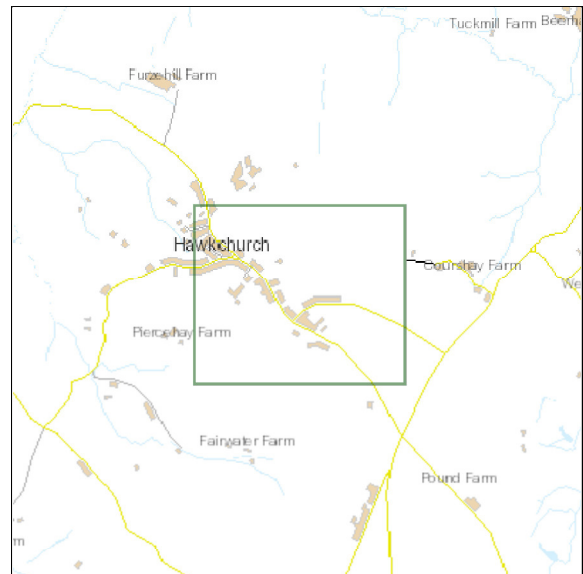
Ward Axminster Rural

Reference 18/0623/VAR

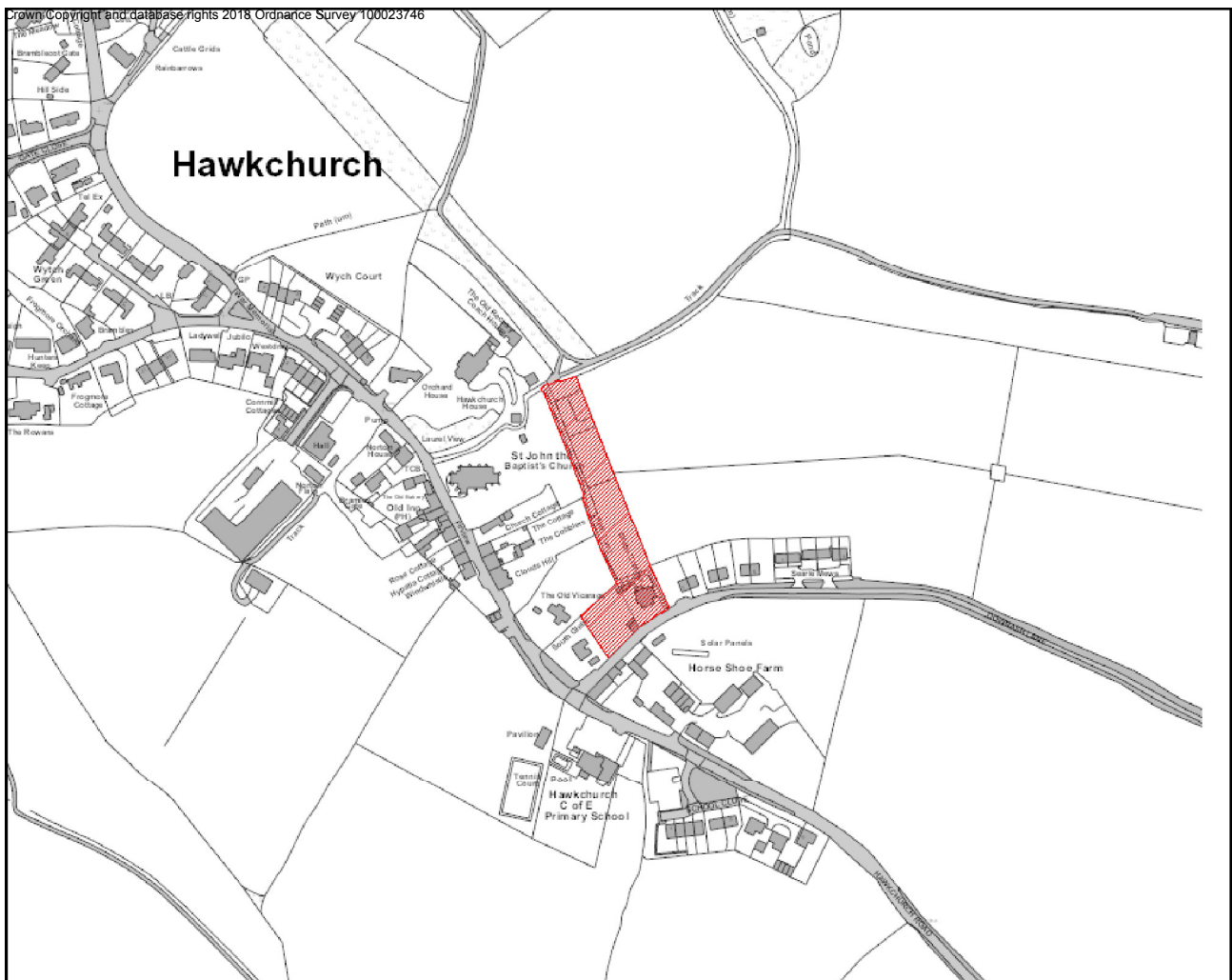
Applicant Mr & Mrs Campbell

Location The Glebe Cottage Hawkchurch Axminster
EX13 5XD

Proposal Removal of condition 2 of planning consent
07/0912/FUL (conversion and extension of
garage to create holiday accommodation) to
facilitate an unfettered independent residential
use



RECOMMENDATION: Refusal



		Committee Date: 7th August 2018
Axminster Rural (HAWKCHURCH)	18/0623/VAR	Target Date: 08.05.2018
Applicant:	Mr & Mrs Campbell	
Location:	The Glebe Cottage Hawkchurch	
Proposal:	Removal of condition 2 of planning consent 07/0912/FUL (conversion and extension of garage to create holiday accommodation) to facilitate an unfettered independent residential use	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This planning application was previously heard at the June 2018 Committee where it was deferred to allow for consideration by the Councils solicitor into the legality of imposing a personal condition. A personal condition would provide for the applicant to reside within the building, but revert back to its former use once they cease occupation.

This application was originally before members as the officer recommendation differs from the view of the Ward Member.

Planning permission 07/0912/FUL granted planning permission for the conversion and extension of a garage to create holiday accommodation. Condition 2 of this planning consent secured the occupation of this accommodation for holiday purposes only.

This planning application seeks to remove this occupancy condition thereby allowing an unfettered dwelling, without a restriction on who may occupy. This unit of accommodation is within the open countryside (Hawkchurch is not listed as a sustainable settlement identified for future growth under the Local Plan) with limited services and facilities on offer. Future occupiers would be reliant on private modes of transport in order to reach these. As no economic benefits would arise from removal of this condition, and considering its rural location, there is clear conflict with the policies of the development plan.

The personal circumstances of the applicant are given as a means of outweighing this conflict. However, Planning is concerned with land use in the public interest and so only very limited weight can be given to these circumstances.

Legal advice has now been obtained which establishes that although, as a matter of principle a personal condition could be imposed, this could leave the main house and outbuilding with a nil use once occupation by the applicant ceased which would clearly not be justifiable in planning terms. Furthermore, guidance on personal permission makes it clear that exceptional circumstances should be demonstrated and this has not occurred to date.

Accordingly a recommendation of refusal is again made in light of this latest legal advice.

CONSULTATIONS

Local Consultations

Parish/Town Council

HAWKCHURCH PARISH COUNCIL wishes to OBJECT to this planning application, for the following reasons:

' Condition 2 of Planning Consent Notice 07/0912/FUL states - the unit of accommodation hereby permitted shall only be used as holiday accommodation operated in association with Glebe Cottage or as ancillary accommodation to Glebe Cottage and shall not be used for any independent residential purpose. Reason -The accommodation would not be suitable for independent residential use separate from Glebe Cottage as this type of use would create an unacceptable loss of privacy and amenity for the existing property.

It is the Parish Council's [PC] view that nothing has changed in the period following the grant of this consent in 2007; indeed, it could be argued that approving this application could worsen the situation that this condition sought to avoid, as the Planning Support Statement [PSS] - in respect of application 18/0623/VAR, clearly states that the applicants intend to live in this property and to sell Glebe Cottage, thus creating two separate freehold properties. It must surely follow, therefore, that the reasons and logic behind the original imposition of condition 2 are even more relevant now that it is intended to split the properties legally.

' It is the PC's view that a property of this minimal size and accommodation is not appropriate for a 4 person family unit and that there would be insufficient amenity space within the curtilage of the property, once adequate and appropriate parking and turning space arrangements have been provided. The PC also reiterates an earlier comment that the property is too close to the highway for full-time occupation.

' In its response to the original application (07/0912/FUL), the PC objected on grounds that there would be insufficient parking within the curtilage of the [combined] property and that this would lead to parking on the highway, which is very narrow at that point and would cause a possible hazard. These concerns were partly met by conditions 6 & 7 of the original consent notice [07/912/FUL]; however, time has proven the PC's view to be correct, as vehicles belonging to The Glebe are often parked in the road at this location and elsewhere in the village, especially when guests are staying in the holiday accommodation.

In respect of the present application, the PC has concerns and reservations regarding access, on-site parking and turning space. It is understood that the applicants' family comprises four persons including two adult children, which could, therefore, lead to 3-4 vehicles being present on the property, at any one time. As noted above, there is already an element of on-road parking associated with Glebe Cottage and Puffins, which significantly reduces the road width at that point and impacts on other road users, especially where width may be critical 'ie delivery lorries, tractors & farm machinery etc; therefore, in the PC's opinion, on-road parking at this location should be avoided.

Technically, the PC is concerned that there is insufficient frontage [between the applicant property and the adjoining neighbouring property] in which to provide the necessary visibility splays and sight lines to allow safe ingress and egress to and from the property, a matter which is not helped by the presence of a services/utilities pole which is located alongside the highway and may need repositioning [if technically possible?]. Within the curtilage of the property, there would need to be sufficient space to park 3-4 vehicles with space for turning, in order that vehicles enter and exit the property in a safe manner. The PC is unable to assess the levels difference [if any] between the highway and the property, which is presently concealed behind a high flint wall; however, any significant difference in levels may cause a 'ramping' effect which, in turn, could further impact on visibility and the safe usage of any new entrance.

' The PC has concerns that the PSS accompanying this application [18/0623/VAR] makes a number of erroneous claims:

- o It states that the creation of small, less expensive, dwellings in Hawkchurch are beneficial to the local community ' it is not clear how this statement is relevant as, in this case, the dwelling is to be occupied [by the applicants and their family] and the larger [former] family home [Glebe Cottage] is to be sold at market value, as an [expensive?] home for another family. Where is the claimed 'gain' for creating small, less expensive dwellings?

- o It states that EDDC's planning team have confirmed that a new access may be constructed off Downash Lane; however, has this, or any, access arrangement been approved by Highways?

- o It makes certain arguments favouring this application in terms of associated planning issues/law; the PC believes that these arguments are not well made and are tenuous, at best. Furthermore, notwithstanding the stated 'precedents' ' this building was never a 'redundant farm building', so how can such a statement be justified?

- o It states that this application, if approved, will provide a 'low-cost home' - unless the 'low cost' status is secured by way of some form of binding legal agreement attached to any planning consent, if approved, the PC believes that is no way that any 'low cost' status may be enforced; more likely, should the property ever be sold as an open market disposal, it will be at the prevailing market value and not at any form of discounted low cost.

o It states that vehicular movements will "likely be fewer" - how can this be true? As a holiday home, occupation is occasional ' ie not full-time, and most probably involves a single vehicle; as a family home, and, as already noted, there are likely to be two or more vehicles within the family group, journeys made to and from the property are likely to be far greater in number, especially given the lack of public transport available in the village.

For the reasons stated above, we respectfully request that this application be REFUSED.

Axminster Rural - Cllr I Hall

I as District Councillor in principal support this application on the understanding that the property in question is occupied for independent living for a maximum of two residents.

This would enable the applicant to continue to live in the local community with her 17 year old son.

I understand the views of Hawkchurch PC and unless there are sufficient planning reasons for refusal, I will therefore support the application.

Further comments:

I have now read the officers report and I can understand the conclusion of recommendation for refusal, this is along the same lines of the Hawkchurch Parish Council Planning Committees conclusion.

I have desire to keep communities together and support those who have fallen on difficult and unexpected events.

Those who have been part of the community and a benefit to neighbours and friends should have the support of their elected representative.

I will be unable to attend the DMC meeting, as I am at County Hall on Foster Panel duties - please give my sincere apologies.

I hope that the DMC committee come to a decision that is in the best interests of the Hawkchurch Community.

Other Representations

None received to date.

PLANNING HISTORY

Reference	Description	Decision	Date
07/0912/FUL	Conversion and extension of garage to create holiday accommodation	Approval with conditions	16.07.2007

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

TC2 (Accessibility of New Development)

Strategy 7 (Development in the Countryside)

E18 (Loss of Holiday Accommodation)

Neighbourhood Plans

Emerging Hawkchurch Neighbourhood Plan

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

The proposal seeks the removal of a holiday restriction tie imposed under planning consent 07/0912/FUL. Condition 2 of this consent reads;

The unit of accommodation hereby permitted shall only be used as holiday accommodation operated in association with Glebe Cottage or as ancillary accommodation to Glebe Cottage and shall not be used for any independent residential purposes.

(Reason – The accommodation would not be suitable for independent residential use separate from Glebe Cottage as this type of use would create an unacceptable loss of privacy and amenity for the existing property.)

The reasons for removing this tie as presented are due to ill health of the applicant. This has left the applicant struggling to look after both properties.

Planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan

There are a number of planning policies which this proposal would be measured against.

Strategy 27 (Development at the Small Towns and Larger Villages) of the East Devon Local Plan (LP) outlines 15 lower tier settlements which have a range of accessible services and which will have a Built-up Area Boundary designated through the East Devon Village Development Plan Document. These settlements, however, will not have specific allocations and where communities wish to promote development this will need to be through neighbourhood plans or other community led development that

justifies why, in a local context, the development would promote the objectives of sustainable development.

However, the application site is not included with such a settlement. Hawkchurch was purposely left out the Strategy 27 list of lower tier settlements and therefore is not considered to in a location with an appropriate level of services and facilities nearby to support further residential growth. Accordingly for planning purposes the proposal takes place within the open countryside and therefore subject to restrictive rural policies.

Strategy 7 (Development in the Countryside) of the East Devon LP states that development in the countryside will only be permitted where it is in accordance with a specific LP policy that explicitly permits such development and where it would not harm the distinctive landscape qualities within which it is located. No other policy of the adopted local plan would support the proposal as a matter of principle due to its location. LP Policy TC2 (Accessibility of New Development) states that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car. Given the distance to such facilities and services the proposal is considered to conflict with Strategy 7 and policy TC2 of the adopted East Devon Local Plan.

Policy E18 (Loss of Holiday Accommodation) states that planning permission involving the loss of holiday accommodation will not be permitted unless the holiday use is no longer needed and the building has been marketed for at least 12 months without interest. No marketing evidence has been submitted with the application and there is no evidence that continued compliance with the condition, or use of the property as a holiday let, is no longer viable.

Hawkchurch Neighbourhood Plan is within its very early stages of production without any detailed policies and therefore can only be attributed very limited weight in the planning balance.

Accordingly there would not be any planning policy support for the proposal which would result in an open market dwelling within the open countryside. It therefore remains to be seen whether any material consideration outweigh this position.

Material Considerations

Planning is concerned with land use in the public interest. The National Planning Policy Guidance provides guidance as to how personal circumstances are to be considered within the planning framework;

"However, in general they [the courts] have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations." (NPPG ID 21b-008-20140306)

Therefore the personal circumstances of the applicant can only be attributed very limited weight within the planning balance. As the principle reason for allowing the conversion was to the benefit of the rural economy through tourism expenditure a personal consent removing such holiday accommodation would nullify any such benefits.

Members previously discussed the potential for a personal condition to be imposed at the May 2018 committee and this item was deferred to investigate the legality of imposing such a condition. A personal condition would state that only Mrs Campbell and associated family/friends could occupy the building for an unfettered residential use and that after they cease to occupy the converted building it would revert back to its former use – as a holiday let.

The legal advice is that whilst it is possible to grant a ‘personal permission’ on a Section 73 application to vary a condition, such a personal condition would not be appropriate to impose in this instance.

Whilst personal permissions can be imposed in exceptional circumstances, these should be justified on planning grounds. Planning guidance states a personal permission based solely on an individual’s personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building. It might be justified where individual hardship might occur but the example given in the NPPG relates to enforcement action and the applicant’s circumstances are not considered to fall into the category of individual hardship.

The NPPG also states it will be rarely appropriate to stop planning permissions running with the land. The complicating factor with a personal permission is that upon expiry (i.e. when the applicant cease to occupy the building) there is no reversionary rights with regard to use of the land. In essence this means that the area covered by the permission would end up with a nil use, rather than reverting to the previous lawful use. This is distinct from a temporary use where upon expiry the previous lawful use applies.

The plans submitted with the planning application includes not just the holiday accommodation but also what appears to be the entire residential unit of Glebe Cottage. It does not seem appropriate (or justifiable in planning terms) to end up in a position where Glebe Cottage (including the ancillary accommodation) would have a nil use. Even if the application was amended (or re-submitted) to relate solely to the garage, the reversionary issue remains and this potential outcome would need to be borne in mind.

Notwithstanding that it would be possible to include a condition that would make this a personal permission, and ignoring the difficulty over reversionary uses, Members need to be mindful of the guidance on use of personal permissions. In this case, it does not seem that the applicant has demonstrated an ‘exceptional circumstance’. While officers have sympathy with the applicant’s situation, it is understand that she doesn’t have cancer now and that it is a preference to live in the holiday unit and to remain in the village, rather than there being a particular hardship or exceptional circumstance that necessitates living in the property.

Other matters

The submitted plans indicate an indicative parking area to be provided to the new dwelling under permitted development rights.

Whilst there Parish Council concerns regarding this access are appreciated, the access does not form part of this application. Access would therefore remain as existing and be shared with the main dwelling. If the indicative access were of concern, particularly due to its visual impact or highway safety implications, permitted development rights could be used to ensure that the access was the subject of a further planning application.

Any additional vehicle movements associated with an independent dwelling would be insignificant and as such there is no highway objection to the removal of the holiday restriction.

Conclusion

Whilst there is sympathy with the position of the applicant, the personal circumstances presented can be only be given very limited weight within the planning balance. As no other justification has been submitted for removing the holiday occupancy, and the property has not been marketed for continued holiday use in accordance with Policy E18, the proposal is contrary to local plan policy and is unacceptable.

RECOMMENDATION

REFUSE for the following reasons:

1. The removal of the holiday occupancy condition would result in the unjustified loss of holiday accommodation and would result in the creation of a dwelling in a location remote from services and facilitates where the occupiers would be most likely to be reliant of private modes of transport. The personal circumstance of the applicant do not outweigh the harm identified and conflict with planning policy. The proposal is therefore contrary to Strategy 7 (Development in the Countryside), Policy E18 (Loss of holiday Accommodation) and policy TC2 (Accessibility of New Development).

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

1457.001	Location Plan	13.03.18
A7685/02 A	Proposed Combined Plans	13.03.18

List of Background Papers

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

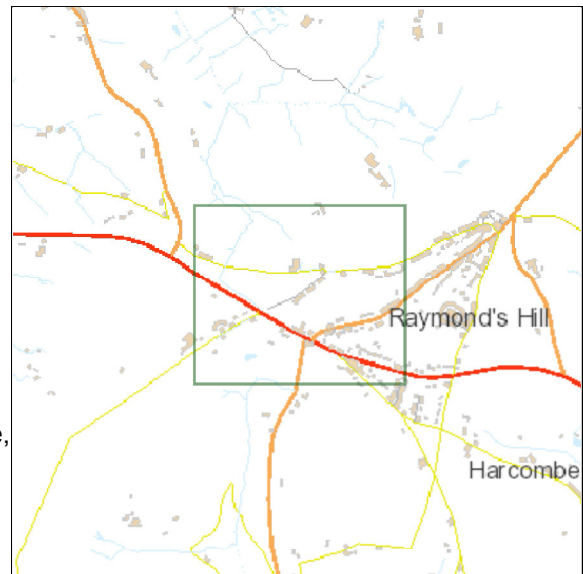
Ward Axminster Rural

Reference 18/0700/OUT

Applicant Mr Jonathan Christopher

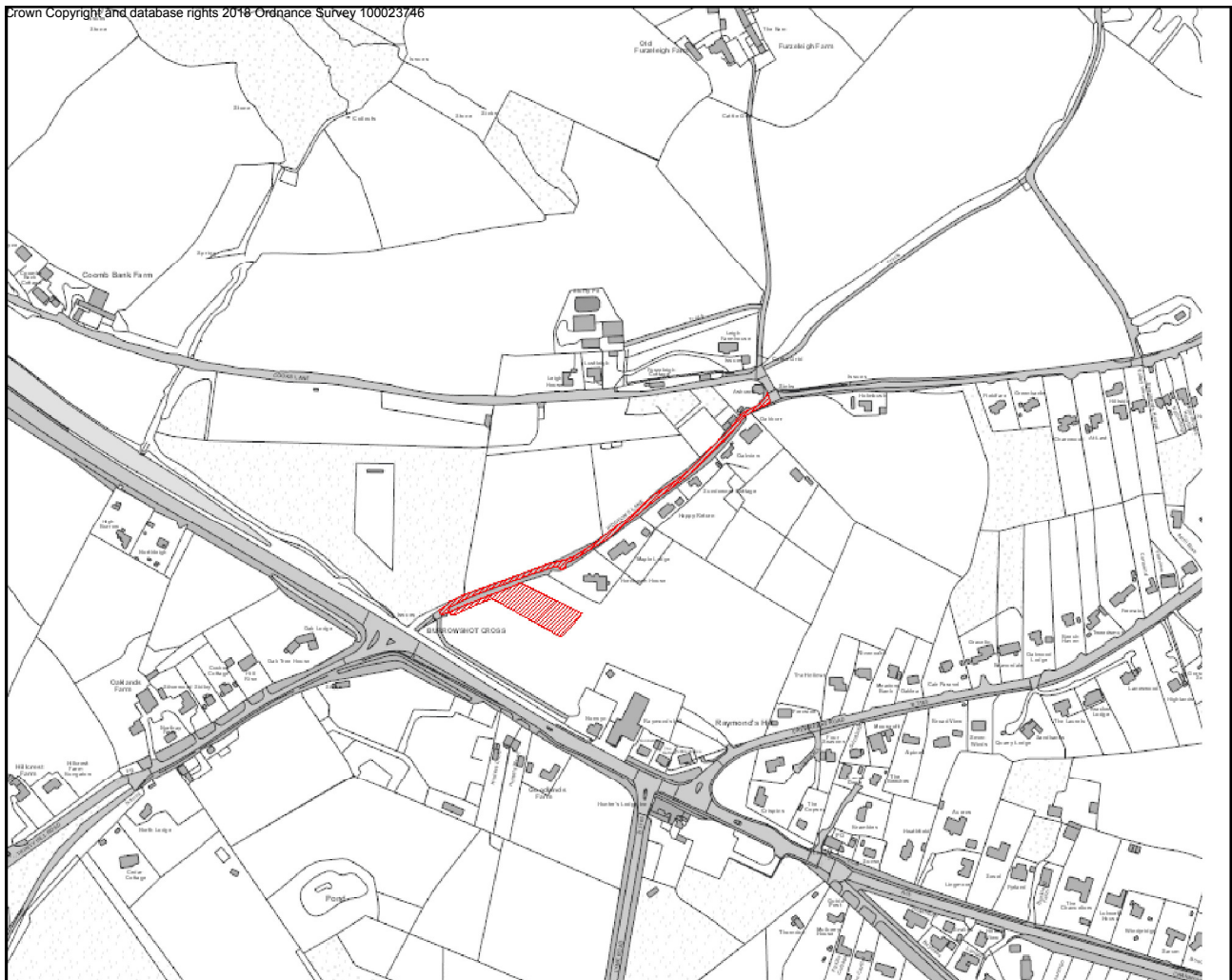
Location Land At Pidgeons Lane (South West Of Hornbeam House) Axminster

Proposal Construction of (self build) dwelling and garage, outline application with means of access to be considered



RECOMMENDATION: Refusal

Crown Copyright and database rights 2018 Ordnance Survey 100023746



		Committee Date: 7th August 2018
Axminster Rural (AXMINSTER)	18/0700/OUT	Target Date: 05.06.2018
Applicant:	Mr Jonathan Christopher	
Location:	Land At Pidgeons Lane (South West Of Hornbeam House)	
Proposal:	Construction of (self build) dwelling and garage, outline application with means of access to be considered	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before committee because the officer recommendation differs from that of the Ward Member.

The application seeks outline planning permission (discharging means of access only) for the development of a single dwelling on the site and where the applicant has signalled his intention to construct this as a self-build project.

There is now a duty on the local planning authority to provide enough serviced plots of land to meet the demand for self-build and custom house building in the area. However, that requirement does not need to be met until the year ending 31 October 2019. In addition, there is no requirement for local authorities to match people on the register with suitable land. Whilst there is also a lack of clarity in relation to what would constitute a 'suitable permission' for self-build purposes, based on the number of permissions granted for single development plots - which could be suitable to develop for self-build purposes - more than sufficient of such permissions have been granted to meet the need indicated by the register. It is not therefore considered that the self-build nature of the proposal adds any weight in support of it.

The site lies outside of the built-up area boundary of the town and in planning terms lies in open countryside. Strategy 7 (Development in the Countryside) of the adopted Local Plan, resists development in the countryside except where this is explicitly supported by another planning policy. In this case there is no such supporting policy and the development would also be contrary to Strategy 5B and policy TC2 of the Local Plan in terms of its accessibility to services and facilities to support day to day living.

Whilst all matters are reserved, save for access, and there is other residential development along Pigeons Lane that the development would be viewed in

conjunction with, it would nevertheless represent an erosion of the open and undeveloped rural character of the site.

Notwithstanding the limited economic and social benefits that would arise from the creation of a new dwelling, due to; the in-principle conflict relating to development in the countryside; the unsustainable location of the development, and; the harm to the character and appearance of the area the proposal is considered to be unacceptable and is recommended for refusal.

CONSULTATIONS

Local Consultations

Parish/Town Council

AXMINSTER TOWN COUNCIL SUPPORTS THIS APPLICATION

Axminster Rural - Cllr I Hall

After carefully considering this application I recommend approval.

I and Government encourage self build initiatives and I feel that this would be in line with the other developments in Pigeon Lane.

This application is however in the 'open countryside' (EDDC Local Plan) and could be deemed as an inappropriate development in an unsustainable area.

Although, with the recent application at 'River Cottage HQ' gaining approval, which I deemed as a test of the resilience of the 'adopted local plan' I feel therefore that this application should also be approved.

Technical Consultations

County Highway Authority

Does not wish to comment

EDDC Trees

I have no objection on Tree Grounds with the recommendations within the Arboricultural Report adhered to

Other Representations

3 no. representations have been received raising the following objections to the scheme:

- There have been refusals in the past for residential development on the adjoining land both to the north and south
- There is insufficient turning provision at the end of the lane and as a result large delivery vehicles etc. have to reverse the entire length of the lane resulting in potential conflicts with pedestrians and other users of the lane. This was supported by the Planning Inspectorate on a proposal for additional development on the land to the north of the site.
- Permitting this site will set a precedent for other sites within Raymonds Hill.
- Development within an AONB (*note: this is not the case*)

- Inadequate access onto Pidgeons Lane
- Deforestation of the roadside boundary
- Unsustainable location

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

Strategy 5B (Sustainable Transport)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

EN22 (Surface Run-Off Implications of New Development)

D3 (Trees and Development Sites)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

SITE LOCATION AND DESCRIPTION

The application site lies in open countryside to the southeast of Axminster and southwest of Raymonds Hill. It relates to part of an agriculture field laid to pasture and subdivided with post and rail fencing. The land on site is elevated slightly above the level of Pidgeons Lane and slopes down from north to south. The boundary of the site with Pidgeons Lane is formed by a native hedge with a number of larger hedgerow trees within this.

The site is located at the southwestern end of Pidgeons lane, an unadopted private lane serving a line of detached properties along its south side. Pidgeons Lane links with Cooks Lane approximately 350 meters from the site access, Cooks Lane then runs west to link with Lyme Road and east to Crewkerne Road. Beyond the adjoining garden land to the south of the site runs the A35 from which pedestrian access is achieved via an existing section of bridleway which links to Pidgeons Lane.

PROPOSED DEVELOPMENT

The application seeks outline permission for the construction of a single dwelling on the site. All matters are reserved save for the means of access. The indicative details submitted with the application show a dwelling to the east end of the main part of the

site in line with the neighbouring property to the northeast. The site area extends in a narrow strip to the southwest to link with an existing field access onto Pidgeons Lane and from which it is proposed access would be taken.

ANALYSIS

It is considered that the main issues in the determination of the application relate to:

- The principle of development
- The impact on the character and appearance of the area and wider landscape
- Amenity Impacts
- Arboricultural impacts
- Access and Highway Issues
- Drainage Issues
- Other Issues

Principle of development

The Development Plan for the area consists of the East Devon Local Plan 2013-2031 (EDLP). There is currently no Neighbourhood Plan in place that covers the site although a plan is being prepared for the parish of Axminster within which the site lies.

In policy terms the site lies in open countryside and therefore falls to be considered under Strategy 7 (Development within the Countryside).

Strategy 7 is quite specific by stating,

'Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development'

And goes on to say,

'and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located'.

The Local Plan has identified a number of villages (Strategy 27) where it is considered that they provide a range of accessible services sufficient to meet the day to day needs of residents and where some limited additional development may be acceptable, Raymonds Hill (the closest settlement to the site - approximately 350 meters walk) is not one of the listed settlements and as such has not been identified to have a Built-up Area Boundary going forward.

Policy TC2 of the Local Plan (Accessibility of New Development) is also relevant, it states that,

'New Development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car'

The Council in preparation for the New Local Plan carried out a district wide assessment of villages to determine which were considered to be sustainable and suitable to accommodate some limited growth. Raymonds Hill was not identified as a settlement with sufficient services and facilities to warrant the retention of a built-up area boundary and as such is not identified as a settlement for additional growth or as suitable to accommodate additional residential development. As such Strategy 7 of the Local Plan restricts development unless this is explicitly permitted by another policy of the Local or Neighbourhood Plan, there is no such policy that is relevant in this instance.

In terms of national policy guidance this is contained in the National Planning Policy Framework (NPPF) and accompanying Planning Practice Guidance (NPPG).

Para. 12 of the NPPF confirms the Development Plan as the starting point for decision making and that development that conflicts with it should be refused unless other material considerations indicate otherwise. Para. 196 of the NPPF confirms that the framework (NPPF) is itself a material consideration.

Para. 55 sets out the special circumstances that need to be demonstrated in relation to proposals for new isolated homes in the countryside. It is not considered that the proposal is being promoted as, nor would it be likely to meet any of the special circumstances outlined, and as such this exception to the general policy constraint of new dwellings in the open countryside would not apply. The applicant has suggested that the site is not 'isolated' and as such no special circumstances need to be demonstrated, this is discussed further under the case law section below.

Given the above the principle of residential development in this location is not considered to be supported by local or national planning policies, nevertheless it is considered necessary to consider whether there are any other material considerations that might otherwise weigh in favour of the development.

Sustainable Location?

The site is located within approximately 400 metres walking distance of the limited range of services available in Raymonds Hill (shop/post office and public house) but these are not considered sufficient to meet any future residents everyday needs. A much wider range of shops and services are available in Axminster but this is located at a greater distance (over 3 km) to the northwest of the site. Given the narrow and unlit nature of the local roads connecting the site with Axminster together with the distances involved, cycling and walking would not be a viable option for most journeys.

In terms of access to public transport there are bus stops travelling both east and west on the A35 to the southeast of the site, access to both is via the bridleway linking Pidgeons Lane with the A35 and then via either the verge to this road (there is no dedicated footpath to the north side) or by crossing the road close to its junction with Trinity Hill Road and then via the footway on the south side of the road. The service is regular and relatively frequent (during morning commuting hours less so throughout the day) but with a limited evening and weekend provision. As a result whilst this might provide an opportunity for alternative means of transport for some journeys it is not likely to be suitable to meet all of any future residents transportation needs. Coupled

with the pedestrian safety issues in accessing the bus stops it is not considered that the bus transport would be an attractive alternative to the private car for most journeys.

Whilst each case must be considered on its merits, members' attention is drawn to a recent appeal decision at Kersbrook, Budleigh Salterton (17/2467/FUL and appeal reference: APP/U1105/W/18/3193940) where permission was sought for a new dwelling on land outside the built-up area boundary of the town but only 200m from that boundary and where a footway and bus service was available linking the site to the town. However, in that case the Inspector shared the Council's concerns in relation to the desirability and convenience of future occupiers making use of such alternative means of transport and concluded on this matter that,

"The appeal site is not isolated within the meaning of paragraph 55 of the National Planning Policy Framework and it is more accessible than certain other rural locations. Even so, I do not consider that the proposal would contribute to a sustainable pattern of development and for this reason it is not an appropriate location for housing. The proposal would conflict with LP Policy TC2 and Strategy 5B insofar as they require development to be located where it will encourage efficient, safe and accessible means of transport with overall low impact on the environment."

It is considered that the same conclusions could be drawn for this site and where the distance to the nearest settlement with a built-up area boundary is significantly further and for large sections of that journey via narrow, unlit lanes lacking in footways.

Case law

The applicant has made brief mention in their statement to the recent Court of Appeal decision in Braintree BC v SSCLG, where the court upheld an Inspector's decision to allow a residential development outside of a recognized settlement. The case turned on the interpretation of ministerial guidance in paragraph 55 of the NPPF, which advises that "local planning authorities should avoid new isolated homes in the countryside" unless there are special circumstances (of which a number of examples are given). The court considered that the use of the word 'isolated' should be given a literal interpretation and rejected the LPAs view that as the site fell outside of a defined settlement allowing the appeal would introduce new housing development beyond the defined settlement limits and would be contrary to the objectives of securing sustainable patterns of development and the protection of the character of the countryside.

In coming to their decision the judges considered that there was no additional requirement in para. 55 to assess the functional isolation of a proposed development and to do so would be to misinterpret that policy. This being the case the ruling determined that there was no requirement in the case under consideration to demonstrate any 'special circumstances' as the application site was determined not to be isolated.

Whilst acknowledging this judgement the current application is considered in different circumstances. In Braintree the appeal Inspector noted that the relevant policies of the Development Plan were out of date and as such, the development should be determined in accordance with para. 14 of the NPPF, which states in determining

applications permission should be granted "... where the development plan is absent, silent or relevant policies are out of date...unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-specific policies in this Framework indicate development should be restricted."

Para. 49 of the NPPF is clear that in relation to housing applications relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

In relation to the current application the East Devon Local Plan is not considered to be out of date, it has been adopted post NPPF and in accordance with it and there are clear policies within it which seek to focus development within existing towns and villages, or on larger strategic allocations where such development would be adequately served by shops, services and employment opportunities and would support existing communities. Development outside such areas is explicitly restricted by Strategy 7 of the Local Plan (unless supported by another specific policy of the Plan, which is not the case here). Additionally the most recent Housing Monitoring Report, from a base date of 01/04/17 demonstrates that there is currently a 6.05 years year supply of housing land against the objectively assessed need identified in the Plan. Therefore para. 14 and 49 of the NPPF are not engaged and in accordance with para. 196 development should be determined in accordance with the Development Plan. Para. 12 provides further clarification stating,

"Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

Taking into account the differences between the Braintree case and the current application and the policy frameworks against which the former decision was taken it is not considered that this judgement is relevant in this case.

Applicants' personal circumstances/Self Build

The applicants statement accompanying the application explains that he is locally born and educated and has always lived in the area and is currently employed locally. The applicant explains that he is interested in a self-build property and this is how he has described the application.

The duty on the local planning authority to provide enough serviced plots of land to meet the demand for self-build and custom house building in the area is recognised. However, that requirement does not need to be met until the year ending 31 October 2019 but which time 32 suitable permissions will need to have been granted. The requirement will thereafter be likely to increase year on year.

The Planning Practice Guidance sets out a number of ways in which authorities could seek to meet their duty and the authority is exploring its options in this respect.

Whilst there is a duty to have regard to the register there is no requirement for local authorities to match people on the register with suitable land on which to self-build and

the purpose of the register is to provide an indication of the level of interest for self-build.

At present there is a lack of clarity on the criteria to be used to determine what permissions can be considered to represent a 'suitable permission' for self-build purposes but as a starting point the number of permissions granted for single development plots - which could be suitable to develop for self-build purposes – is being used and indicates that more than sufficient of such permissions (approximately 150 to November 2017 – or approximately 75 a year) have been granted in relation to the number of individuals on the register to meet the duty in the Act (The Self-build and Custom Housebuilding Act 2015). This being the case it is not considered that the fact the applicant is seeking a self-build proposal would add any particular weight in support of the proposal.

Impact on the Character and Appearance of the area

The site lies at the end of the existing residential development along the south side of Pidgeons Lane, at present the land is open and undeveloped and slopes upwards away from the boundary with Hornbeam House. The adjoining land to the north forms part of the property known as Norwyn, this property sits adjacent to The A35 but is accessed via a long drive from Pidgeons Lane.

Permission for the change of use of the land between Norwyn and Pidgeons Lane, from agricultural land to domestic use and construction of an access drive, was granted in 2005 (05/0885/COU refers). At the time permitted development rights were removed for extensions to the property or for the erection of outbuildings or structures on this land. As a result, whilst forming part of the garden area of Norwyn the area of land between the southern boundary of the site and the A35 remains open and undeveloped. When this adjoining land is viewed in conjunction with the application site, which it is from Pidgeons Lane, the land appears undomesticated and agricultural forming part of the surrounding countryside. The proposed residential development of the site, in whatever form it takes, would clearly alter its appearance eroding its rural character and extending the existing ribbon of residential development further to the south. Such change would result in visual harm and would be clearly visible in the public realm from Pidgeon's Lane and the bridleway linking with this with the A35. Were the application to be permitted similar arguments seeking development on land to the southeast and potentially along the opposite side of Pidgeons Lane could be made which collectively would have a significantly greater landscape impact.

Amenity Impacts

There are a number of residential properties in the vicinity of the site but it is likely that only Hornbeam House to the immediate north of the site could be significantly affected. At this stage, with matters of scale, layout, appearance and landscaping reserved, it is not possible to fully assess the impact of any new dwelling and this would form part of the consideration at reserved matters stage should approval be granted. However, the plot size, separation distance from the neighbouring properties and opportunities for landscaping are considered to be such that there would be no in principle objections on amenity grounds.

Other Issues

Access/Highway Issues

The application is likely to result in an increase in the amount of traffic using Pidgeons Lane and through the junction of that private road with Cooks Lane. The visibility in an easterly direct at this junction appears reasonable but in a northerly direction is restricted by the curvature of the lane, this however is also likely to result in reduced traffic speeds as they negotiate the bend. It is recognized that Pidgeons Lane already serves as access to 8 no. existing residential properties. The Highways authority has raised no objection to the scheme and it is not considered that the residual cumulative impacts of the development would be severe such as to warrant objection on these grounds.

It is noted that the applicant has suggested that if permission were granted he would be willing to 'improve the quality of the lane' and that he considers that the residential development would result in fewer journeys than other potential uses of the site i.e. pony paddock. This is a private lane and therefore it would be unreasonable to require, by means of the planning permission, for the applicant to upgrade it. In terms of traffic movements what needs to be considered is the likely traffic generation of the use proposed and not just those related to the applicant's particular circumstances, in this respect traffic movements are likely to be greater and of a different nature to any agricultural use of the site.

There has been some comment from the applicant and the neighbouring land owner as to the ability for refuse and delivery vehicles to turn at the southern end of the lane, adjacent to the site. The applicant has suggested that he would provide a 'turning bay' for such vehicles improving safety along the lane whereas the neighbouring site owner says such turning is already available at the entrance to his own drive. Whilst there is no formal turning area it is certainly possible for some vehicles to turn by using the driveway entrance to the neighbouring site, although whether this is achievable by larger vehicles is unclear. There are no details of any 'turning bay' provision within the application and it would not appear that within the site area there would be sufficient spaces to provide anything that would meet commercial vehicle turning space requirements or improve on the existing informal arrangement. Therefore, whilst the applicant's offer is noted this adds little weight in favour of the proposal.

Agricultural land

The whole of the site is classed as undifferentiated grade 3 land (with grade 3a land being classed as Best and Most Versatile (BMV) agricultural land and grade 3b falling outside of this definition). It is therefore unclear as to whether the proposal would result in the loss of BMV land or not. Policy EN13 of the Local Plan seeks to protect BMV land from development not associated with agriculture or forestry unless there is an overriding justification for the loss of such land and lower grade land is either unavailable or the benefits of the development outweigh the loss. Policy EN13 follows on from the advice in the NPPF but where the test relates to 'significant' development of BMV agricultural land. In this case the area of land proposed is not considered to

be significant and given this and the lack of clarity over its status it is not considered that objection on these grounds could be substantiated.

Notification of neighbours/site red line

The original location plan submitted showed the site only within the red line area and did not include, as required, access to it from the public highway. As Pidgeon's Lane is a private road and vehicular access to the site would be via Cooks Lane, the applicant has during the course of the application extended the red line to the junction of Pidgeons Lane with Cooks Lane and served notice by means of an advertisement in the local newspaper (as the owners of the lane were not known). This advertisement period has now expired and the application can now be determined.

Arboricultural Issues

There is a mature hedgerow along the boundary of the site with Pidgeons Lane which include hedgerow trees, in addition there are two individual specimens (one Beech, one Alder) within the garden of the neighbouring property to the northwest, Hornbeam House.

The application is accompanied by an arboricultural survey report that considers the potential impact of the development on these trees and concludes that there are no arboricultural constraints that would prevent the granting of outline permission but that further supporting information, including an Arboricultural Impact Assessment, constraints Plan and Method Statement would be required at reserved matters stage should permission be granted. The Council's arboricultural officer has considered the application and has raised no objections subject to the reports recommendation being adhered to.

Ecological Issues

The application is accompanied by an Ecological Appraisal report which included an extended phase 1 habitat survey of the site. The report concludes that the proposal would have a negligible ecological impact but recommends the inclusion of some integrated bat and bird roosting/nesting provision within any new building. This could be condition if approval were granted.

CIL (Community Infrastructure Levy) liability

The proposal would result in the creation of a new dwelling unit and therefore CIL is chargeable, however there is exemption from charging available for self-build dwellings (for anybody who is building their own home or has commissioned a home from a contractor, house builder or sub-contractor) subject to initial restrictions on the occupancy of the dwelling once constructed.

CONCLUSION

The application seeks permission for the construction of a new dwelling in a location which is considered to be unsustainable due to the lack of services and facilities required to meet the everyday needs of occupiers and where there is a restricted public

transport service. In addition, the building would be visible in the wider landscape and would harmfully erode the rural character and appearance of the area. On the other hand the proposal would provide some economic benefits in terms of construction jobs during the development and potentially patronage of local businesses by future occupiers. In terms of social benefits these would be limited as the proposal would provide only one market unit and where the Council are able to demonstrate an up to date 5 year land supply for housing and the grant of a sufficient number of self-build plots.

Overall, the environmental harm in terms of the creation of a new dwelling in this unsustainable location and its impact on the character and appearance of the area are considered to significantly outweigh any limited benefits and as such the application is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The application site lies in open countryside outside of any designated Built up Area Boundary or Strategic allocation within the Adopted East Devon Local Plan or emerging Villages Plan and where there are no other Local or Neighbourhood Plan policies that would support the development. Residential development in this location would be unsustainable due to the distance to essential services and facilities required for daily living and access to transport links to further afield settlements and where, as a result, future occupiers would be heavily reliant on the use of private transport for the majority of journeys. As such, the proposal would be contrary to the provisions of Strategy 5B (Sustainable Transport), Strategy 7 (Development in the Countryside) and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework.
2. The proposal would result in the extension of the existing ribbon development along the southeast side of Pidgeons Lane into the open countryside. This would result in visual harm to the open and undeveloped appearance of the site and erosion of its undeveloped and rural character, it would therefore be contrary to Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONBs) and policies D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework and accompanying Planning Practice Guidance.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

plan - 002A	Block Plan	29.03.18
plan - 001B (amended)	Location Plan	29.05.18

List of Background Papers

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